HOUSE OF REPRESENTATIVES—*Wednesday, September 8, 1993*

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. MONTGOMERY].

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
September 7, 1993.

I hereby designate the Honorable G.V. (SONNY) MONTGOMERY to act as Speaker pro tempore on Wednesday, September 8, 1993.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

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

We pray, O God, for our own needs and the needs of our Nation, and we give thanks for opportunities that we have in our own day and time to serve people with equity. We admit our tendency to look inward and satisfy our own requirements, yet we admit that we should be interested in the concerns of people everywhere. Lift our vision, O gracious God, to see the demands of justice; open our ears to hear the words of faith and hope and love; extend our hands for work and service to others, and strengthen our voices to speak for righteousness and understanding in all we do. This is our earnest prayer. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair asks the gentleman from Kansas [Mr. GLICKMAN] to lead the House in the Pledge of Allegiance.

Mr. GLICKMAN led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

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

H.R. 1268. An act to assist the development of tribal judicial systems, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 1268) "An act to assist the development of tribal judicial systems, and for other purposes," requests a conference with the House on the disagreeing votes for the two Houses thereon, and appoints Mr. INOUYE, Mr. DECONCINI, Mr. DASCHLE, Mr. CONRAD, Mr. REID, Mr. SIMON, Mr. AKAKA, Mr. WELLSTONE, Mr. DORGAN, Mr. CAMPBELL, Mr. MCCAIN, Mr. MURKOWSKI, Mr. COCHRAN, Mr. GORTON, Mr. DOMENICI, Mrs. KASSEBAUM, Mr. NICKLES, and Mr. HATFIELD, to be the conferees on the part of the Senate.

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

S. 424. An act to amend the Securities Exchange Act of 1934 with respect to limited partnership rollups;

S. 1156. An act to provide for the settlement of land claims of the Catawba Tribe of Indians in the State of South Carolina and the restoration of the Federal trust relationship with the Tribe, and for other purposes;

S.J. Res. 124. Joint resolution designating September 6, 1993, as "Try American Day";

S.J. Res. 125. Joint resolution designating September 1993 as "Childhood Cancer Month";

S.J. Res. 126. Joint resolution designating September 10, 1993, as "National POW/MIA Recognition Day" and authorizing the display of the National League of Families POW/MIA flag;

S. Con. Res. 30. Concurrent resolution congratulating the Anti-Defamation League on the celebration of its 80th anniversary;

S. Con. Res. 38. Concurrent resolution to authorize the reprinting of the book entitled "The United States Capitol: A Brief Architectural History";

S. Con. Res. 39. Concurrent resolution to authorize the printing of a new annotated edition of Glenn Brown's "History of the United States Capitol", originally published in two volumes in 1900 and 1903, prepared under the auspices of the Architect of the Capitol;

S. Con. Res. 40. Concurrent resolution to authorize the printing of the book entitled "Constantino Burmidi: Artist of the Capitol", prepared by the Office of the Architect of the Capitol; and

S. Con. Res. 41. Concurrent resolution to authorize the printing of the book entitled "The Cornerstones of the United States Capitol."

The message also announced that the Senate agrees to the amendment of the House with an amendment to a bill of the Senate of the following title:

S. 184. An act to provide for the exchange of certain lands within the State of Utah, and for other purposes.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
September 8, 1993.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on Monday, August 9, 1993 at 11:40 a.m.: that the Senate passed without amendment H.R. 490, H.R. 2900, H.J. Res. 110, H.J. Res. 157; agreed to Conference Report on H.R. 2348, and Conference Report on H.R. 2264; agreed to House amendments to H.R. 2034; agreed to House amendments and receded from Senate amendments to H.R. 2667.

With great respect, I am,

Sincerely yours,

DONNALD K. ANDERSON,
Clerk, House of Representatives.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled bills and joint resolutions on Monday, August 9, 1993:

H.R. 490, to provide for the conveyance of certain lands and improvements in Washington, District of Columbia, to the Columbia Hospital for Women to provide a site for the construction of a facility to house the National Women's Health Resource Center;

H.R. 2034, to authorize major medical facility construction projects for the Department of Veterans Affairs for fiscal year 1994, and for other purposes;

H.R. 2264, to provide for reconciliation pursuant to section 7 of the concurrent resolution on the budget for the fiscal year 1994;

H.R. 2348, making appropriations for the legislative branch for the fiscal year ending September 30, 1994, and for other purposes;

H.R. 2667, making emergency supplemental appropriations for relief from the major, widespread flooding in the Midwest for the fiscal year ending September 30, 1993, and for other purposes;

H.R. 2900, to clarify and revise the small business exemption from the nutrition labeling requirements of the Federal Food, Drug, and Cosmetic Act, and for other purposes;

H.J. Res. 110, to authorize the administrator of the Federal Aviation Administration to conduct appropriate programs and

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activities to acknowledge the status of the county of Fond du Lac, Wisconsin, as the "world capital of aerobatics," and for other purposes; and

H.J. Res. 157, to designate September 13, 1993, as "Commodore John Barry Day."

RESIGNATION AS MEMBER OF GLASS CEILING COMMISSION

The SPEAKER pro tempore laid before the House the following resignation as a member of the Glass Ceiling Commission:

HOUSE OF REPRESENTATIVES,
Washington, DC, June 10, 1993.

Hon. ROBERT REICH,
Secretary of Labor,
Washington, DC.

DEAR SECRETARY REICH: I write to you, regretfully, to submit my resignation as a member of the Glass Ceiling Commission. As the author of the House language creating the Commission, this was not an easy decision for me to make. It has been an incredible honor to serve on this most prestigious Commission.

Due to several constraints on my time, and my commitment to use any available moment to meet with constituents in my district offices, I feel that I am unable to devote the necessary time to the Commission. The charge of the Commission is extremely important and I believe that we need individuals who have the ability to devote the appropriate time.

Please know that you may call upon me at anytime to provide assistance to you or to Joyce Miller. I look forward to working with you in the future on this matter, and on other issues of mutual concern.

Sincerely,

SUSAN MOLINARI,
Member of Congress.

APPOINTMENT AS MEMBER OF GLASS CEILING COMMISSION

The SPEAKER pro tempore laid before the House the following appointment of a member of the Glass Ceiling Commission:

OFFICE OF THE REPUBLICAN LEADER,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, August 6, 1993.

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

DEAR MR. SPEAKER: Pursuant to Section 203(b)(1)(G) of Public Law 102-166, we hereby appoint the following Member of the House of Representatives to serve as a member of the Glass Ceiling Commission:

The Honorable Marge Roukema of New Jersey.

Sincerely,

RICHARD A. GEPHARDT,
Majority Leader.
BOB MICHEL,
Minority Leader.

COMMUNICATION FROM THE DIRECTOR OF NON-LEGISLATIVE AND FINANCIAL SERVICES

The SPEAKER pro tempore laid before the House the following communication from the Director of Non-Legislative and Financial Services:

NON-LEGISLATIVE AND FINANCIAL SERVICES, U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, August 16, 1993.

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

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that I have been served with a subpoena issued by the United States District Court, District of Columbia.

After consultation with the General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

LEONARD P. WISHART III,
Director.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON HOUSE ADMINISTRATION

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on House Administration:

COMMITTEE ON HOUSE ADMINISTRATION,
Washington, DC, August 17, 1993.

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

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L of the Rules of the House that a staff person of the Committee on House Administration has been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel to the House, I have determined that compliance with the subpoena is not inconsistent with the privileges and precedents of the House.

Sincerely,

CHARLIE ROSE,
Chairman.

COMMUNICATION FROM THE SERGEANT AT ARMS

The SPEAKER pro tempore laid before the House the following communication from the Sergeant at Arms:

U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, August 31, 1993.

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

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that a member of my staff has been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

WERNER W. BRANDT,
Sergeant at Arms.

COMMUNICATION FROM THE ACTING GENERAL COUNSEL

The SPEAKER pro tempore laid before the House the following communication from the Acting General Counsel:

U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, September 8, 1993.

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

DEAR MR. SPEAKER: In accordance with House Rule 50, I respectfully notify you of the receipt by the office of Representative Newt Gingrich of a witness subpoena from the Magistrate Court of Henry County, Georgia. The office of Representative Dan Rostenkowski, and your own office, have also received witness subpoenas from the Magistrate Court of Henry County, Georgia, in the same matter.

After consultation with me as Acting General Counsel, Representative Gingrich, Representative Rostenkowski and yourself have determined that compliance is not consistent with the privileges and precedents of the House.

Sincerely,

CHARLES TIEFER,
Acting General Counsel.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Public Works and Transportation; which was read and, without objection, referred to the Committee on Appropriations:

COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION,
Washington, DC, August 5, 1993.

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

DEAR MR. SPEAKER: Pursuant to the provisions of the Public Buildings Act of 1959, I am transmitting herewith the resolutions (originals plus one copy) approved today by the Committee on Public Works and Transportation.

Sincerely yours,

NORMAN Y. MINETA,
Chairman.

There was no objection.

GOVERNMENT REORGANIZATION PLAN NEEDS BIPARTISAN SUPPORT

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

Mr. RICHARDSON. Mr. Speaker, if the Arabs and Israelis can achieve peace in the Middle East, then the Democrats and Republicans surely can come together on health care, the North American Free-Trade Agreement, a crime bill, and campaign finance reform. The issue that can defeat all of us is not health care, or NAFTA, or the budget vote, but gridlock. If the public perceives us as being incapable of governing, we will not need term limits since many of us will be history anyway.

Yesterday, President Clinton and Vice President GORE unveiled their plan—a plan that will fundamentally

change the way our Government works—it will produce a savings of $108 billion over 5 years, it will cut the Federal work force by 250,000, and it will bring proven ways of doing things from the business world into Government.

Mr. Speaker, this plan gives us a chance to make needed changes—to make Government serve the people and serve them well. I urge all Members from both sides of the aisle to work together to make this plan a reality.

VEIL OF SECRECY LIFTED

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

Mr. INHOFE. Mr. Speaker, will the gentleman yield?

Mr. MCKEON. I yield to the gentleman from Oklahoma.

Mr. INHOFE. Mr. Speaker, I would like to make an announcement of a very significant thing: History has just been made. One minute ago we received our 218th signature on discharge petition No. 2, which discharges from consideration of the Committee on Rules of House Resolution 134. The veil of secrecy is now removed.

Mr. MCKEON. Mr. Speaker, reclaiming my time, at this very moment, history is being made. A 63-year-old rule that allows Members to say one thing at home and another thing here in Congress is about to be destroyed.

Just think of it—the leadership of Congress provides cover for Members so that they can advance the wishes of the liberal leadership in Congress over the wishes of their constituents. And they've been doing it for 63 years.

Last March, Congressman JIM INHOFE from Oklahoma introduced House Resolution 134 that makes public the names of Members who sign a discharge petition. Currently, those names are held in secret so that the people at home will never find out. By not finding out, the Member is allowed to promote popular causes in his district and oppose those very causes secretly in Congress and the voters will never know.

Ironically, H.R. 134 was assigned to the Rules Committee where the leadership has historically buried popular legislation and it takes 218 signatures on a discharge petition to get it out. Those reform-minded Democrats and Republicans are lined up right now, even as I speak, to be among those 218—those 218 reformers who want to return the House of Representatives to the people.

At this very moment, Mr. Speaker, history is being made. The good old boys are on their way out and the people are on their way in. When the 218th signature goes on discharge petition No. 2, the veil of secrecy will be destroyed—forever.

IN SUPPORT OF CVN-76, THE NEXT NUCLEAR AIRCRAFT CARRIER AND ITS IMPORTANCE TO OUR NATION

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

Mr. SCOTT. Mr. Speaker, I wish to address an issue raised by Secretary of Defense Aspin and General Powell last week. In unveiling the "bottom up review" of our future military needs, they indicated that our national defense requires at least 12 aircraft carriers.

Mr. Speaker, I submit these carriers should be the most modern and most capable the Congress can provide. To this end, we must fully fund the next *Nimitz* class carrier, CVN-76 as soon as possible.

The post-cold-war world is highlighted by a wide range of countries that are unstable and whose actions will be unpredictable. The Secretary of Defense correctly stated that, in this environment, our national security strategy must give renewed attention to power projection, mobility and forward presence. This can best be accomplished by large-decked nuclear aircraft carriers.

There is a strong case for funding CVN-76 on military, diplomatic and industrial base grounds. I therefore urge my colleagues to consider these national security issues and support building CVN-76.

FRAUD AGAINST THE AMERICAN PEOPLE

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

Mr. CALVERT. Mr. Speaker, 63 years ago the American people were victimized by fraud.

Some might think the term fraud is too harsh—but is it?

According to Webster's Dictionary, "fraud" is an act of deceiving or misrepresenting * * * also, one who is not what he pretends to be."

How accurately that describes what had been going on in this House for 63 years.

It was in 1930 that John Nance Garner installed the discharge petition—an ingenious device that allows a Member of Congress to defraud his constituents by acting under the protection of a veil of secrecy.

That veil allowed a Member to support back home those causes that he or she opposes in these chambers.

That is right. The discharge petition allowed a member to satisfy the lobbyists and party leaders at the same time he makes the people back home think he is supporting them.

Mr. Speaker. There is no two ways about it. This is fraud. But, thanks to my colleague from Oklahoma, JIM INHOFE, this fraud has come to an end.

The good old boys are on their way out. The people are on their way in.

When the 218th signature goes on discharge petition No. 2, the veil of secrecy will be destroyed, forever.

WASTE IN GOVERNMENT IS ADMINISTRATION'S TARGET

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

Ms. DELAURO. Mr. Speaker, yesterday, the President and Vice President, released a plan to aggressively attack waste in Government. It is a tough plan. It is a fair plan. And it is a plan that will let the American people know that this body is serious about reform.

We must change the way that Government does business. We must streamline operations. We must provide a better product for the taxpayers. That means cutting costs, cutting waste and cutting redtape.

When I travel through my district and talk to constituents, they are frustrated. They have heard the ridiculous stories about the $1,000 toilet seats and bureaucrats who get paid to study the thickness of catsup, while they pay higher taxes for fewer services and see their standard of living decline. They are fed up.

Yesterday, the President took a bold first step to making Government more responsive, more efficient, more effective. In the coming weeks and months we will have an unequaled opportunity to build on that action and begin to address other critical issues of reform—with health care reform and congressional reform on the agenda.

In the process we can begin to restore Americans faith in government. The American people clearly want reform. They asked for it in the last election, they are still asking for it. It's time for us to answer by saying "yes" to reinventing government, "yes" to health care reform and "yes" to congressional reform.

THE DISCHARGE PETITION

(Mr. BUYER asked and was given permission to address the House for 1 minute.)

Mr. BUYER. Mr. Speaker, last August 4, I joined my colleague, the gentleman from Oklahoma, JIM INHOFE, along with 12 Republican freshmen in a 1 hour special order wherein he threatened to release the names of Members of Congress who refused to sign the discharge petition that would put an end to the 63-year-old rule that allows Members of Congress to defraud the public in secret. He said he would release the names to the Wall Street Journal and that they had agreed to publish them, and he could be expelled from the Congress for so doing that.

When a Member signs a discharge petition at the desk right over there behind me, that they did this morning, they have to read a warning that says:

The publication or release of the names of Members who have signed this or any other discharge petition is strictly prohibited.

And it goes on to say that one cannot even release the number of signatures.

Article, I, section 5 of the Constitution says:

Each House may punish its Members for disorderly behavior and, with the concurrence of two-thirds, expel a Member.

The gentleman from Oklahoma [Mr. INHOFE] did release the names and he did release the numbers. I guess theoretically he could be expelled, but we know that will not happen. However, it is probably the reason the secrecy rule has endured for 63 years.

It is truly the week that the good old boys are out and the people are in. We must allow the Congress to work the will of the American people.

CONGRATULATIONS TO THE ADMINISTRATION

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

Mr. SKAGGS. Mr. Speaker, all of us in this body should congratulate the administration for the report that was issued yesterday, the report of the National Performance Review. It is full of sound ideas for making this Government work better and cost less. And it pushes us to honor the hard work of the American taxpayers by giving them better value for their money and by hearing their demands that government work more efficiently.

One idea that I heard, while doing door-to-door work in my district last spring, came from a Federal employee. She was again experiencing in her agency the use it or lose it phenomenon at the end of the fiscal year, when agencies are penalized if they do not spend out their budget.

I wrote to the Vice President, urging that we address that issue, that we find a way to reward government frugality at year's end rather than to penalize it. And sure enough, in the report that was issued yesterday, on page 20, that recommendation is essentially taken to heart. It is gratifying to have this kind of closure on an important matter.

It is now the responsibility of the Congress to act and to act promptly on these recommendations.

THE SECRET DRAWER

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

Mr. HUTCHINSON. Mr. Speaker, 63 years ago a rule was put in place in this House that allows a Member of Congress to tell his constituents at home that he is supporting popular programs like the balanced budget amendment and line item veto and term limits and, at the same time, oppose those programs in Congress. The rule has the effect of putting discharge petitions into a secret drawer right over here. It is secret from the public.

The rule offers cover for Members who play the game with the insiders.

When the gentleman from Oklahoma, Congressman INHOFE, introduced House Resolution 134 to reform this secret process, he immediately incurred the wrath of the House leadership. How dare he take away our secrecy. Who does he think he is, they must have asked behind closed doors somewhere.

Well, Mr. Speaker, we are going to end all of that secrecy. My congratulations to the gentleman from Oklahoma, JIM INHOFE, for his leadership. The good old boys are on their way out and the people are on their way in. The 218th signature has been put on the petition, and the secret veil is being destroyed forever.

MORE THOUGHTS ON REINVENTING GOVERNMENT

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

Ms. HARMAN. Mr. Speaker, RIGO stands for reinventing government. I wish it were the last acronym invented by the Federal Government, but it may well be remembered as the best.

Yesterday, President Bill Clinton and Vice President AL GORE delivered on a major promise to change the way the Federal Government functions. By bringing competition, independent decisionmaking and more flexibility to the Federal bureaucracy, we will create more effective and less expensive government.

By developing systems that encourage government workers to seek out savings, paring silly processes and cutting through regulation and redtape, we will bring services to the people.

And we will take responsible and prudent steps to cut spending, most of which can be implemented now by Executive order.

I am enthusiastic about RIGO, some portions of which will require legislation, and stand here today ready to cosponsor and advocate these creative and critically necessary proposals.

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A CHANGE IN GOVERNMENT

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

Mr. DICKEY. Mr. Speaker, today is a great day in two respects. One is that the petition of the gentleman from Oklahoma [Mr. INHOFE] has been signed by an adequate number of congressional leaders for us to get rid of the secrecy that is in Government. The same thing exists with the initiative of the President and the Vice President to streamline Government. I think America should say thank you, businesses should say thank you, that we are not doing business as usual from now on, and that we will start doing things in an open fashion for the benefit of the people and in conjunction and in partnership with the people.

I want to thank, again, the gentleman from Oklahoma [Mr. INHOFE] for his efforts, his gallant efforts, to represent the people.

REFORMING GOVERNMENT

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

Ms. PELOSI. Mr. Speaker, yesterday, President Clinton and Vice President GORE presented the report of the National Performance Review entitled, "From Red Tape to Results—Creating a Government That Works Better and Costs Less."

The report presents an agency-by-agency list of specific recommendations to reduce the number of regulations, eliminate the duplication of effort, and improve services to the American people.

From AID—where the report calls for a commonsense approach to U.S. foreign assistance—to the VA, where it will improve the services to our veterans, the proposal will save the taxpayer money.

"From Red Tape to Results" also makes major recommendations affecting Government systems to reward leadership and better management. For example, it calls for clear, strong leadership to integrate information technology into the business of Government.

"From Red Tape to Results" clearly demonstrates the Clinton administration's determination to cut spending, cut redtape, and cut the bureaucracy. This action will reduce the deficit, reform Government, and make change.

Mr. Speaker, the Vice President is to be commended for this intelligent report.

WELCOMING PRESIDENT CLINTON TO CLEVELAND, OH

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

Mr. HOKE. Mr. Speaker, I was going to speak this morning on the discharge petition and the historic event that we hoped would take place. In fact, what I had planned to do was to speak very

strongly and wonder how it was that a number of Members had removed their names from the discharge petition, and what might have been placed over their heads in order to do that. I was going to embarrass them, perhaps; perhaps I was going to excoriate their behavior and talk about it in the context of the evils of the discharge petition in its old secret form.

The fact is that this morning 218 Members have signed it. We have prevailed. I do not have to be critical. We do not have to dive into the deep pit of nasty name-calling.

Instead, what I would like to do is point out that tomorrow our President, President William Clinton, is going to be in my hometown of Cleveland, OH. We would like to welcome him there. He is going to be talking about making Government more efficient and more effective.

I, for one, am glad that we have an opportunity in a nonpartisan way to get together, in fact, over one issue; that is, making Government smaller, more effective, less wasteful, and more responsive. I welcome him to Cleveland.

CONSIDERATION URGED FOR CLINTON'S PERFORMANCE REVIEW RECOMMENDATIONS

(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, how many Federal employees does it take to screw in a light bulb? It is a dumb joke with an expensive punchline costing American taxpayers millions of dollars. According to a Department of Energy memo, it takes 43 people over 1,087 hours.

Let me read from page 69 of the National Performance Review:

> The memo calls for a planner to meet with six others at a work-control meeting; talk with other workers who have done the job before; meet again; get signatures from five people at that work-control meeting; get the project plans approved by separate officials overseeing safety, logistics, waste management and plant scheduling; wait for a monthly criticality-beacon test; direct electricians to replace the bulb; and then test and verify the repair.

Mr. Speaker, just changing a light bulb is an example of the torture chamber of regulations for Federal employees who only want to do their job and do it as best they can. We owe it to all of them and all Americans to give the President's performance review serious consideration.

THE VEIL OF SECRECY DESTROYED FOREVER

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

Mr. EVERETT. Mr. Speaker, this is a great day. For sixty-three years the agenda of the House of Representatives has been set by a handful of senior members called leadership. Another way of putting this is that the people of this country have not been able to get the things they believe on the floor of the House for a vote unless they are approved by the leadership. This is reform on which all other reforms are predicated. Now maybe we can have true budget reform, a true, real line item veto, a school prayer amendment, and other reforms. As long as that veil of secrecy had hidden those names, no other reforms were possible.

Mr. Speaker, the good old boys are on their way out, and the people are on their way in. The 218th signature is on discharge petition No. 2. The veil of secrecy has been destroyed, hopefully forever.

THE WINDS OF CHANGE

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

Mr. TRAFICANT. Mr. Speaker, the Vice President said America needs to reinvent Government. To find out why, the GAO called the RTC, the ITC, and the PMS. They did not know.

The GAO then called the DOD, the DOT, and the DDT. They did not know. The GAO then called the CIA, the DIA, the EPA, and the IUD. They did not know. Then they asked OMB to find out, the OMB created a whole new program called the Government Analysis Service, known as GAS.

Maybe GAS will get to the bottom of all of this. Certainly there is enough gas in Washington, DC, to reinvent this Government.

THE VEIL OF SECRECY LIFTED

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

Mr. GOODLATTE. Mr. Speaker, there have been many associations and citizen groups who have joined the discharge petition reform effort over the past 4 weeks. We have been hearing them on talk radio and reading about them in editorials across America.

Important among the associations supporting the effort of the gentleman from Oklahoma [Mr. INHOFE] to destroy the veil of secrecy that subverts the will of the people is a group called United We Stand, America. Along with millions of other Americans, Ross Perot recognizes that discharge petition reform is one of the most significant reforms in the history of Congress.

There are now over 200 reformers in Congress fighting for this much-needed legislation who have signed on the dotted line. I am pleased to be one of them and to urge other Members to join this effort. Mr. Speaker, the good old boys are on their way out, and the people are on their way in. Now that the 218th signature is on discharge petition No. 2, the veil of secrecy will be destroyed forever.

ANNOUNCEMENT OF RETIREMENT

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

Mr. MAZZOLI. Mr. Speaker, last Friday in Louisville I announced my decision not to run for reelection to the House of Representatives, so I will be retiring from Congress at the end of 1994. This has been an absolutely wonderful adventure for me and for Helen, my bride of 34 years. It has been a magnificent journey in public policy, in human relationships, and we will miss this very much.

I want to thank all my friends here in the House. I want to particularly thank the wonderful people in the Third District of Kentucky who have expressed their support for me, their love and affection for me many times over the years, not just in election years but all through the years. I will always have in my heart a wonderful feeling about my home State of Kentucky, my hometown of Louisville, and for the people, the wonderful people who reside there.

Mr. Speaker, I do not know what the future holds. I believe, having done public policy for virtually half of my life, I will do in the future something akin to it, some type of a pursuit which has in it attempting to make the world better, attempting to make my community better, attempting to leave behind some footprints by reason of my work that would improve the lot of my fellow men and women.

Let me just say, Mr. Speaker, how very proud I am to have been a Member of the House of Representatives and to have served with all my colleagues on behalf of the American people. I leave this place, this very special place, with a wonderful feeling in my heart, with a feeling of love and affection for all my friends, and with the belief that the future is going to be better than we have had in the past, and that we will, together, be able to shape a better world and a better America for the time to come.

Mr. Speaker, I ask that my statement of last Friday be placed in the RECORD at this point.

STATEMENT OF CONGRESSMAN RON MAZZOLI

After 25 years of elected public service to the people of my hometown, my Commonwealth, and my nation, I have decided—in close consultation with Helen and my family—not to seek reelection to the House of Representatives in 1994.

I will, of course, in the remaining months of my term of office devote the fullness of

my time, energy and talents to the Third District of Kentucky and its good people, my constituents. I intend to maintain my current 100% voting attendance record through my term, and I will be studying as hard, working as hard and representing my constituents as diligently and devotedly in the remainder of my term as when I started my Congressional service in 1971.

These past 25 years have been a marvelous experience, a wonderful adventure. I have loved public service immensely, and I have found it over the years—and find it today—to be personally as well as professionally satisfying, fulfilling and exciting.

There is no privilege higher than the opportunity to serve in public office. And, when that allows a person, as in my case, to serve his own family, his lifelong friends, his schoolmates, and his neighbors, the honor and the privilege is even greater and more precious.

But, as has often been said, all good things must come to an end.

And, Helen and I believe it is now time to leave this good and gratifying phase of our life and—asking God's blessings on us—to move together into a new phase of life.

We do not know exactly what the future holds for us. But, public service, after all these years, is deeply ingrained in us both. So, we fully expect our future pursuits to involve some form of public service.

There is never a perfect time to leave a life of public service. There is always unfinished business. Causes to be championed. Grievances to be redressed. People to be helped.

However, it is always better to leave the field of action while one can still play the game, and I can. And, more importantly, when one still loves the game, and I do.

I owe a lot to a lot of people. They are the ones who made this whole improbable and wonderful adventure a reality. I cannot name all of them today, but I will cite a few.

My family, especially Helen, my bride, companion and best friend for these 34 years, our children and their spouses, my mother, my brother and sister, their spouses, my sister-in-law and my uncle and aunt. They have been my support and safe harbor over the years.

My staff here in Louisville and in Washington. Their constancy, patience and professionalism have enabled me to discharge my duties, as a steward of the public's trust, with effectiveness and honor.

My legion of hard-working campaign volunteers deserves note. They routinely accomplished the impossible in election years and, thereby, enabled me to continue my life of service.

I thank, too, my colleagues in elected office for their cooperation and support over the years. Serving with them has been for me a high honor and a personal privilege, and I look forward to working together with them during the remainder of my term on many pending projects affecting the Third District.

So, Helen and I close this door and open another. Complete this chapter and begin another. It's time for us to see what is lying on the other side of the next hill.

□ 1230

OPENING THE DISCHARGE PETITION PROCESS

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

Mr. CRAPO. Mr. Speaker, on August 4, I was privileged to be on the floor with the gentleman from Oklahoma [Mr. INHOFE] as he opened the floor battle to open and free up the discharge petition process. Today I am proud to stand on the floor with Representative INHOFE and all of the others who have fought this battle as we have succeeded in getting the 218th signature.

The people won this one. Throughout the August work period I have been in district meetings throughout my district with people who continually asked me what can we do to make a difference, and I think that today makes the case. People across the country stood up in the last 30 days and said enough is enough and open the process, and the process opened. Their voice was heard.

Now that the discharge petition is open, maybe we can get a vote on the balanced budget amendment, and a true line-item veto, and the other needed reforms that the people across the country so unitedly asked for.

Today is a good day. Let us hope it marks the beginning of true reform in this Congress.

GOVERNMENT REFORM AND PEACE IN THE MIDDLE EAST

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

Mr. TUCKER. Mr. Speaker, we are at a time when hope is low. People are looking for this Congress and this administration to come up with new ideas, and that is exactly why Vice President GORE has come up with his plan on reinventing government.

There are even still people who believe that if this is done it will be a miracle. Mr. Speaker, I hope that plan is accomplished.

But speaking of miracles, Mr. Speaker, there is another interesting issue that is on the horizon internationally, which if accomplished will be nothing short of miraculous, and that is peace in the Middle East. Within the next few hours we will be hearing from those persons intimately involved in the Middle East peace process, and we are just hoping that miracle finally comes to fruition. For so many years peace in the Middle East has been nothing but a foregone speculation, but hopefully within the next few hours we will see the ceremony conducted even here in Washington, DC that will codify an agreement between the Israeli an Palestinian states.

Let us send those prayers up, Mr. Speaker, and hopefully we will see a miracle come to pass.

LIFTING THE VEIL OF SECRECY

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

Ms. DUNN. Mr. Speaker, I am told that the chairman of the powerful Rules Committee, Congressman MOAKLEY, met this morning with my freshmen classmates on the other side of the aisle, obviously, I was not invited, but we all know what probably happened.

Chairman MOAKLEY probably promised hearings on the Inhofe discharge resolution, beginning September 14 and asked Democratic freshmen to delay signing up until after those hearings are held.

Guess what, Mr. Speaker? An arcane rule of the House makes it clear that if leadership could have delayed their own reformers until the 16th of September * * * the Inhofe resolution would not have seen the light of day until October 11th—after the Congress was scheduled to adjourn.

Mr. Speaker, this delay tactic has not worked. Now the floor debate on lifting the veil of secrecy can begin.

The constituents of my district know about this issue and talked a lot about it during my town hall meetings. The news media all over America is watching us today, and they have seen us succeed today in defeating the delay tactics. The 218th signature, as the gentleman from Oklahoma [Mr. INHOFE] told us, is on that petition No. 2.

Now, Mr. Speaker, the debate on lifting the veil of secrecy on the floor of the Congress will begin.

PLEA FOR REPUBLICAN ASSISTANCE IN EFFORT TO REINVENT GOVERNMENT

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

Mr. BILBRAY. Mr. Speaker, the Vice President brought forward his proposal for reinventing Government. A few weeks ago as we argued over the reconciliation bill and people were skeptical as to whether this would be just another tax-and-spend proposal, many of us on the floor who supported the President stated it was only part of a package, a package that was first reconciliation, then reinventing Government, then more tax cuts, and eventually the health containment provisions of the health care revitalization.

This is only one part of the provision, and I ask my Republican colleagues to be a player in this new proposal. Do not sit back, as you did on the reconciliation bill and not be players, because I think it is important that we come together and work together to get this deficit under control and get Government working effectively, and get this economy moving.

If we do not have your support, we cannot do it effectively. So we ask as Democrats to have the support of our

Republican colleagues to get this Government going again, to cut the costs of Government, and to see this America revitalized and moving into the 21st century as the great power that it should be.

STOP RESETTLING IRAQI ENEMY POWS IN THE UNITED STATES

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

Mr. STEARNS. Mr. Speaker, all across the United States, many Americans are angry. They cannot believe that our Government is spending tens of millions of dollars to resettle former enemy Iraqi prisoners of war in the United States.

Estimates from the State Department indicate that anywhere from 4,000 to 13,000 former enemy prisoners of war [EPOW] from Iraq have been declared refugees and are eligible for resettlement in the United States at taxpayer expense—at a cost of approximately $7,000 per refugee. This includes AFDC, Medicaid, employment assistance services, Refugee Cash Assistance, Refugee Medical Assistance, and other programs.

At a time when taxes are rising, millions are unemployed and benefits to programs for veterans and other deserving Americans are being cut, this policy reflects a truly bizarre set of priorities.

Along with my colleague, Mr. MANZULLO of Illinois, who is to be commended for identifying the problem first, and 27 original cosponsors, I am introducing a resolution today expressing the sense of the Congress that resettlement of former enemy prisoners of war who took up arms against American forces should be discontinued immediately.

This resolution will not affect any refuge retroactively and only affects former enemy prisoners of war from Iraq, not legitimate refugees. I encourage you to cosponsor this resolution to provide badly needed reform to our refugee and immigration policies.

CONGRESSIONAL ASSISTANCE NEEDED TO IMPLEMENT GORE PLAN

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

Ms. NORTON. Mr. Speaker, Vice President GORE's national performance review will test the Congress as much as the administration. The President believes government has a role to play in a democratic society, and he has accepted the burden of making it play that role well.

Those who spend time on this floor voting against government's role have an even larger burden. If they cannot stop programs, help ensure that those that pass do not waste money on inefficiencies.

The Vice President, after all, is reinventing government by borrowing heavily from what Republicans have praised the private sector for doing successfully for 15 years. This effort will work so long as the administration does not miss two vital points.

No. 1, the missing ingredient in prior reports, worker involvement, is the sine qua non of reform in today's workplace. No. 2, we must avoid the IBM model now spreading across the workplace that raises productivity by dumping workers.

So far, this administration seems to understand these axioms.

LEVIN INTRODUCES RESOLUTION RECOGNIZING 60TH ANNIVERSARY OF UKRAINE FAMINE

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

Mr. LEVIN. Mr. Speaker, I am introducing today a resolution that recognizes the 60th anniversary of the Ukrainian famine.

Sixty years ago, millions of Ukrainians were starved to death because of a Soviet-engineered famine.

Later this week that anniversary will be commemorated in newly independent Ukraine. There will be a report from the Commission on the Ukrainian famine which was established in Congress in 1984, and two distinguished Michigan Ukrainian Americans, Bohdan Fedorak, and Borys Potapenko, will be there with others to present this report.

□ 1240

The resolution that I am introducing expresses the sense of the Congress that the Commission's findings and conclusions should be presented to the Ukrainian Government so that we all remember what happened 60 years ago.

I invite my colleagues in this House to join me in presenting this important resolution.

WHY LIE ABOUT NAFTA?

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

Mr. DREIER. Mr. Speaker, in their new book on NAFTA, Pat Choate and Ross Perot have tried to scare people with distortion and deception. For example, they claim that earlier this year Congress secretly extended President Clinton's "fast track" authority for NAFTA by sneaking it into the budget bill.

Mr. Speaker, let us disregard the fact that every time they mention fast track they deceive people about the process. In their book they concocted a NAFTA-fast track battle that is pure fiction.

Let us try facts—the House passed a separate fast-track extension bill, H.R. 1876, on June 22 by a broad bipartisan vote of 295 to 126. The Senate passed it on June 30. On July 2, the President signed it into law. There was no subterfuge, there was a clear vote on a separate bill. The remarkable thing is that this fast track extension had nothing to do with NAFTA. It applied only to the Uruguay round of GATT negotiations. NAFTA is covered by the 1991 extension, so no new legislation was needed.

While his political friend may not follow legislation very closely, Pat Choate is a lifetime Washington insider. Why then lie about NAFTA or the GATT fast-track bill?

RON MAZZOLI: AN IDEAL MEMBER OF CONGRESS

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

Mr. SMITH of Texas. Mr. Speaker, several days ago Congressman RON MAZZOLI of Kentucky announced he would not seek reelection next year. This stands as a real loss to the House of Representatives.

Members of Congress periodically receive surveys asking them which Democrat or Republican in Congress they admire most. Whenever I receive such a questionnaire, I write in RON MAZZOLI's name as the Democrat I most respect. For 6 years I have served with RON MAZZOLI in Congress and also with him as a member of the Immigration Subcommittee, which he now chairs.

What I have observed firsthand is that RON MAZZOLI has earned a deserved reputation for integrity, fairness, and hard work. His independence of thought, his high personal standards, and his collegial treatment of others exemplifies, to me, an ideal Member of Congress.

It has been more than a privilege—it has been an honor—to serve with RON MAZZOLI.

The SPEAKER pro tempore (Mr. MAZZOLI). The Chair would thank the gentleman very much.

CONGRESS IS BACK: IT'S TIME TO CUT SPENDING

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

Mr. EWING. Mr. Speaker, the President wants to reinvent government. That is a step in the right direction. But let us not let all of this talk about floor wax and paper clips muddle the message we really need to be sending to the taxpayers.

When this Congress last met, it enacted the largest tax increase in the history of the world. Under that legislation, the taxes come today. The spending cuts come tomorrow. Maybe.

The message we really need to be sending is this: We are going to cut spending. Not 3 or 4 or 5 years down the road. We are going to cut spending now.

Mr. Speaker, I am glad that President Clinton wants to trim the fat from the Federal Government. But the fact of the matter is that the newly enacted Clinton budget will increase the Federal deficit by $1 trillion over the next 5 years if something is not done now.

Let us get back to work. Let us cut spending now.

REINVENTING GOVERNMENT WILL SAVE $108 BILLION

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

Mrs. LOWEY. Mr. Speaker, yesterday the President and Vice President outlined their plan for reinventing government. The changes they have proposed, taken together, can save the American taxpayers $108 billion over the next 5 fiscal years.

This House should join forces with the administration to move forward this initiative without delay. While there are controversial ideas in this package for sure, we should commit to move this package as a single reinventing government act. Yes, changes will be made. This Congress has a responsibility to those we represent to carefully and thoroughly evaluate the initiatives which come before us. But we cannot afford to let these initiatives be buried in committees and subcommittees throughout the Congress.

The American people want us to seize the moment and make the kinds of fundamental changes that are long overdue. These recommendations present an important opportunity to make government work for the American people and to make a major contribution to deficit reduction.

STOP RETROACTIVE TAXES

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

Mr. RAMSTAD. Mr. Speaker, we have all heard the axiom, "At least we are safe as long as the legislature isn't in session."

But, it turns out the American people are never safe. With passage of the last tax bill, Congress rolled back the clock to a time it was not even in session, to raise taxes retroactively. For the first time in American history taxes were raised retroactive to a previous administration.

Mr. Speaker, today I am introducing a package of three bills to repeal the retroactive tax increases and ban this practice in the future.

The first bill would simply repeal the retroactive State gift and income taxes in the last tax bill. The second would amend the House rules to establish a point of order against any future efforts to raise taxes retroactively. The third bill would permanently ban the practice by amending the Constitution.

Mr. Speaker, we need to pass all three measures if we are to undo the damage and prevent Congress from raising taxes retroactively ever again.

I urge my colleagues to join me today as original cosponsors of these three bills to repeal retroactive taxes.

THE HEALTH CARE TAX EQUITY ACT OF 1993

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

Mr. SMITH of Michigan. Mr. Speaker, the U.S. Congress is faced with the difficult task of expanding health care reform without damaging economic growth. We should not require expensive mandates on small business owners. Any health care reform should provide for competition, tort reform, reduced bureaucracy, and tax law revisions that will ensure equitable treatment for all workers.

Today, I am introducing health care reform legislation to tax more equally those persons who have coverage provided by their employer and those who do not.

Currently, people who receive health care benefits from the Government or their employer pay no taxes on those benefits. Meanwhile, persons without benefits from the Government or an employer—such as the self-employed and the working poor—must pay taxes on the money they spend for health insurance or health care. That is not right.

This tax change legislation, with over a dozen cosponsors, allows people without employer-provided health benefits to deduct 100 percent of the first $1,800—or $2,400 for a joint return—spent on health insurance or health care. People who receive health care benefits worth less than $1,800—or $2,400—could deduct a smaller amount.

Mr. Speaker, millions of Americans lack adequate health care. Yet we tax the health care benefits of many of the Americans who can least afford it. This legislation finally treats the self-employed and the working poor like everyone else. Support health care tax equity.

□ 1250

RESTORE MEALS TAX DEDUCTION

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

Mr. ZIMMER. Mr. Speaker, today I will be introducing legislation to restore the 80-percent Federal tax deduction for business meals.

An economic study has concluded that the reduction from 80 percent to 50 percent included in President Clinton's recently enacted tax package will cause a loss of 165,000 jobs nationwide and cost restaurants $3.8 billion annually in lost sales.

This is another tax on the Nation's middle class which cannot afford another hit. Fully 70 percent of business meals are purchased by people earning less than $50,000 a year. Thirty-nine percent are purchased by people earning less than $35,000.

These people are not conducting business over a three-martini luncheon or a gourmet dinner at La Cote Basque or Leon D'Or. The average business lunch costs less than $10 and the average business dinner costs less than $20. They take place at modest restaurants and delicatessens, like those that dot the highways of my own suburban New Jersey district.

Once again, Congress has taken aim at the rich and has ended up nailing the middle class.

NAFTA MEANS NEW JOBS FOR AMERICANS

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

Mr. KOLBE. Mr. Speaker, I think it is time to issue an advisory to the American public, specifically to U.S. workers. The words of Ross Perot, Ralph Nader, Jesse Jackson, Gerry Brown, and Pat Buchanan can be hazardous to your health. Do not inhale without risking your economic future and get some good filters for the misinformation coming from the opposition to the NAFTA.

The truth is simple: Mexico is a huge United States export market and NAFTA levels the playing field for United States exports and United States workers. If you listen closely, you will hear not the sucking sound of United States jobs moving down to Mexico, but a great sucking sound of United States exports going to Mexico.

Mexicans spend more per person on United States goods than Europeans or the Japanese. In 1992, citizens in Mexico spent $450 per person on goods from this country, compared with $385 per person in Japan and $296 per person in Europe.

Seventy cents of every dollar Mexico spends on foreign products is spent on United States made goods. United States exports to Mexico have doubled in 5 years to $40.6 billion, creating more than 700,000 United States jobs. NAFTA will create 200,000 more.

Americans should not be fooled by the fear mongering arguments of opponents. Look beyond the simplistic arguments and get under the hood. Once there, you will find an agreement that makes new jobs for Americans.

MAKING LAWS IN SECRET

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

Mr. ROYCE. Mr. Speaker, for far too long important legislation has been bottled up in the committees of this House. The balanced budget amendment has been bottled up, the line item veto and other reforms which enjoy substantial popular support cannot even get a hearing because they are opposed by the leadership.

Fortunately, the rules of this House provide an important way for breaking such strangleholds, and that way is the discharge petition. Unfortunately, the discharge procedure has been cloaked in secrecy, with the petition sealed in a locked box and House Members forbidden to disclose the names of the signers.

This "star chamber" arrangement, reminiscent of medieval times, has no place in a democracy, and today we will change that.

Mr. Speaker, it is time to let the sunshine in, to open the locked box and to let every Member clearly demonstrate his or her support or opposition to a bill. We do not hold secret votes in this body anymore, and that is good.

So I urge my colleagues to sweep away this last vestige of secrecy, this last vestige of hyprocrisy, by signing discharge petition No. 2 and bring House Resolution 134 to the floor for a vote. End the secrecy rule. Turn on the lights, and bring our deliberations into the 20th century.

IN OPPOSITION TO RESETTLEMENT OF FORMER IRAQI POW'S IN THE UNITED STATES

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

Mr. MANZULLO. Mr. Speaker, how can we even think of resettling former Iraqi POW's in this country when we have so many problems here at home? How can we provide all sorts of welfare benefits to ex-soldiers who took up arms against our troops when many of our own veterans are homeless?

I encourage my colleagues to join the gentleman from Florida [Mr. STEARNS] and me as coauthors, plus over 25 original bipartisan cosponsors of a common sense resolution to terminate the current policy of resettling ex-Iraqi soldiers who took up arms against our own troops.

For the past few weeks, I have tried in vain to get a straight answer from the State Department. I even sent a letter to the President with 75 Member signatures. But all I get is double-talk. One memo states that we will resettle 13,000 ex-Iraqi soldiers. Another states it's only 4,000. I don't care if it's one. Those who took up arms against our troops in Desert Storm should not receive better benefits than our veterans. With a $280 billion deficit, I can think of no lower budgetary priority than spending up to $7,000 to resettle each and every former Iraqi soldier in the United States.

Please cosponsor this pro-U.S. veteran bipartisan resolution to stop this misguided policy in its tracks. I also urge the Judiciary Committee to hold hearings on this issue.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MAZZOLI). The Chair would tell our friends in the gallery that you are welcome to be here, but it is not permissible under the House rules to show pleasure or displeasure to anything said on the House floor.

WHY AMERICANS CARE ABOUT RULES

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

Mr. GOSS. Mr. Speaker, why should Americans—worried about their jobs, health care and balancing their families' budgets—care about something as arcane as a discharge petition and the rules of this House? Why should people who want a balanced Federal budget pay attention? Why should those who want to cut wasteful government spending take notice? Why should seniors who want to work without heavy tax penalty or who are "notch babies" tune into this?

Americans care because it is the very status quo rules of this House that allows business as usual leadership to bottle up remedies to these and other issues.

Apologists for Congress are now saying that Members need secrecy to "protect" them from the people. Well, that just does not pass the laugh test.

It looks more like the old guard leadership needs secrecy to protect its own power. Instead of opposing this, the leadership should be congratulating the gentleman from Oklahoma [Mr. INHOFE] and the 217 other Members for letting the sunlight in. It has done wonders in Florida, the sunshine State, and I know it will here, too.

IN SUPPORT OF DISCHARGE PETITION NO. 2

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

Mrs. FOWLER. Mr. Speaker, I rise to thank the 218 of my colleagues who signed on, as of today, in support of discharge petition No. 2. As co-chair of the freshman class' task force on reform, I believe this issue is of core importance.

The freshman class of 1993 is the largest freshman class in over four decades, and the reason for the large turnover is clear—the American people want change, and they want it now. The old way of doing business was not working, and we have a mandate from the voters to try and fix it. Making all discharge petitions public is a crucial step toward our goal of reform, and all 48 freshman Republicans are solidly behind the effort to do so.

The discharge petition is symbolic of the old back-room style of politics, when secrecy was the name of the game. Making the petition public is just the first step in opening the windows of that back room to let in some light and fresh air.

I commend my friend Representative INHOFE for his strong leadership on this issue, and I commend my colleagues who chose openness and honesty over secrecy and silence.

A COMMISSION FOR CUTTING FEDERAL BUREAUCRACY

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

Mr. HUNTER. Mr. Speaker, President Clinton has recommended eliminating 252,000 positions in the Federal bureaucracy.

Well, Mr. President, Republicans, in poker parlance, want to call your hand and raise you.

Let us lock in your 252,000 position cut with a commission similar to the Federal Base Closing Commission that has been so successful in cutting defense bases around the country. The Commission should analyze the Federal bureaucracy, identify 252,000 positions for cutting, it should then submit by a time certain that list by President Clinton to Congress and give President Clinton and the Congress a single up or down vote.

We have never been short on recommendations for cutting the Federal bureaucracy, Mr. President. We have always been short on political will. So Republicans are calling your hand, Mr. President. Let us use the Base Closing Commission to cut the Federal bureaucracy, and if you are serious, Mr. President, you will initiate this action in a very short period of time. We are waiting for your response.

□ 1300

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MAZZOLI). The Chair advises Members of the House that comments should be directed to the Chair and not to persons outside the Chamber.

REINVENTING GOVERNMENT

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

Mr. CASTLE. Mr. Speaker, the reinventing government report issued yesterday by Vice President GORE is a necessary first step to reorganizing how the Federal Government does business.

While I look forward to thoroughly reviewing the specific proposals in the national performance review, I support efforts to streamline wasteful, redundant operations and make the Federal Government more efficient and customer friendly.

During my first 9 months in office, I have witnessed Government bureaucracy first hand. Particularly frustrating is having to waste money and time jumping through Government hoops for everything from renting office space and purchasing simple office supplies to getting a chair repaired and a light bulb changed.

But again, the report is just a start. The next step must be to implement much-needed reforms to overhaul the Federal Government's financial management, personnel, purchasing, budgeting, and information systems.

There have been numerous other government reorganization plans issued in previous administrations that have done no more than collect dust on some bureaucrat's shelf. I sincerely hope this report does not befall a similar fate.

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 2401, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994

Mr. FROST. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 246 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 246

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for further consideration of the bill (H.R. 2401) to authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1994, and for other purposes. After further general debate, which shall be confined to the bill and the amendments made in order by this resolution and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution or specified by a subsequent order of the House. Except as specified in section 2 of this resolution, the amendments printed in the report shall be considered in the order printed. Unless otherwise specified in the report, each amendment may be offered only by the named proponent or a designee, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against amendments printed in the report are waived.

SEC. 2. The chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment made in order by this resolution. The chairman of the Committee of the Whole may reduce to not less than five minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business: *Provided*, That the time for voting by electronic device on the first in any series of questions shall be not less than fifteen minutes. The chairman of the Committee of the Whole may recognize for consideration of amendments printed within a numbered part of the report of the Committee on Rules (other than part 1) out of the order in which they are printed, but not sooner than one hour after the chairman of the Committee on Armed Services or a designee announces from the floor a request to that effect.

SEC. 3. (a) After designation of the committee amendment in the nature of a substitute, an additional period of general debate shall be confined to funding levels for ballistic missile defense and shall not exceed forty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services. It shall then be in order to consider the amendments printed in part 1 of the report of the Committee on Rules. If more than one of the amendments printed in part 1 of the report is adopted, only the last to be adopted shall be considered as finally adopted and reported to the House.

(b) After disposition of or postponement of further proceedings on the amendments printed in part 1 of the report, an additional period of general debate shall be confined to the Trident II (D-5) missile and shall not exceed thirty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services. It shall then be in order to consider the amendments printed in part 2 of the report.

(c) After disposition of or postponement of further proceedings on the amendments printed in part 2 of the report, an additional period of general debate shall be confined to burdensharing and shall not exceed twenty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services. It shall then be in order to consider the amendments printed in part 3 of the report.

(d) After disposition of or postponement of further proceedings on the amendments printed in part 3 of the report, an additional period of general debate shall be confined to economic conversion and shall not exceed thirty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services. It shall then be in order to consider the amendments printed in part 4 of the report.

SEC. 4. After disposition of the amendments printed in part 4 of the report of the Committee on Rules and any other amendment on which further proceedings were earlier postponed, the Committee shall rise without motion. No further consideration of the bill shall be in order except pursuant to a subsequent order of the House.

The SPEAKER pro tempore. The gentleman from Texas [Mr. FROST] is recognized for 1 hour.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from New York [Mr. SOLOMON], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, as Members are aware, prior to the beginning of the August recess, the House considered and adopted a rule providing for the initial consideration of H.R. 2401, the National Defense Authorization Act for fiscal year 1994. The resolution provided for 2 hours of general debate as a prelude to the consideration of amendments to this most important bill.

Also prior to the August recess, the Committee on Rules reported House Resolution 246, the resolution now under consideration, which provides for the consideration of certain amendments to the bill reported by the Committee on Armed Services. This rule structures the debate for several major issues by grouping amendments and limiting debate time on the general issue of national defense. The Committee on Rules has recommended this procedure as a means to allow the House to fully debate and decide these major issues in a manner that will subsequently allow other matters related to our national defense to be considered adequately. This procedure is similar to the manner in which the House has considered defense authorization legislation for the last decade and the Committee on Rules believes this procedure squarely frames the issues and allows the House to express its will.

In addition to the 2 hours of general debate provided under the first defense authorization rule, House Resolution

246 provides for 1 additional hour of general debate on H.R. 2401. As was the case with the first 2 hours, the time is to be equally divided and controlled by the chairman and minority member of the Committee on Armed Services. The rule provides that it shall then be in order to consider as an original bill for the purpose of amendment under the 5-minute rule the amendment in the nature of a substitute recommended by the Committee on Armed Services which is now printed in the bill and that the committee amendment in the nature of a substitute shall be considered as read. The rule also waives all points of order against the committee amendment in the nature of a substitute.

The rule provides that only those amendments printed in the report accompanying this rule, or those specified by a subsequent order of the House, shall be in order to the committee amendment in the nature of a substitute.

The report accompanying House Resolution 246 contains four parts; each part contains amendments addressing one of four major defense-related issues. Part 1 includes amendments relating to funding levels for ballistic missile defense and provides for 40 minutes of general debate on the subject prior to the consideration of the amendments. Each amendment is accorded 10 minutes of debate and shall be considered under the king-of-the-hill procedure. Part 2 relates to the Trident II missile; the rule provides for 30 minutes of general debate on this missile and 10 minutes of debate on each of the amendments made in order by the rule. Part 3 includes amendments relating to burdensharing. There will be 20 minutes of general debate on amendments relating to the subject of burdensharing and 10 minutes of debate on each of the four amendments made in order by House Resolution 246. Finally, Part 4 includes amendments on economic conversion and allows 30 minutes of general debate on the subject and 10 minutes of debate on each of the three amendments made in order by the rule.

Unless otherwise specified in the report, each of those amendments may be offered only by the named proponent or a designee. The rule further provides that the amendments shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The rule also waives all points of order against the amendments printed in the report.

Section 2 of House Resolution 246 provides the chairman of the Committee of the Whole with the authority to postpone consideration of a request for a recorded vote on any of the amendments made in order in the rule and to reduce to 5 minutes the time for voting on amendments after the first 15-minute vote in a series of ordered votes. The rule provides that the amendments shall be considered in the order printed, except that the chairman of the Committee of the Whole is given authority, under a specific circumstance, to bring up the amendments, except those relating to ballistic missile defense, out of the order that they are printed in the report. This authority is only granted if the chairman of the Armed Services Committee or a designee makes a request from the floor at least 1 hour prior to the consideration of those amendments out of order.

Finally, the rule provides that after the disposition of the amendments in part four of the report, those relating to economic conversion, and any other amendment on which further proceedings were earlier postponed pursuant to the authority granted in this rule, the Committee shall rise without motion. No further consideration of the bill shall be in order except pursuant to a subsequent order of the House.

Mr. Speaker, the Committee on Rules anticipates that it will meet later today or tomorrow to consider another rule providing for the consideration of further amendments to H.R. 2401. It is the intention of the committee to draft this rule in consultation with the Committee on Armed Services and in a fashion similar to the one before us today. Regardless of a Member's individual views on the amendments made in order in this rule, I recommend approval of this means to consider those amendments. The Committee on Rules has framed the debate on these four major issues and has allowed, in the case of the subjects of ballistic and Trident missiles, all amendments submitted to the committee to be considered by the House. The committee believes this is a fair rule and a fair way to consider these amendments and I urge adoption of the resolution.

□ 1310

Mr. Speaker, I reserve the balance of my time.

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

Mr. Speaker, as the gentleman from Texas [Mr. FROST] has just indicated, we have before us today a second rule to provide for the further consideration of the Defense Authorization Act for fiscal year 1994. Later this week the Committee on Rules may be meeting to grant yet a third rule for the further consideration of amendments to this bill.

Mr. Speaker, if a third rule is granted this week, we can expect to finish consideration of this important bill early next week, since there will be no votes on the floor after Tuesday due to the Jewish religious observances.

Mr. Speaker, I am opposed to this rule that is before us here today. I will seek a vote on this rule, and I will ask all Members to oppose it. I am opposed to this rule because it violates the balance and sense of fair play that has governed the consideration of defense authorization bills over the last number of years that I have been handling this rule.

Indeed, Republican members of the Committee on Rules were led to believe that the rule for the defense bill this year would be similar to those of past years. Certainly it must be said that the chairman of the Committee on Armed Services, the gentleman from California [Mr. DELLUMS], whom I have the greatest respect for, and the ranking member, the gentleman from South Carolina [Mr. SPENCE], who is probably one of the most respected Members of this entire House, came before us and requested a fair rule that would have provided for a proper balance of amendments. That is the way it should be.

But the Committee on Rules, for reasons which have yet to be explained to me, the ranking Republican, defied the request of the Committee on Armed Services and opted to produce a rule in which the amendment process is stacked in favor of proposals offered by certain Democrat members.

Mr. Speaker, this rule before us now does not allow for fair deliberation. It is blatantly partisan. It is a blatant partisan concoction. Indeed, if this rule had been conjured up in the office of a partisan Member, such as my good friend, the gentlewoman from Colorado [Mrs. SCHROEDER], sitting over there, I do not see how it could have turned out any differently.

In three of the four issue areas covered by this rule: ballistic missile defense, procurement of the Trident II (D-5) missile, and burden sharing, the amendment process is weighted down with Democrat amendments.

Mr. Speaker, this rule is jerry-rigged, although it is not JERRY SOLOMON doing the rigging. This rule has been rigged by the Democrat leadership so as to affect the outcome of deliberations here on the floor even before they happen.

Mr. Speaker, there is a meeting taking place, a press conference, right now, over in 2168 Rayburn. Ross Perot and Members are talking about the secrecy of the discharge petition.

Mr. Speaker, it is all of this partisan secrecy why this House is presently held in the lowest esteem it has ever been in the 200-year history of Congress.

Mr. Speaker, national defense is not a partisan issue. Other than the Committee on Ethics, the Committee on Armed Services is the only standing committee of this House to have a nonpartisan professional staff. The chairman and ranking member of the Committee on Armed Services are well-

known and well-respected, as I said before, for their sense of decency and their sense of fair play. But this rule does a gross injustice to the tradition under which defense bills have usually been considered by this House.

Mr. Speaker, there are 83 more Democrats than Republicans in the House. That is an overwhelming majority. If the Democrat leadership, with that huge majority, cannot work its will on the floor of the House without jerry-rigging the rules, then there is something radically wrong with the Democrat leadership.

Mr. Speaker, this is the most important bill to come before this body this year or any other year. It deals with the present and future security of our Nation. It deserves fair and open debate. But to rig this rule in order to produce bogus results on a bill of this importance is not only detrimental to the security of the Nation, it is a slap in the face to all the rank-and-file Members of this House who bear the responsibility of providing adequate funding for the defense of the country.

Mr. Speaker, I urge Members to vote "no" on this rigged rule which prohibits this House from having a fair and meaningful debate on the important issues contained in this most important legislation, the Defense authorization bill. Please vote "no".

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, for the purpose of debate only, I yield 3 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, I am not entirely happy with this rule because I think it unduly constricts the amount of debate. I will say with regard to burden sharing that the amendment that I am coauthoring with a Member from the other side of the aisle, the gentleman from Connecticut [Mr. SHAYS], we have done this for the second year in the rule, and the gentlewoman from Colorado [Mrs. SCHROEDER] has joined us, but I am glad we will have this debate on burden sharing. I wish it would be a more radical debate in terms of time.

Mr. Speaker, there is a fundamental issue facing us, and I am sorry to say that this administration seems to me as resistant as its predecessor to letting America get the benefit of some of what has happened in the world.

The question is simply this: Will we continue to allow the wealthy, strong, stable, and largely unthreatened nations of Western Europe continue to get a free ride on the American taxpayer?

Mr. Speaker, I believe I know the most popular book in all of Europe. It is Tom Sawyer. Because our European friends and allies figured out a long time ago not only how to get America to paint their fence, but how to get us to pay for the privilege of doing so.

Americans sent large numbers of troops when it was necessary, wise, and brave, to protect Europe from an invasion led by the Soviet Union joined by its allies in the Warsaw Pact.

Mr. Speaker, there are dangers in the world. There are problems in the world. But that one has disappeared. There is no way that you are going to see a reassembling of the Soviet Union and the nations of Eastern Europe with a massive ground presence threatening Western Europe. That was the purpose do our stationing troops there.

The European nations, our allies in the European Community, collectively have a larger population that the United States. They have the wealth. But they continue to want the privilege of spending a small fraction of what we spend as a per capita amount on the military, because they know we will do it.

The gentlewoman from Colorado [Mrs. SCHROEDER], who has been a pioneer here, the gentleman from Connecticut [Mr. SHAYS], and myself, will offer an amendment that will say to our European allies that if they believe there is a need for a continuing large presence of American troops, they should pay for it. If not, we are prepared to cooperate with them, but we are no longer prepared to perpetuate the notion that the United States taxpayer has to support that ongoing presence in Europe.

Mr. Speaker, we ask that part of the money saved go to conversion, and part go to deficit reduction. We have a national demand that we reduce spending. Reducing spending is often painful, though necessary, because it means reducing services that redound to the benefit of the people that pay for them.

□ 1320

Putting large troop presences on a permanent basis in Western Europe and spending billions and billions a year to subsidize the economies of West Germany and Belgium and Denmark and France and the other nations of Western Europe makes no sense. Do the Western European nations want us to stay there? Sure. They are not crazy. But if we acknowledge and acquiesce, we are.

I hope that when the amendment process begins, Members will vote that savings.

Mr. SOLOMON. Mr. Speaker, the previous speaker has just said that there is no threat in Europe today. I just returned from Europe, I was in countries like Bulgaria and Albania and Russia and Greece and Macedonia. Let me tell Members, that is one unstable part of the world today. America had better be standing ready for something that could break loose any day over there.

Mr. Speaker, I yield such time as he may consume to the very distinguished Republican ranking member of the Committee on Armed Services, the gentleman from South Carolina [Mr. SPENCE].

Mr. SPENCE. Mr. Speaker, I thank the gentleman for yielding time to me. I rise in opposition to House Resolution 246. I had hoped to be in a position to support this rule, but the recommendations reported by the Rules Committee make my support impossible.

First, instead of making one Republican and one Democrat amendment in order on the issue of ballistic missile defense [BMD], as I believe makes sense, this rule makes a second Democrat BMD amendment by Mrs. SCHROEDER in order. Not only does this represent piling on, in my view, but the position advocated by Mrs. SCHROEDER was explicitly addressed by the Armed Services Committee and was rejected with bipartisan support. Moreover, the Schroeder amendment printed in this rule has been modified since the August 2 Rules Committee filing deadline without any discussion, negotiation, or bipartisan consent.

My second set of concerns has to do with the Rules Committee's decision to make the Abercrombie amendment on the D–5 missile in order. While I support the idea of the House debating the D–5, having the Abercrombie amendment follow the Dellums-Perry-Woolsey amendment simply gives opponents of this program an unnecessary second bite at the apple. As with the Schroeder BMD amendment, the Armed Services Committee rejected the position advocated by Mr. ABERCROMBIE on a strong bipartisan basis.

My third set of concerns has to do with the so-called burdensharing amendments. First, making the Schroeder overseas base closures amendment in order as a burdensharing amendment is inappropriate. It ought to compete for floor time with the many other base closing related amendments that were filed and are to be considered in a later rule and should not be arbitrarily recategorized and inserted into this second rule.

Second, as was the case with the Schroeder BMD amendment, the Frank-Shays-Schroeder burdensharing amendment has also been modified since the amendment filing deadline without any discussion with the minority. Deadlines and rules ought to apply to all Members on both sides of the aisle.

Finally, my last set of concerns involve the conversion amendments. Despite the recommendations of the Armed Services Committee, Mr. WELDON's amendment was not made in order along with the other conversion amendments as it should have been. The rationale given by the Rules Committee was that last-second concerns expressed in a letter from the Merchant Marine Committee made the Weldon amendment too hot to handle

in this second rule. My first counter is that the Merchant Marine letter used by the Rules Committee to justify elimination of the Weldon amendment from this second rule was dated a full 3 days prior to the day this rule was reported—3 days notice does not strike me as a last second development.

My second counter is that if the Merchant Marine Committee's objections to the Weldon amendment were enough to have it eliminated from this rule, why were the other burdensharing amendments made in order over the objections of the Foreign Affairs Committee as expressed in a August 4, 1993, letter from Chairman HAMILTON to the Rules Committee?

This kind of inconsistent treatment of amendments compels me to oppose this rule. Despite this unfortunate development, I nevertheless look forward to working with Chairman DELLUMS and the Rules Committee on the third, and hopefully final, rule governing debate on H.R. 2401.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

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

Mr. SOLOMON. Mr. Speaker, I just want to say to the gentleman that he has pointed out the reason why we oppose the rule. I have great respect for the chairman of the committee, the gentleman from California [Mr. DELLUMS] and for the ranking member, Mr. SPENCE. In years past those 2 gentlemen and their staffs and other members have sat down with the Committee on Rules on a bipartisan basis. And we have negotiated what is not an open rule. We did that in order to try to be able to handle this very, very intricate bill in a timely and responsible manner.

But by throwing that approach out the window, this kind of cooperation, and now just saying that the Democrats can have whatever amendments they want and shut Republicans out, the Democrat leadership flies in the face of our cooperation with some kind of a restrictive rule.

If we are going to have an open rule and let every Member have his or her amendments, then that is fine. Let us do it that way. But let us not bring a rule to this floor which deliberately affects the outcome of debate before a vote is even taken.

Mr. Speaker, I appreciate the gentleman's remarks.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

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

Mr. FRANK of Massachusetts. Mr. Speaker, I just want to say, the gentleman referred to the amendments as if they were all partisan. I appreciate his conceding to us sole ownership of burdensharing, but I am afraid I have to turn down the honor.

Burdensharing is widely supported in a bipartisan way. In fact, the amendment I offer this year, as last year, is coequally offered by a Member on the other side, the gentleman from Connecticut [Mr. SHAYS].

So with regard to burdensharing, I have always tried to treat that as a very bipartisan issue. We did last year. It shows in the votes, and we do again this year.

Mr. Speaker, I thank the gentleman for yielding to me.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentlewoman from Tennessee [Mrs. LLOYD].

Mrs. LLOYD. Mr. Speaker, I thank the gentleman for yielding time to me.

Later today we will be considering a series of amendments addressing burdensharing. While we all share the goals of reducing U.S. presence overseas to reflect the changing threats, I must caution against reducing our presence overseas too fast.

Some argue that the need for the NATO Alliance has declined substantially now that the threat from the East has deteriorated. We should not subscribe to this theory. NATO remains every bit as important as it was in deterring Soviet aggression 15 years ago. It has served the security of interests of the United States and its allies exceptionally well and given the unpredictability of future conflicts, the need for a strong NATO will continue.

NATO is undergoing a metamorphosis. It is adjusting its mission to the post-cold-war era while also considering the admission of several new members including Poland, the Czech Republic, and Hungary. These changes should be nurtured and supported by continued U.S. participation. Make no mistake about it: Should U.S. participation in the NATO alliance be perceived as waning, the effectiveness of that alliance in addressing future threats would be seriously crippled. A favored presence allows us to pursue our interests on a collective basis and not unilaterally.

Some of the amendments being offered to the bill before us cast a shadow on the future direction of NATO and on continued U.S. involvement. We should indeed be reducing our presence overseas, both in Europe and elsewhere and we are. We are moving rapidly toward a ceiling of 100,000 U.S. personnel in Europe as prescribed in last year's authorization bill. Pursuant to another provision of that same law, we are reducing our total overseas military presence by 40 percent. Spending to support U.S. Forces in all locations overseas will have decreased by 36 percent by 1994. Since January 1990, we have had a 50 percent reduction in overseas facilities and that number is growing. We are moving very quickly in the right direction. But we must caution our colleagues before they vote on politically appealing amendments that seek further reductions in U.S. presence overseas.

Congressman SISISKY and I will be offering an amendment to H.R. 2401 which will reduce the spending at overseas installations by $580 million. Coupled with the reductions already contained in the legislation, the total cuts is about $3.3 billion. At the same time, our amendment continues to insist that the administration and DOD negotiate burdensharing arrangements that further reduce the costs we pay to support U.S. military bases overseas. But most important our amendment recognizes and respects the need for a continued U.S. military role in Europe and Asia. Any future conflict that we find ourselves in will require the assistance and participation of our allies. Preserving the necessary level of overseas military presence and alliances like NATO will ensure that support.

Vote yes on the Lloyd-Sisisky amendment and reject all others.

□ 1330

Mr. SOLOMON. Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey [Mr. SAXTON], a distinguished member of the Committee on Armed Services.

Mr. SAXTON. Mr. Speaker, I thank the gentleman for yielding time to me.

Let me just say that I also rise in opposition to the rule, and certainly want to associate myself with the remarks of the gentleman from New York [Mr. SOLOMON] and the gentleman from South Carolina [Mr. SPENCE], the ranking member of the Committee on Armed Services and the Committee on Rules.

Those of us on this side of the aisle are very realistic about our position as members of the minority. We know full well that it is our obligation and our responsibility to make our views known in as forceful a way as we possibly can. We are also realistic to know that inasmuch as the Committee on Rules is dominated by the majority party, by a membership of nine Democrats to four Republicans, that it is very often that we do not find ourselves in a position of a rule that we think a lot of. That is certainly the case with this rule. I would just like to explain from one Member's point of view, my point of view, why that is.

In so doing, I would just like to use one example of one thing this rule does which has been mentioned by both the gentleman from New York [Mr. SOLOMON] and the gentleman from South Carolina [Mr. SPENCE], but in terms of a specific and in terms of a substantive issue that is very, very important to the national security of our country and to the national security of our allies all around the world, including the Middle East, including Israel.

This is the issue of what used to be called SDI, which today is called ballistic missile defense [BMD]. This, for the current SDI, is funded at about $3.7 billion. This rule provides for a number of

opportunities to do other things with funding, depending on what their position happens to be. The President, for example, says we need about $3.4 billion this year. He has sent his budget over here, his request, in that amount. The committee disagreed with that. The committee said we needed about $3 billion. That is the way this bill has come to the floor.

Here on the floor there will be a number of opportunities for people to vote for different levels of funding. For example, right off the bat the chairman of the committee, the gentleman from California [Mr. DELLUMS] will offer an amendment to cut that $3 billion in half. If the Members think this $3 billion is too much money and that this is not an important issue for our country and for our allies, they have an opportunity, and rightfully so, to vote for half as much.

If, on the other hand, the Members agree with the President, they have an opportunity to vote for the amendment of the gentleman from Colorado [Mr. HEFLEY]. The amendment of the gentleman from Colorado adds about $440 million, so those of us, and I will vote for the so-called Hefley amendment, who believe that that is the proper level of funding have an opportunity to vote for it. There are three options already: The way the committee bill has come out at $3 billion; the Dellums amendment, the chairman's amendment, which will be $1.5 billion; and the amendment of the gentleman from Colorado [Mr. HEFLEY], a Republican amendment, which returns it to the level of the President's request, $3.4 billion.

The rule does not stop there, however. The rule does something that from there to me seems very unfair. We have had a high option, a middle option, and a low option, and along comes one more amendment, the amendment by the gentlewoman from Colorado [Mrs. SCHROEDER], at $2.8 billion. Thus, the Democrats have had two bites of the apple already, one at $3 billion and one at $2.8 billion. The Republicans have had one bite.

Obviously, we are going to overload this in favor of the majority party, and have one more attempt to cut it even further at $2.8 billion; inherently unfair, not to the Republican Party, not on a political basis, but inherently unfair to those people, those Americans, who have a concern over the ballistic missile defense system as proposed by the President, who belongs to the party of the other side.

I ask in fairness for people, for all of us, to join together. Let us send this rule back to the committee. Let us get out a rule that would be fair to both parties and to the American people.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman from Texas for yielding time to me.

Mr. Speaker, I just want to take the floor to say that I do not have one-tenth of the power that is being attributed to me. As I count this rule, it looks like we have five Republican amendments and eight Democratic amendments. I want to really talk a bit about the one that I have heard lambasted from several Members over there. That deals with the ballistic missile defense area.

Mr. Speaker, as everybody knows, we had a new administration take over this year. At the beginning of this year they basically sent over the prior administration's numbers as we were waiting for Secretary Aspin to do his bottom-up review. As he was doing his, we on the committee asked our staff to do our bottom-up review. Now we have even double wisdom, because Les Aspin's bottom-up review has since come out, since we acted on this bill.

That is basically what my number is. My number on the ballistic missile defense was what our subcommittee reported to the full committee. It almost passed. It was voted down by 16 to 15. If the Members take the Aspin bottom-up review on the BMD and ramp it back to 1994, we would have actually $100 million less than is my amendment, so I came out really $100 million over. We were trying to guess and we were trying to stay in synchronicity with what they were doing. I think it is the one that comes out most on point.

That is why it was really being offered. It was originally a subcommittee proposal, and it seems to track most with where the bottom-up review is. I understand that it is late and all of that is happening, but part of that is because there are new people on board and everybody is trying to rethink this changed situation.

I also think when we talk about the burden-sharing, we all know that our allies are much richer because of the Marshall plan and all the things that we did. We maintained troops there when our national interest would have been threatened if we were overrun and they were overrun by the Soviet Union. Now what we are seeing is that there is still lots of flexibility. We can still stay there if they want to pay more monies, but our allies in Asia are doing a much better job of paying their fair share than our allies in Europe.

When we push our allies in Europe as to why they want us there, they want us there to babysit themselves. If they have not worked out their agreements after hundreds of years, I am really sorry, but I am not sure how much the American taxpayer wants us to sit there and be the referee in all their nice little ethnic complaints that they have. If they want us to do that, then they ought to pay for it. People ought to pick up those costs, because they certainly are able to now. That is what we are really talking about as we look at this terrific budget deficit and how we can be smarter and what we are doing.

We now have a whole new added aspect of the bottom-up review being done. I think we have a very tight bill and we know that we are under terrific time constraints. I think this is a very good rule, and I encourage people to vote for it.

Mr. SOLOMON. Mr. Speaker, I yield 5 minutes to the gentleman from Arizona [Mr. KYL], one of the most distinguished members of the Committee on Armed Services on our side of the aisle.

□ 1340

Mr. KYL. Mr. Speaker, I would like to respond to the comments of the gentlewoman from Colorado, who has it all wrong. As a matter of fact, the bottom-up review just performed by this administration supports the funding level of the Hefley amendment of about $3.5 billion, not the committee level or that suggested by the gentlewoman from Colorado.

Let me quote from the letter dated September 7 from the Office of the Under Secretary of Defense, John Deutch, to the chairman of the committee, RON DELLUMS:

> When you take the fiscal year 1994 defense authorization bill to the House floor, I realize you will be under strong pressure to reduce funding for the Nation's Ballistic Missile Defense (BMD) program. I urge you to support the funding level approved by the Senate Armed Services Committee and to fight attempts to further cut this important program's budget.

Quoting further:

> As you are aware, the Department of Defense has completed the bottom-up review and refocused the BMD program. The revised funding profile through the Future Year Defense Plan is $18 billion—averaging about $3.6 billion a year. the Senate Armed Services Committee approved $3.2 billion, plus $250 million for the Brilliant Eyes program, which totals about $3.5 billion for the missile defense effort. The Department supports the Senate position and encourages the House of Representatives to adopt the same funding level.

Mr. Speaker, that is the funding level that will be offered by the gentleman from Colorado [Mr. HEFLEY].

If I could just continue to quote further from Mr. Deutch's letter:

> Now that the Department has made the difficult choices with regard to missile defenses, I am certain you will appreciate the importance of continuing the program on the right course. I urge you and your colleagues to adopt the Senate Armed Services Committee's position.

Reading further:

> Budget cuts below the Senate Armed Services Committee level and program fences this year will endanger our ability to deliver our new plan.

The reason that we should oppose this rule, Mr. Speaker, is because, unlike past years, this year's rule skews

the result. The reason this rule skews the result is that unlike past rules which have permitted accommodation and negotiation between the two sides, and usually developed a position which recognizes the preeminence of the committee mark or the committee position, under this rule the chairman of the committee is permitted an amendment to reduce the level of funding to $1.5 billion. The gentleman from Colorado [Mr. HEFLEY] is then allowed to propose his amendment to add $467 million, or to essentially get to the position that Mr. Deutch, the administration's spokesman, is supporting. But then, under the unique procedure of the king of the Hill, the gentlewoman from Colorado is permitted to offer an amendment to reduce the amount of ballistic missile defense funding to $2.8 billion.

What is the significance of this, Mr. Speaker? That was the gentlewoman's subcommittee mark which was overridden by the full Armed Services Committee when it went to just about $3 billion. So what we have here is the usual procedure which permitted a bracketing in effect, a lower amendment which in the past has been offered by Mr. FRANK or Mr. DELLUMS usually, a higher amendment which I have offered in the past and Mr. HEFLEY is offering this time, with the full committee position being in the middle. Not so this year. Under this rule the gentlewoman from Colorado has the last word, and if her amendment passes, it does not matter what was passed before. We would be reducing the funding level to $2.8 billion, or in other words, about $700 million below what the administration is recommending after its bottoms-up review, according to the letter from Mr. Deutch.

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield?

Mr. KYL. I am happy to yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Speaker, first of all I thought that the Rules Committee should have had queen of the Hill, because I thought it was a little slanted by saying king of the Hill. I thought maybe that was shutting me out.

Mr. KYL. The gentlewoman and I certainly agree on that nomenclature.

Mrs. SCHROEDER. Second, I did want to say to the gentleman I think the bottom-up review, we both have to be perfectly honest, that bottom-up review does not talk about 1994 numbers. It talks about 1995 and beyond.

Mr. KYL. If I can reclaim my time, what Mr. Deutch, the administration spokesman is saying in this letter to the chairman of the committee is, that based upon the bottom-up review we should adopt the Senate number, which is the Hefley amendment, which is $3.5 billion. What Mr. Deutch said is now that the Department has made this difficult choice, and as you are aware, now that we have now completed the bottom-up review, that the Department supports the Senate position and encourages the House of Representatives to adopt the same funding level.

To be honest, what we have here is a consistency between what the administration first proposed and what it continues to propose as a result of the confirmation coming from the bottoms-up review.

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield?

Mr. KYL. I am happy to yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. If the gentleman will look at this, what we know is that Dr. Deutch's boss, Secretary Aspin, has announced that the Ballistic Missile Defense Program would total $16 billion. That is what his numbers are for the period of fiscal year 1995 to 1999. And what we did was take that and ramp it back to 1994, because he did not project that.

Mr. KYL. Reclaiming my time, I understand what the gentlewoman from Colorado did. But that is inconsistent with the administration's position this week, which says stick with the Senate number, stick with $3.5 billion. That is what, based upon the bottoms-up review, we think this program should be funded at.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 4 minutes to the gentleman from Virginia [Mr. SISISKY].

Mr. SISISKY. Mr. Speaker, I thank the gentleman for yielding the time.

Mr. Speaker, I would like to read to my colleagues a letter just received from the Clinton administration regarding the burden-sharing amendments which we are about to consider. The letter is signed by Secretary of Defense Les Aspin and Secretary of State Warren Christopher.

The letter states:

SEPTEMBER 7, 1993.

Hon. NORMAN SISISKY,
Chairman, Subcommittee on Oversight and Investigations, House Armed Services Committee, Washington, DC.

DEAR MR. CHAIRMAN: When the Defense Authorization bills reach the floor, amendments will be considered requiring increased allied burdensharing, which would jeopardize our country's ability to sustain its strategic interests abroad.

These proposed amendments would generally reduce force structures, require higher percentages of allied contributions, or reduce anticipated Operations and Maintenance budgets.

It is our assessment, after substantial, very directed and detailed discussions with the Europeans that our burdensharing negotiations with major European allies will not conceivably yield the contributions called for by these proposals. As a result, if enacted into law, these amendments would force the withdrawal of U.S. troops from Europe, and with them would go our leadership position in European affairs, and our ability to promote and protect our vital national interests there.

The President has re-affirmed the United States commitments to NATO, Japan and Korea to maintain our forward military presence. The President made these commitments largely because they represent our own vital strategic interests. The post Cold War period has brought new dangers and instability that threaten our fundamental interests.

Our allied security arrangements with the U.S. forward-deployed presence are the underpinning of our larger vital interests in the world. They contribute immeasurably to world peace; the expansion of democracy and human rights; access to open markets and economic growth opportunities; long-term stability; and democratic consolidation across the region, especially in Eastern Europe, Russia and the newly-independent states of the former Soviet Union.

We share the Congress' concern about equitable burdensharing, and this remains a primary Administration policy. However, the proposed amendments run contrary to U.S. interests and would portend disastrous consequences, certainly a diminution of American prestige and leadership, U.S. European presence, and regional and world influence. What the United States has achieved in Europe over the past half century would be in jeopardy.

We will continue to negotiate vigorously arrangements with our allies that seek to be more beneficial to the United States. The Administration pledges to do its utmost to achieve the lowest possible stationing costs through determined negotiations with our allies, in return for a reasonable level of funding for an adequate forward-deployed force that is ready and capable of carrying out U.S. and collective missions.

But more importantly, the Clinton Administration intends to undertake with our NATO allies a wide-ranging review of our mutual commitments to trans-Atlantic and European regional security through an enlarged concept of security responsibility sharing. The objective is to take us beyond the old, sterile approaches of the Cold War, and seek new understandings with our allies in the areas of defense planning; resource management; cost sharing and policy management, including sharing new roles and missions involving the emerging democracies of central and eastern Europe, peacekeeping, conflict prevention, and humanitarian relief, among others.

NATO remains the key to stability in Europe. U.S. leadership is vital to the Alliance's future, and we can continue to lead only as long as we maintain the readiness of our forward-deployed forces. We will keep you and the other members of Congress fully apprised on our progress in achieving the goals and objectives of our new strategy. We need Congress as a partner in this endeavor.

WARREN CHRISTOPHER,
Secretary of State.
LES ASPIN,
Secretary of Defense.

□ 1350

Mr. Speaker, we need Congress as a partner in this endeavor. I believe that Congress should provide the administration with the partnership requested by the Secretaries of Defense and State by supporting the Armed Services Committee positions on these burdensharing amendments. Vote "yes" on the Lloyd/Sisisky amendment; vote "no" on the other ones.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the outstanding ranking

member on the Committee on Foreign Affairs, the gentleman from New York [Mr. GILMAN], whom we respect greatly.

Mr. GILMAN. I thank the gentleman for yielding. Mr. Speaker, I am concerned about this rule and I am urging the Rules Committee in its further deliberations to consider the issue of further deployment of United States troops in Somalia which is fraught with implications for the future deployment and use of United States military forces in any multilateral setting. Without question, the distressing reports of hostilities in Somalia are bearing out the concerns I expressed earlier this year that the United States was heading blindly into a quagmire by becoming an occupying force in Somalia.

Since our operations in Somalia began, United States casualties to date have been 11 killed and 51 wounded, and without any final solution in sight.

That is why I hope the Rules Committee, in its further deliberations on this national defense authorization will make in order my amendment to the Defense authorization bill to cut off funding for United States military operations in Somalia.

My Somalia cutoff proposal would take effect on December 31 unless the President certifies that continued United States military presence there is vital to our national security—or necessary to evacuate relief workers, U.N. personnel, or other peacekeeping forces from imminent danger.

Mr. Speaker, U.S. military forces have fulfilled their humanitarian goal and they are now being placed in a no-win situation. I believe the time has come for Congress to take a strong stand to resolve this intolerable situation. It is hoped that the Rules Committee will permit the House to begin this process by making my amendment in order and I invite support by my colleagues.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

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

Mr. SOLOMON. I thank the gentleman for yielding.

Mr. Speaker, let me just say to the gentleman from New York that I share his view completely on this issue.

As the gentleman knows, the Committee on Rules will probably be meeting later this afternoon or tomorrow, and certainly this House is entitled to vote on the issue raised by the amendment of the gentleman from New York. We will do everything we can to make it in order.

Mr. GILMAN. I thank the gentleman for his encouraging report.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from Texas [Mr. BRYANT].

Mr. BRYANT. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise to observe that the voices that we have just heard raised against the effort to try to ask our allies to begin to pay the cost of their own defense are an echo of the past. I think they are not cognizant of the enormous difficulty that we in America are facing with regard to paying our bills.

Mrs. LLOYD, Mr. SISISKY, and through Mr. SISISKY, the Secretary of State have once again for the 11th time in my 11 years in this Congress come forward and told us that somehow the American people, almost 50 years after World War II, are obligated to continue paying the costs of defending Europe and Japan.

We still spend over $150 billion a year, some say as much as $182 billion a year, maintaining a defense posture aimed at being able to defend them; not to defend the territorial integrity of the United States but to defend Europe and Japan.

During the cold war, perhaps the argument could be made that we need to continue doing that. But certainly today at the very least we can ask them to pay the full cost of their own defense.

These are not war-torn, war-tattered economies; they are tough, shrewd, international competitors. They have strong economies which give them the capability to pay for their own defense and to pick up a larger share of the cost of defending the free world.

While we have been subsidizing the defense of Europe and Japan, they have been educating their children in a far more comprehensive way than we have. They have been providing health care to their people in a way that we have not yet been able to do. They have been able to maintain a crime rate 10 percent of the crime rate in the United States.

Yet, 50 years since World War II, voices still stand on the floor of this House and say to us that the American people ought to continue borrowing—and that is what we are doing—borrowing billions of dollars every year to pay for the defense of countries that are wealthier than we are, of countries that are paying their bills better than we are; countries that are educating their citizens, protecting their citizens from crime and providing health care for their citizens better than we are.

I think it is time for us to tell the Europeans and the Japanese that if you want our troops in your country, we are willing to continue working with you but it is time for you to begin to pay the costs of your own defense.

I urge the Members to vote for the burdensharing amendments which have been offered. I have offered one in particular which would provide that the President must enter into negotiations to reach an agreement for these other countries to pay 100 percent of our costs related to the presence of our personnel assigned to their countries.

It would be phased in over a 3-year period beginning October 1, 1993, and ending September 30, 1996.

If agreements are not made in this respect, then the President will order the withdrawal of all our troops. That would be phased in between now and the year 2000.

Members of the House, surely it is not unreasonable for us to provide that by the year 2000 this enormous and expensive burden ought to come to an end and we ought to begin to take our resources and plow them back into the future of our country.

Mr. FROST. Mr. Speaker, for the purposes of debate only. I yield 2 minutes to the gentleman from Louisiana [Mr. HAYES].

Mr. HAYES. Mr. Speaker, ordinarily I do not speak on rules, for two very good reasons. First of all, it causes apprehension on the part of the gentleman from Texas [Mr. FROST] who handles them. Second, they are usually boring.

But today we had an exception, as I listened across the aisle. They talked about the gentlewoman from Colorado, saying that this rule could not be more onerous and more unfair had she drafted it herself.

Well, as an admirer and fan of the gentlewoman from Colorado and someone who is aware of her abilities and talents, I assure you, given the opportunity, she can write a much more blatantly unfair and dramatically onerous rule.

Mr. SOLOMON. Mr. Speaker, let me yield 3 minutes to the very distinguished member of the Committee on Armed Services and an outstanding Member, the gentleman from California [Mr. HUNTER].

Mr. HUNTER. I thank the gentleman for yielding this time to me, and I thank my colleague for the glorious introduction.

Mr. Speaker, this is a bad rule because it weighs this debate toward the politics of weakness. It disregards the fact that we won the cold war because this body was allowed to make choices for strength. We were allowed to boost the SDI spending that we did to back the Soviet Union off their missile buildup plan; we were allowed to move forward with the M-1 tank; we were allowed to move forward with the B-1 bomber.

This body was allowed to make choices to try to achieve peace through strength. Those choices are being denied especially with respect to the strategic defense initiative portion of this particular bill.

Now the director of the CIA just the other day pointed out all the nations that are acquiring missile capability, the ability to deliver missiles into either our forces around the world or ultimately against the American people themselves.

Libya, Egypt, Iraq, South Africa, Saudi Arabia, Syria, Pakistan, Iran,

India, North Korea, and China. And we asked the question when that was pointed out by our intelligence people, we said, "Are they building missiles?" The answer is, "Yes." We said, "Do some of them have the intent to deliver them into our population centers?" "Yes." We asked the question, "Can we presently stop them? Do we have an SDI that will presently stop them?" And the answer is, "No."

□ 1400

So now the Democrat leadership moves us to the totally illogical position that because we are so vulnerable and the world is so dangerous, we are going to cut the strategic defense initiative. We are not going to achieve the ability to defend ourselves against incoming missiles.

This is the policy of weakness. It is the politics of weakness that happily was rejected by the Reagan and Bush administrations. This administration should stand up right now and tell us very strongly to reject what the Rules Committee has put in place.

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield?

Mr. HUNTER. I am happy to yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Speaker, the gentleman does have the ability to vote for the Hefley amendment, if the gentleman feels that way.

Mr. HUNTER. Well, I think that the Hefley amendment should be the centerpiece and should be the center of this debate, but the Rules Committee now has placed the debate by allowing the amendment of the gentlewoman from Colorado and has placed the debate in such a position that the momentum clearly is in favor of substantially cutting the strategic defense initiative below what the committee wanted.

Mrs. SCHROEDER. How much more would the gentleman add above the Hefley amendment?

Mr. HUNTER. If the gentlewoman wants to ask this gentleman, personally I think we should be at this point desperately pursuing the strategic defense initiative, the ability to defend ourselves against incoming ballistic missiles. I think this should be a project with all of the energy and the verve that we used in the Manhattan Project. I personally would have a project that would be several billion dollars above this level.

The SPEAKER pro tempore (Mr. MAZZOLI). The time of the gentleman from California [Mr. HUNTER] has expired.

Mr. SOLOMON. Mr. Speaker, I yield 1 additional minute to the gentleman from California.

Mr. SAXTON. Mr. Speaker, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from New Jersey.

Mr. SAXTON. Mr. Speaker, the gentleman mentioned the Hefley amendment just a minute ago. I believe the level of funding provided by the Hefley amendment is just about identical to the level of funding proposed by President Clinton. Is that not correct?

Mr. HUNTER. Actually, the level of funding by the gentleman from Colorado [Mr. HEFLEY] has been very close to what President Clinton is proposing right now. I think that is manifest in the reports that the gentleman from Arizona [Mr. KYL] read into the RECORD; however, the Clinton administration actually proposed a higher level initially.

Mr. SAXTON. Mr. Speaker, if the gentleman will yield further, so there are amendments to be offered today from the other side of the aisle contrary to what we Republicans are finding ourselves in concert with President Clinton that would reduce the level of funding for the SDI far below that this administration has requested.

Mr. HUNTER. The gentleman is absolutely right. This debate has been couched or developed by the Rules Committee so that the center of this debate on SDI, which should be the Hefley amendment, has now been moved, the momentum has now been moved in favor of the Schroeder amendment, which will have all the momentum as the debate unfolds.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman for yielding this additional time.

I just wanted to point out one more time that the gentleman from Colorado [Mr. HEFLEY] is a good friend of mine, but he rarely carries the position of the Clinton administration on the floor. He is not on the floor, and he might be surprised to find out that he is carrying that water according to his colleagues over there.

I think we all know what the history of this was. We have said it over and over again, that when this new administration took hold, they sent over the then Bush proposals because they obviously had not had time to redo the whole budget, but it was subject to the bottoms up review.

I think what the gentleman from Arizona and myself were saying is that he is viewing it differently but in all honesty, the bottoms up review deals with 1995 to 1998.

What we are saying is that if you look at what the administration is talking about spending in funding and then you ramp it back, you ought to give them flexibility, but you ought to make sure that we do not continue doing research and development on a whole range of things that they clearly are not going to go forward with and that have a lot of risk.

I think the gentleman knows we have also had all this testimony about how they enhanced some of the tests. They phonied up some of the tests in the past. They have done all sorts of things in this whole area, and we are trying to clean it up.

Mr. HUNTER. Mr. Speaker, will the gentlewoman yield?

Mrs. SCHROEDER. I am happy to yield to the gentleman from California.

Mr. HUNTER. Mr. Speaker, I thank the gentlewoman for yielding to me.

I think that the threat of missiles which our Intelligence Agency tells us is coming, that we cannot defend against, is so great that we should move forward with a lot of energy, even if it means pursuing a broad array of technologies. Let us not penny pinch this program.

Mrs. SCHROEDER. Mr. Speaker, let me reclaim my time and say that I think $3 billion is a lot of money. That is what we are talking about. We are talking about $2.8 billion. That is an awful lot of money where I come from, maybe not in California, but you could buy a lot with that.

I think the administration is planning to spend it very smartly, and hopefully we will get to where we are trying to go.

Mr. HUNTER. That is not going to be much solace to our troops if they receive incoming ballistic missiles or theater missiles.

Mrs. SCHROEDER. The first thing on the administration's plan is theater missile defense. It is No. 1 and it is No. 1 in the bill.

Mr. HUNTER. In 1997.

Mrs. SCHROEDER. In 1994.

Mr. SOLOMON. Mr. Speaker, there used to be a Speaker of this House named Tip O'Neill. He was one of the finest Irish gentleman that I ever knew. He was also one of the most partisan Speakers that ever served in that chair, but he was the fairest Speaker ever to serve in that chair.

You know, the word "cute" used to be reserved for those of us who like to describe our children or our grandchildren. Now it seems that "cute" means the kind of jerry-rigged rules that are brought to the floor.

This is a cute rule, Mr. Speaker, but do you know what? It is going to backfire on the majority because of the way it is written, the way these amendments are going to be offered. The outcome is already predetermined. We know what that result is going to be; but what you do not know is that we Republicans are not going to vote for the final result.

Now, what does that mean? It means that by being cute, by bringing out this cute rule, the liberals are going to have to produce the votes to pass this national defense bill.

How do you like that? I do not think liberals are going to like it at all. That is why they ought to vote down this rule. We ought to go back upstairs and do what we have done for the last 6

years, and that is produce a fair rule. You can have your bite of the apple, we can have our bite of the apple, the House works its will and we all cooperate.

There is gridlock on your side of the aisle.

Vote no on this rule.

Mr. FROST. Mr. Speaker, in closing, I think everyone knows that this bill each year, defense authorization is one of the most complicated pieces of legislation that we deal with.

The Rules Committee has striven to present a fair rule that permits both Republican and Democratic amendments to be made in order point by point.

I would only point out to my friend, the gentleman from New York, that on the subject of ballistic missile defense and Trident D–5 missiles, that no other Republican amendments were submitted to the committee, other than the ones that were made in order.

I know they have some objection to the order in which they were made in order, but the Rules Committee made those Republican amendments in order that were submitted.

On the subject of economic conversion, two of the three amendments that are made in order are Republican amendments, so that we feel this bill is a fair one. It attempts to deal with a very complicated subject in an orderly way, and I urge adoption of the rule.

Mr. SOLOMON. Mr. Speaker, I yield back the balance of my time.

Mr. FROST. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

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

Mr. SOLOMON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 246, nays 172, not voting 15, as follows:

[Roll No. 411]

YEAS—246

Abercrombie
Ackerman
Andrews (ME)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Mazzoli
McCloskey
McCurdy
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velázquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Woolsey
Wyden
Wynn

NAYS—172

Allard
Andrews (NJ)
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bliley
Blute
Boehlert
Boehner
Bonilla
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Myers
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Regula
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Walker
Walsh
Weldon
Wolf
Young (FL)
Zeliff
Zimmer

NOT VOTING—15

Bilirakis
Brown (CA)
Bunning
Conyers
Gibbons
Matsui
McDermott
Mink
Neal (NC)
Ridge
Roukema
Vucanovich
Wise
Yates
Young (AK)

□ 1430

The Clerk announced the following pairs:

On this vote:

Mr. Yates for, with Mr. Ridge against.
Mr. Matsui for, with Mr. Bilirakis against.
Mr. Wise for, with Mrs. Roukema against.

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MODIFICATIONS TO CERTAIN AMENDMENTS TO H.R. 2401, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent that during further consideration of the bill, H.R. 2401, pursuant to House Resolution 246, the amendment numbered 3 in part 3 of House Report 103–223, to be offered by the gentlewoman from Tennessee [Mrs. LLOYD] and the gentleman from Virginia [Mr. SISISKY], and the amendment numbered 1 in part 4 of House Report 103–223, to be offered by the gentleman from South Carolina [Mr. SPENCE] be modified in the forms that I have placed at the desk.

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from California?

Mr. SPENCE. Mr. Speaker, reserving the right to object, I will not object, but I take this time to allow the gentleman to explain his request.

Mr. DELLUMS. Mr. Speaker, will the gentleman yield?

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

Mr. DELLUMS. Mr. Speaker, the purpose of the unanimous-consent request propounded by myself was simply to point out that inadvertently an amendment offered by the gentlewoman from Tennessee [Mrs. LLOYD] and the gentleman from Virginia [Mr. SISISKY] and an amendment offered by my distinguished colleague, the ranking member of the committee, a mistake was inadvertently made and parts of both of those amendments were left out.

The Chair then placed in the record the exact verbiage of the amendments, and this unanimous-consent request is simply to restore the correct nature of the two amendments offered by my distinguished colleagues.

Mr. SPENCE. Mr. Speaker, we have no objection on this side of the aisle.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The SPEAKER pro tempore. The Clerk will report the modifications.

The Clerk read as follows:

MODIFICATION TO THE AMENDMENT OFFERED BY MRS. LLOYD OF TENNESSEE

(Amdt. No. 3 in Part 3 of H. Rpt. 103-223)

The amendment as modified is as follows:

At the end of title X (page 346, after line 23), insert the following new sections:

SEC. 1043. SHARING DEFENSE BURDENS AND RESPONSIBILITIES.

(a) FINDINGS.—Congress makes the following findings:

(1) Since fiscal year 1985, the budget of the Department of Defense has declined by 34 percent in real terms.

(2) During the past few years, the United States military presence overseas has declined significantly in the following ways:

(A) Since fiscal year 1986, the number of United States military personnel permanently stationed overseas has declined by almost 200,000 personnel.

(B) From fiscal year 1989 to fiscal year 1994, spending by the United States to support the stationing of United States military forces overseas will have declined by 36 percent.

(C) Since January 1990, the Department of Defense has announced the closure, reduction, or transfer to standby status of 840 United States military facilities overseas, which is approximately a 50 percent reduction in the number of such facilities.

(3) The United States military presence overseas will continue to decline as a result of actions by the executive branch and the following initiatives of the Congress:

(A) Section 1302 of the National Defense Authorization Act for Fiscal Year 1993, which required a 40 percent reduction by September 30, 1996, in the number of United States military personnel permanently stationed ashore in overseas locations.

(B) Section 1303 of the National Defense Authorization Act for Fiscal Year 1993, which specified that no more than 100,000 United States military personnel may be permanently stationed ashore in NATO member countries after September 30, 1996.

(C) Section 1301 of the National Defense Authorization Act for Fiscal Year 1993, which reduced the spending proposed by the Department of Defense for overseas basing activities during fiscal year 1993 by $500,000,000.

(D) Sections 913 and 915 of the National Defense Authorization Act for Fiscal Years 1990 and 1991, which directed the President to develop a plan to gradually reduce the United States military force structure in East Asia.

(4) The East Asia Strategy Initiative, which was developed in response to sections 913 and 915 of the National Defense Authorization Act for Fiscal Years 1990 and 1991, has resulted in the withdrawal of 12,000 United States military personnel from Japan and the Republic of Korea since fiscal year 1990.

(5) In response to actions by the executive branch and the Congress, allied countries in which United States military personnel are stationed and alliances in which the United States participates have agreed in the following ways to reduce the costs incurred by the United States in basing military forces overseas:

(A) Under the 1991 Special Measures Agreement between Japan and the United States, Japan will pay by 1995 almost all yen-denominated costs of stationing United States military personnel in Japan.

(B) The Republic of Korea has agreed to pay by 1995, one-third of the won-based costs incurred by the United States in stationing United States military personnel in the Republic of Korea.

(C) The North Atlantic Treaty Organization (NATO) has agreed that the NATO Infrastructure Program will adapt to support post-Cold War strategy and could pay the annual operation and maintenance costs of facilities in Europe and the United States that would support the reinforcement of Europe by United States military forces and the participation of United States military forces in peacekeeping and conflict prevention operations.

(D) Such allied countries and alliances have agreed to more fully share the responsibilities and burdens of providing for mutual security and stability through steps such as the following:

(i) The Republic of Korea has assumed the leadership role regarding ground combat forces for the defense of the Republic of Korea.

(ii) NATO has adopted the new mission of conducting peacekeeping operations and is, for example, providing land, sea, and air forces for United Nations efforts in the former Yugoslavia.

(iii) The countries of western Europe are contributing substantially to the development of democracy, stability, and open market societies in eastern Europe and the former Soviet Union.

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

(1) the forward presence of United States military personnel stationed overseas continues to be important to United States security interests;

(2) that forward presence facilitates efforts to pursue United States security interests on a collective basis rather than pursuing them on a far more costly unilateral basis or receding into isolationism;

(3) the bilateral and multilateral arrangements and alliances in which that forward presence plays a part must be further adapted to the security environment of the post-Cold War period;

(4) the cost-sharing percentages for the NATO Infrastructure Program should be reviewed with the aim of reflecting current economic, political, and military realities and thus reducing the United States cost-sharing percentage; and

(5) the amounts obligated to conduct United States overseas basing activities should decline significantly in fiscal year 1994 and in future fiscal years as—

(A) the number of United States military personnel stationed overseas continues to decline; and

(B) the countries in which United States military personnel are stationed and the alliances in which the United States participates assume an increased share of United States overseas basing costs.

(c) REDUCING UNITED STATES OVERSEAS BASING COSTS.—(1) In order to achieve additional savings in overseas basing costs, the President should—

(A) continue with the reductions in United States military presence overseas as required by sections 1302 and 1303 of the National Defense Authorization Act for Fiscal Year 1993; and

(B) intensify his efforts to negotiate a more favorable host-nation agreement with each foreign country to which this paragraph applies under paragraph (3)(A).

(2) For purposes of paragraph (1)(B), a more favorable host-nation agreement is an agreement under which such foreign country—

(A) assumes an increased share of the costs of United States military installations in that country, including the costs of—

(i) labor, utilities, and services;

(ii) military construction projects and real property maintenance;

(iii) leasing requirements associated with the United States military presence; and

(iv) actions necessary to meet local environmental standards;

(B) relieves the Armed Forces of the United States of all tax liability that, with respect to forces located in such country, is incurred by the Armed Forces under the laws of that country and the laws of the community where those forces are located; and

(C) ensures that goods and services furnished in that country to the Armed Forces of the United States are provided at minimum cost and without imposition of user fees.

(3)(A) Except as provided in subparagraph (B), paragraph (1)(B) applies with respect to—

(i) each country of the North Atlantic Treaty Organization (other than the United States); and

(ii) each other foreign country with which the United States has a bilateral or multilateral defense agreement that provides for the assignment of combat units of the Armed Forces of the United States to permanent duty in that country or the placement of combat equipment of the United States in that country.

(B) Paragraph (1) does not apply with respect to—

(i) a foreign country that receives assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2673) (relating to the foreign military financing program) or under the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.); or

(ii) a foreign country that has agreed to assume, not later than September 30, 1996, at least 75 percent of the nonpersonnel costs of United States military installations in the country.

(d) OBLIGATIONAL LIMITATION.—(1) The total amount appropriated to the Department of Defense for Military Personnel, for Operation and Maintenance, and for military construction (including NATO Infrastructure) that is obligated to conduct overseas basing activities during fiscal year 1994 may

not exceed $16,915,400,000 (such amount being the amount appropriated for such purposes for fiscal year 1993 reduced by $3,300,000,000).

(2) For purposes of this subsection, the term "overseas basing activities" means the activities of the Department of Defense for which funds are provided through appropriations for Military Personnel, for Operation and Maintenance (including appropriations for family housing operations), and for military construction (including family housing construction and NATO Infrastructure) for the payment of costs for Department of Defense overseas military units and the costs for all dependents who accompany Department of Defense personnel outside the United States.

(e) ALLOCATIONS OF SAVINGS.—Any amounts appropriated to the Department of Defense for fiscal year 1994 for the purposes covered by subsection (d)(1) that are not available to be used for those purposes by reason of the limitation in that subsection shall be allocated by the Secretary of Defense for operation and maintenance and for military construction activities of the Department of Defense at military installations and facilities located inside the United States.

SEC. 1044. BURDENSHARING CONTRIBUTIONS FROM DESIGNATED COUNTRIES AND REGIONAL ORGANIZATIONS.

(a) IN GENERAL.—Section 1045 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 105 Stat. 1465) is amended—

(1) in subsection (a)—

(A) by striking out "During fiscal years 1992 and 1993, the Secretary" and inserting in lieu thereof "The Secretary"; and

(B) by striking out "Japan, Kuwait, and the Republic of Korea" and inserting in lieu thereof "any country or regional organization designated for purposes of this section by the Secretary of Defense"; and

(2) in subsection (f)—

(A) by striking out "each quarter of fiscal years 1992 and 1993" and inserting in lieu thereof "each fiscal-year quarter";

(B) by striking out "congressional defense committees" and inserting in lieu thereof "Congress"; and

(C) by striking out "Japan, Kuwait, and the Republic of Korea" and inserting in lieu thereof "each country and regional organization from which contributions have been accepted by the Secretary under subsection (a)".

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

"SEC. 1045. BURDENSHARING CONTRIBUTIONS FROM DESIGNATED COUNTRIES AND REGIONAL ORGANIZATIONS.".

SEC. 1045. MODIFICATION OF CERTAIN REPORT REQUIREMENTS.

(a) BIENNIAL NATO REPORT.—Section 1002(d) of the Department of Defense Authorization Act, 1985 (Public Law 98-525; 22 U.S.C. 1928 note), is amended—

(1) by striking out "(1) Not later than April 1, 1990, and biennially each year thereafter" and inserting in lieu thereof "Not later than April 1 of each even-numbered year";

(2) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2); and

(3) by striking out paragraph (2) (following the paragraph (2) designated by paragraph (2) of this subsection).

(b) REPORT ON ALLIED CONTRIBUTIONS.—Section 1046(e) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 105 Stat. 1467; 22 U.S.C. 1928 note) is amended—

(1) by striking out "and" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new paragraph:

"(4) specifying the incremental costs to the United States associated with the permanent stationing ashore of United States forces in foreign nations.".

(c) SENSE OF CONGRESS.—(1) The Congress finds that the Secretary of Defense did not submit to Congress in a timely manner the report on allied contributions to the common defense required under section 1003 of the National Defense Authorization Act, 1985 (Public Law 98-525; 98 Stat. 2577), to be submitted not later than April 1, 1993.

(2) It is the sense of Congress that the timely submission of such report to Congress each year is essential to the deliberation by Congress concerning the annual defense program.

AMENDMENT TO H.R. 2401, AS MODIFIED OFFERED BY MR. SPENCE OF SOUTH CAROLINA (OR HIS DESIGNEE)

After section 1303 of the bill, insert the following new section:

SEC. 1304. ALTERATIONS IN FUNDING FOR DEFENSE CONVERSION, REINVESTMENT, AND TRANSITION ASSISTANCE PROGRAMS.

(a) COMMUNITY ADJUSTMENT AND DIVERSIFICATION.—The amount provided in section 1321(a) (relating to community adjustment and diversification assistance) is hereby increased by $40,000,000.

(b) OFF-SETTING REDUCTIONS.—The amount specified in the matter preceding the paragraphs in section 1311 for activities of the Department of Defense under chapter 148 of title 10, United States Code, and section 2197 of such title is hereby reduced by $40,000,000, of which—

(1) 50 percent of such reduction is hereby achieved by reducing the funding for the manufacturing extension program, as provided in paragraph (5) of section 1311, by $20,000,000; and

(2) 50 percent of such reduction is hereby achieved by reducing the funding for the defense dual-use extension program, as provided in paragraph (6) of such section, by $20,000,000.

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

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

There was no objection.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994

The SPEAKER pro tempore. Pursuant to House Resolution 246 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2401.

□ 1436

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2401) to authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1994, and for other purposes, with Mr. DURBIN (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to House Resolution 246, the gentleman from California [Mr. DELLUMS] will be recognized for 30 minutes and the gentleman from South Carolina [Mr. SPENCE] will be recognized for 30 minutes for further general debate.

The Chair recognizes the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, I yield myself such time as I may consume. I rise to bring before my colleagues the bill, H.R. 2401, the National Defense Authorization Act for fiscal year 1994. Members will recall that before the recess we began general debate on this bill under a previous rule. Today, after an additional hour of general debate, we will proceed to consider amendments made in order by the rule, beginning with those concerning missile defense and then proceeding to those concerning the Trident missile program.

Since we last debated the defense bill, the Clinton administration has released the initial results of its much heralded bottom-up review of defense needs and programs. These initial results do not include budgetary information or detailed force structure or programmatic recommendations, and so they do not yet form a proper basis for legislative action. The Committee on Armed Services will hold full hearings into the substantive judgments behind the force structure, programs, and budgets that emerge from the bottom-up review, and the results will affect the Committee's bill next year.

Since our military forces are already on a steady path of reduction, our action on force structure this year would be much the same whether the ultimate force were that outlined in the bottom-up review, the larger base force presented in previous years by the Bush administration, or the smaller options outlined by Les Aspin as chairman of the House Armed Services Committee last year.

Regarding military research and development and acquisition, the committee had postponed decisions until the next fiscal year, where that could be done with little cost. Thus many of the controversial procurement issues addressed in the bottom-up-review, such as the proposed procurement of an unneeded third Seawolf attack submarine for reasons of defense industrial policy, can and should be left for thorough consideration next year. In other areas, such as tactical aircraft, the committee took action in advance of the bottom-up review. I am pleased to report to my colleagues that on these programs the bottom-up review has

largely validated the judgments already made by the committee.

I would like to remind my colleagues that the bill we consider today contains many elements of sound defense policy:

It puts people first—and protects the quality of our military personnel—by funding a full 2.2 percent military pay raise;

It reallocates operations and maintenance spending to improve force readiness and cut defense waste and overhead;

It rationalizes and improves the affordability of tactical aircraft and other major procurement programs still relevant to the post-cold war world;

It maintains procurement options and preserves important elements of defense industrial base by low-rate procurement and upgrades of key weapons systems;

It continues to modernize the Guard and Reserve forces that are an increasingly important element of our overall military capability; and

It establishes a National Commission on Military Roles and Missions, to spur a more significant rationalization of the defense effort.

This bill does not come as far as this Member would like in adjusting the military budget to the needs of the post-cold war era—including our needs at home that require a smaller defense budget and greater social spending. However, the committee bill does make significant progress that could be accelerated in the future:

It cuts ballistic missile defense to $3.0 billion, less than one-half the level planned by the Bush administration, and kills Brilliant Pebbles and other space-based systems inconsistent with the ABM Treaty,

It postpones commitment to additional attack submarines until current ones are paid for, fences Trident D–5 funds pending an administration report on options for saving money and reducing warhead levels, and maintains the previous funding cap on the B–2 program.

It bans development of mininuke weapons, and creates a stockpile stewardship program to move the Defense Establishment further toward technical readiness for and political support of a complete nuclear test ban;

It cushions the blow of the defense drawdown, strengthens the civilian economy, and improves the defense industrial base by increased funding for defense conversion, reinvestment, and transition assistance, to a total of $3 billion including dual-use technology investments, a national shipbuilding initiative, and significantly expanded community assistance funding; and

It devotes a record $11.2 billion to environmental cleanup and improvement, and does so in a way that will stimulate the development of new technologies and new markets for American firms; and

It reorients civil defense programs toward disaster relief and away from an exclusive focus on nuclear war.

I have circulated to my colleagues my own historical perspective on President Clinton's defense budget proposals. While it may seem surprising, the current and planned drawdown is less severe and more gradual than those following the wars in Korea and Vietnam. Those who are concerned about the ability of the Pentagon to maintain ready forces should note that President Clinton's budgets continue the high ratios of defense spending to active duty personnel that produced the high-quality force of the 1980's. Given the relatively small size of the military threats to our security that can be discerned around the world, it is reasonable to ask for a detailed justification of why we will need in 1998 to spend as much in real dollars as we did during the mid 1970's, and why we will need an active-duty force fully two-thirds as large as that which we maintained in those cold war years.

In developing next year's budget, the committee will scrutinize the Pentagon's bottom-up review and conduct its own independent investigation of how much and what sorts of military forces are needed to keep the United States secure and strong, economically and socially as well as militarily.

In sum, this year's bill takes needed steps into the future without prejudicing issues that require further study. I believe it can be supported by a majority of my colleagues.

□ 1440

With those opening remarks, Mr. Chairman, I reserve the balance of my time.

Mr. SPENCE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as Chairman DELLUMS has just stated, we are again taking up the defense authorization bill for 1994. Since the last time we met on this bill early last month a momentous event has occurred. We have had the unveiling of the administration's bottom-up review. Accordingly, I would like to make a few remarks in that context.

Our task here today is to consider the needs of our defense in a post-cold-war environment. The logical way to approach this problem would be to first look at the potential threats we have facing us, both in the short term and in the long term. We would then get appropriate advice from people who know best how to defend against such threats. We would then raise and maintain competent people and equipment to deter and defend against these threats.

Based on such a threat assessment, we would decide on a sufficient budget. In contact to this kind of logical process, the President, and the Committee on the Budget, and ultimately the Congress without the benefit of any threat assessment, have picked a defense spending figure out of the air for our defense budget. After deciding on the funding levels, the administration then launched its bottom-up review, which is just now being released. This is just the opposite of how we should have proceeded. We should have the threat assessment first, and then decide what source structure and defense budgets are necessary to counter the threat.

Surprisingly, this bottom-up review and the Cheney-Powell base force strategy objectives are very similar, but available force structure and budget resources are significantly different. Both plans retain the basic objective of being able to fight two regional conflicts nearly simultaneously. The problem is that the bottom-up review recommends a defense plan and a military force structure that cannot be supported under the budget cuts supported by the President and this Democratically controlled Congress.

The missing link in the bottom-up review is that the funds necessary to pay for its recommendations are missing. Therefore, my problem, and I think the problem for all of us, is how to reconcile the differences between the Aspin strategy, the Aspin force structure, and the Clinton budget.

Mr. Chairman, I reserve the balance of my time.

Mr. DELLUMS. Mr. Chairman, I yield 5 minutes to my distinguished colleague and chairman of the Subcommittee on Military Installations and Facilities of the Committee on Armed Services, the gentleman from Oklahoma [Mr. MCCURDY].

□ 1450

Mr. MCCURDY. Mr. Chairman, I rise in strong support of this defense authorization bill. I do so first of all by wanting to recognize the very able work of our distinguished chairman, the gentleman from California [Mr. DELLUMS]. This is his first time to the floor as the chairman of the full committee on this bill. And our committee, as Members know, is a diverse committee, and we had a very full and open debate. And I want to commend the gentleman from California for his fair and objective handling of this bill.

He is also a delight to work with. I would extend the same to our colleague from South Carolina [Mr. SPENCE] and the other members of the committee, because this was a very important bill, very important piece of legislation. It is a time of great change, and there is much that we have to consider this year and in the next 2 years as we see a dramatic shift in emphasis in the way we provide for our national security as we see a doctrinal change in our foreign policy, as we start to address some of the threats that are emerging after the collapse of the former Soviet

Union and communism as an ideological competitor to free market economies and democracy.

We also took into consideration some of the potential changes that we knew would be coming forward out of the bottom-up review. I am pleased to indicate that although we do not have all of the specifics of the analysis of the bottom-up review, it is clear that we anticipated a number of the areas that were supported by Secretary Aspin and the Chairman of the Joint Chiefs' proposal of last week. It is clear that the Armed Services Committee and the Congress has maintained a higher priority over the years on mobility and on lift, whether it is sealift or airlift, and this bill continues that. I believe that we are going to see very real progress in both areas.

We believe that some of the technical and engineering problems, for instance, on the C–17 are resolved and will be able to move forward. And there is an upcoming Defense Acquisition Board meeting on that that I think will confirm that the requirements are solid, that the ability to perform that mission will be supported as well.

We are also placing a degree of emphasis on high-performance capability of our technology and our forces, emphasizing a technological advantage that the United States maintains and wants to continue into the future.

We also are in the process of downsizing of the military, and we see the drawdown and reductions on our overall forces. Yet, we believe that with the bottom-up review that the senior military and the Secretary of Defense is concerned as we are that we maintain the quality of the personnel, because no matter whether the forces are forward deployed or CONUS-based, or whether they are active or guard, whether they have the best technology available or not, if they are not highly trained, and we do not provide the readiness training for them, they cannot perform their mission. We have the finest young men and women in uniform today we have ever had, and it is a priority that we keep them.

We also are looking at some very important choices in the research and development areas. Tactical aviation is one of those. I believe the committee has made some sound choices there, and we look forward to resolving some of those on the aviation assets.

We also will have a debate on ballistic missile defense, and I think the committee took into consideration the real options out there, and came up with a good provision. I commend the gentleman from South Carolina [Mr. SPRATT] and others for their leadership on that issue as well.

Last, Mr. Chairman, I want to mention just in our jurisdiction of military construction that we were able to work with the military in establishing priorities such as family housing and personnel, but also to try to lay the groundwork for a proper conversion effort, and also to accelerate the base closures so that communities would be able to take over those facilities once they were designated for closure by more rapid environmental cleanup, and for the provision to protect those communities and the jobs as best we can.

I also want to commend the ranking Republican on our subcommittee, the gentleman from California [Mr. HUNTER] for his cooperation and support throughout that process.

Mr. Chairman, it is a good bill and we will have a long debate, and I welcome that debate and encourage support for the bill.

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. HYDE], the chairman of our Policy Committee.

Mr. HYDE. Mr. Chairman, I want to thank my friend, the gentleman from South Carolina [Mr. SPENCE] for yielding me this time, and my good friend, the gentleman from California [Mr. DELLUMS], the chairman of this important committee.

The SDI, known pejoratively as star wars, has been vilified by some very important citizens over the years. We have been told it would bring us closer to a nuclear war, it would trigger an arms race.

We were told it was a bizarre technology in space that is going to ruin us economically and militarily.

But last week, the chairman of the Supreme Soviet Foreign Relations Committee in the 1980's, Mr. Vladimir Lukin, was quoted in the Richmond newspaper on the question of whether star wars won the cold war or was a stupidly expensive joke, and his answer was fascinating. He said, "You accelerated our catastrophe by about 5 years." So, at least insofar as the chairman of the Foreign Relations Committee of the Supreme Soviet during the 1980's is concerned, SDI, or star wars was a very good investment. For some $26 billion over the years, we saved well over $100 billion with the demise of the Soviet Union and the termination of the cold war.

In addition to present members of the nuclear club, Iran, Iraq, Pakistan, and North Korea are pursuing a nuclear capability. More than 12 countries have operational ballistic missiles, and other weapons of mass destruction are proliferating. More than 24 countries have chemical weapons that are deliverable. Libya, Iran, and Iraq also have chemical weapons. North Korea has enough plutonium, we are told, for at least one nuclear weapon, and they have what is called a No-Dong missile with a range of 1,000 kilometers that puts Japan, Guam, and United States forces stationed there within reach, not to mention the United Nations forces in the Mediterranean within reach of the Libyan No-Dong.

Now we are not debating today, I daresay, the existence of nuclear proliferation. It exists. We are not debating this threat of ballistic missiles. That is a fact.

It is a question of when these ballistic missiles with nuclear or chemical warheads will have the range sufficient to hit our country. It is a question of when they will threaten U.S. personnel and the U.S. homeland. Will this occur in 5 years, 10 years, or 2 years? I do not have the answer, and I do not think anybody has the answer. But I do contend that America needs the insurance of a ballistic missile defense for the population of this country.

We could deploy within 5 years an ABM Treaty-compliant national missile defense system, or we could vote for the damaging cuts that are going to be offered and gut our chances for a real counter-proliferation policy. I suggest to my friends and colleagues the SDI has only begun its usefulness to this country and to the cause of peace. With the nuclear club expanding by the end of this decade into some 24 countries capable of delivering a nuclear weapon, or a chemical weapon, or a biological weapon, we cannot abandon our immense lead in this technology.

The cold war is over, indeed. But the world is not less dangerous. It is differently dangerous. So I hope that my friends in this body will understand the role that the SDI played in ending the cold war, and that we persist in developing this important technology.

Mr. DELLUMS. Mr. Chairman, I yield 3 minutes to my distinguished colleague, the gentleman from Mississippi [Mr. MONTGOMERY], chairman of the Committee on Veterans' Affairs, and vice chairman of the Committee on Armed Services.

□ 1500

Mr. MONTGOMERY. I thank the chairman of the full Committee on Armed Services for yielding this time to me.

I might say that I commend the chairman of our committee, the gentleman from California [Mr. DELLUMS] and also the ranking minority member for their support in getting this legislation to the floor.

I would like to also repeat that the chairman of the full committee was very fair in the markup of this legislation. Every member on the committee had the time to say what they wanted to in offering these amendments. As I recall, we started at 9 o'clock in the morning and went until 12:30 that night. I have been on the committee for 20 years. That is the longest and hardest markup that I have been involved in.

But it is a good bill, Mr. Chairman.

I see some areas that I am not particularly happy with, but overall I think we have done a good job for this country in continuing to have a strong military.

I asked for this time because in the committee I tried to work in the area of National Guard and Reserve, and this legislation is fair to the National Guard and Reserve.

Our strength levels for the Reserve are coming down under this bill, but it is not a drastic cut. In other words, I truly believe that we will not have to close many armories around the country in the small communities, because the strength levels we have for the National Guard and Reserve are fair and will not cause wholesale closings of armories and taking the revenue away from these different communities.

We have been able to add some spending for the National Guard and Reserve as far as equipment is concerned. There are some add-ons.

They will help to see that the Reserves get first-class, good equipment and good training. So I rise in support of the legislation and thank the gentleman for this opportunity.

Mr. SPENCE. Mr. Chairman, I yield 3½ minutes to the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. I thank the gentleman for yielding.

Mr. Chairman, I take part in the opening of this debate, which will ensue for the next several days, with a certain amount of concern.

In expressing that concern, I would just point out that I was one of the Republican Members who voted to report this bill from committee. I did so because I thought the efforts of the chairman and the ranking member and all those who worked so hard and diligently in a spirit of bipartisanship and compromise have reported a bill that deserved the support of Members of both sides of the aisle.

I came to that conclusion remembering a statement that was made by someone that we all know and respect, back in the fall of 1990, when Secretary Cheney came before the Committee on Armed Services and said words that I can remember as well as if they were spoken yesterday. He said,

> I am here on a historic moment. I am here as we prepare to go to war with the fourth biggest military organization in the world and on the eve of that I am here to tell you why we need less defense.

And we have been working together to date to provide for a defense structure that Secretary Cheney pointed to in saying that this time, meaning this time after a period of hostilities, that, "We are going to do it right. We are going to do it different than we did all other times in the past. This time we are going to do it right."

To date I think we have come pretty close to meeting that objective in doing it, as the Secretary pointed out, right.

I think, as this bill stands today, while I would certainly do some things differently—and I will make those items very clear as we proceed through the debate over the next several days, I think this bill comes close to it as it stands today. But as I said before I had some concerns, and those concerns are brought about by some amendments which are going to be proposed during the next several days, which do cause a certain amount of concern—they cause concern among others as well.

For example, there are some amendments that will affect the ballistic missile defense funding that was proposed by President Clinton and modified somewhat by the House.

We have a letter which has been forwarded to the Congress by Undersecretary of Defense John Deutch, expressing the opinion of the administration that perhaps these amendments cut too deeply—not perhaps, he says they do cut too deeply.

We also have an amendment which will be proposed which causes concern on the Trident II, D-5 missiles, to Secretary Aspin and Gen. Colin Powell, and a letter from President Clinton expressing their concern on an amendment to be offered relative to the downsizing and eliminating the D-5 missile programs.

Now, we are going to have a debate on some amendments that have to do with burden sharing, which Secretary Christopher as well as Secretary Aspin have written to us expressing their concerns.

So I prevail on them on both sides of the aisle to use due diligence during the course of this debate and keep in mind the national security needs of our country and perhaps some of these amendments which are to be offered could be withdrawn or at least you will listen carefully as we express our desire to have them defeated.

Mr. DELLUMS. Mr. Chairman, I reserve the balance of my time.

Mr. SPENCE. Mr. Chairman, I yield 3½ minutes to the gentlewoman from Florida [Mrs. FOWLER].

Mrs. FOWLER. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise today to express my concern over proposals, some contained in this bill, others to be offered as amendments, that would make drastic cuts in our military.

Nearly every proposal to reduce our military strength is backed with the argument that the cold war is over and the Soviet Union has collapsed. Proponents of these drastic cuts in defense speak of a peace dividend. They argue that a diminished threat abroad means focusing our attention—and our resources—inward.

Mr. Chairman, I would argue that the threat is more different than diminished. The world has always been, and will always be, a dangerous place, with or without a Soviet Union. It was not a cold war with the Soviet Union that sent my father to battle in the Pacific. It was a very real war with a dictator in Germany and an expansionist emperor in Japan.

Even earlier this century, the assassination of an archduke in a place called Sarajevo, Bosnia-Herzegovina led this country into the war to end all wars. Ironically, we stand here eight decades later contemplating military action in that same small country.

We know now that World War I was not the war to end all wars, and we should realize that the end of the cold war is not the end of our need for a strong national defense.

It is naive to suggest that we have spent the last decade and a half developing the most advanced, sophisticated, and effective military in the world simply to defend ourselves against a single nation. Even as we were preparing for potential battle with our rival superpower, we were also defending United States interest against threats from radical clerics in the Middle East, from drug-running dictators in Central America and from terrorist-exporting nations in northern Africa.

As America becomes more and more involved in the global economy, regional conflicts become increasingly more threatening to our national interests. The United States is the world's leading exporter with 70 percent of our economic growth coming from exports.

Those who would want the United States to withdraw to its shores in order to focus on domestic problems ignore the basic fact that our domestic success is now undeniably linked to our presence around the world. Those who would slash our military defense budget ignore the fact that the Soviet Union never was the sole threat to our national security.

The current situation in the former Soviet Union can, and should, impact the contents of the bill our committee has sent to the floor. However, the Soviet Union was not the threat to our Nation, it was a type of threat. Today, we are faced with many other types of threats and this bill should reflect those changes. In many instances it does.

I would urge my colleagues to reject any amendments that seek to make major cuts in our military based solely on the demise of the Soviet Union. America's interests stretch far beyond the former Soviet Union, America's interests are global and we must maintain a military that is able to protect those interests.

□ 1510

Mr. SPENCE. Mr. Chairman, I yield 4 minutes to the gentleman from Colorado [Mr. HEFLEY].

Mr. HEFLEY. Mr. Chairman, I thank the gentleman from South Carolina [Mr. SPENCE] for yielding me this time.

Mr. Chairman, I am concerned about this bill because of the road I think it sets us on over the next 5 years toward a dismantling of our defense structure in this country.

I look at the bottom-up review and what I see are the first steps being taken toward this very dismantling of defense. For those of you who believe that the bottom-up review was anything more than a way to justify massive defense cuts, let us look at a little history about the ability of the Commander in Chief to dodge everything, even the truth.

Candidate Bill Clinton pledged an additional $60 billion in defense cuts on top of the Bush cuts. He dodged the voters by stating that defense cuts would be deep, but not drastic. The election is over. The magic wand has been waved, and hocus-pocus, $60 billion in defense cuts become $127 billion.

I call this dodging the truth. I also call it drastic cuts. This $127 billion in cuts was included in the tax increase bill that Congress passed before the recess. We all know, and the American people know, that that package was a dodge of dealing with the deficit.

Then just 1 week ago Secretary of Defense Aspin announced the results of his bottom-up review of defense spending. Lo and behold, they found out that they could afford to cut $127 billion out of defense.

How do these numbers match? Was it magic or was it the artful dodger at work again?

How much we spend on defense should be determined by an assessment of the threats that are out there, not some number pulled out of the air.

As we deliberated in the committee, and the gentleman from South Carolina [Mr. SPENCE] and the gentleman from California [Mr. DELLUMS] will remember, as we deliberated in committee and Secretary Aspin was before us, the question was asked, Do these numbers come out of a threat assessment, or do they come out of the air?

He hesitated a good while and he said, "Well, they mostly come out of the air, particularly in the out years."

In other words, it appears the White House called down and said, "Mr. Aspin, we need so many billion dollars. Get it out of defense."

That is not the way defense planning should be conducted.

The latest dodge I think was in February this year, Mr. Clinton said:

> The men and women who serve under the American flag will be the best trained, the best equipped, the best prepared fighting force in the world, so long as I am President.

I think Mr. Clinton again is dodging the truth. I think under this budget and the budget this sets up for the next few years, it cannot be done.

Our military leaders are telling us it cannot be done. With $127 billion in additional cuts, it cannot be done unless you are a magician of some kind.

Mr. DELLUMS. Mr. Chairman, I yield 1 minute to my distinguished colleague, the gentleman from Florida [Mr. HUTTO], the chairman of the Subcommittee on Readiness of the Committee on Armed Services.

Mr. HUTTO. Mr. Chairman, I thank the gentleman from California for yielding me this time.

I want to commend Chairman DELLUMS, as well as our ranking member on the committee, the gentleman from South Carolina [Mr. SPENCE], for the fine work they have done on this bill.

This bill reflects the reality of the times. There are some of us who have been concerned that this drawdown is too deep and too quick.

I was pleased recently to hear that Secretary Aspin has indicated to the President that over the next 5 years we will need about $20 billion more.

There are still threats in the world. We are all pleased that there have been some very significant changes and the threats have eased somewhat as far as the big war is concerned; but the world is a volatile place and we need to make sure that we have a strong defense.

On the Readiness Subcommittee, the one thing we have been concerned about, and thankfully during the declining defense budgets and the drawdown, we have made sure that we are not going to have a hollow force. If we are going to have a smaller force, it is going to be a good force.

So what we have done in our section of the bill is to make sure that we fund properly at an optimum level, the same level of flying hours, steaming hours, tank mileage, so that we in the process of the drawdown will make sure that our forces, all of our services, have the necessary resources they need to do a good job so that when necessary they can response to whatever the situation may be from any part of the world.

So I look forward to working with the chairman and the ranking member and all our committee members as we pass this bill and get on to the Senate and come up with a good bill that will provide for the defense of our Nation.

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from San Diego, CA [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding me this time.

I want to commend the gentleman from South Carolina [Mr. SPENCE] as our ranking Republican for handling the matters and issues on our side in this markup of this important bill in a very fair and effective manner. He has been a real joy to work with.

Along with my colleagues, I want also to say that the gentleman who chairs this committee, the gentleman from California [Mr. DELLUMS], while I have disagreed with him on many, many substantive issues with respect to defense and intend to pursue that course in a minute, he has provided one very precious commodity in this House that is all too rare, and that is a full and fair debate on a critical issue of national security, and I thank the gentleman for that.

Mr. Chairman, I characterize this Defense bill in a couple ways. One way is that it is a wasting of very precious breathing space that was given to us by the victory in the cold war. We are told by our Intelligence leaders and most of them now have been chosen by our President, Mr. Clinton, we are told that we have adversaries, unstable adversaries who are developing nuclear systems and developing the means of delivering those systems to our military forces and to American population centers.

We say, are they building these things? And they tell us in the briefings, yes, they are building these things.

We say, does it appear that their intent is to use them on us and on our people? And our Intelligence people say yes, you can reasonably believe that they intend to use them on you.

Can we stop these missiles, these intercontinental and theater ballistic missiles presently? The answer is no.

You would think that the logic that would fall from asking those questions and getting those answers is that we must embark as quickly as possible with as much resources as possible to muster and to build systems to stop ballistic missiles and to stop theater missiles, and we have not done that. We have pursued this game of bracketing a certain dollar amount and then setting the rule up so that the House will have a certain momentum moving in favor of coming in with a modest spending on the strategic defense initiative, on the ability to stop ballistic missiles, and it absolutely makes no sense.

Five or six years down the line, our successors may say, When you had breathing space, when you had some room, why didn't you move? Why didn't you build defenses against the ballistic missiles that North Korea was building in the early 1990's? And we will have no answers.

Second, I look at this bill as a down payment on a long road toward an indefensible national strategic and conventional posture. It is a $12-billion downpayment on an indefensible $127 billion cut and it is now clear that that cut will not allow us to fight two wars simultaneously, will not allow us to fight a Desert Storm, defend the Korean Peninsula, and perhaps defend a Panama Canal-type contingency, so we are doing exactly what we promised we would not do. We are setting the groundwork right now for a hollow force.

If the 1980's was a time of peace through strength, the 1990's may be a time of losing peace through weakness.

Mr. SPENCE. Mr. Chairman, I yield 4½ minutes to the other gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Chairman, it is a long, long time from September 1993 to November 1994, but the days will grow shorter as the months pass. Next summer when we are debating the fiscal

year defense budget for 1995, I think we will see that the 1992 Presidential campaign, as the gentleman from Colorado [Mr. HEFLEY] pointed out a few moments ago, was truly a sham. We are gutting the defenses of this country in a world that is still very, very dangerous.

□ 1520

Over the break, Mr. Chairman, I had the opportunity to travel with four solid Democrats from the Armed Services Committee. There are strong, prodefense Democrats. We visited several countries in the Middle East, and we also went as far as the Khyber Pass in Pakistan. Everywhere we went, Mr. Chairman, we were specifically studying Special Forces. Those forces in each country look to the United States and its Special Forces for operational guidance and for the cutting edge of training skills. We learned how they will handle terrorism, and everywhere we went, particularly in Israel, we were given this message:

> Nobody is going to win a war on terrorism; nobody is going to win a war against dictatorships. It is an ongoing battle for as far as the human mind can stretch into the future.

I remember once quoting Plato from this lectern. I quoted him where he said only the dead have seen the end of war. A leader from the other side, a great orator, got up and said that was a cynical remark. I said, "Well, take up your cynicism with Plato and the Greek philosophers; leave me alone," because the truth is that Plato was correct.

Over the break, Mr. Chairman, I was also given a book by a Special Forces brigadier general, the commander of special operations in the Middle East, called, "We Were Soldiers Then and Young." It was about the first major battle in the Vietnam war, November 14 through 18 of 1965, next to the River Drang in the Ia Drang Valley. It was horrendous to read the names of young American officers and soldiers slaughtered; 305 fighting men died in that Ia Drang Valley operation, 234 of them from just one 7th Cavalry regiment. This is more men than were lost in any regiment, North or South, in the Battle of Gettysburg. I looked at those names, and, when I came home to the 30th anniversary of Martin Luther King's march on Washington, walking back to my car I was drawn again like a magnet to the Vietnam Wall. This time I took those little pieces of paper which the Park Service hands out and a big piece of lead, and I traced the name of John Lance Geoghegan, known to his friends as Jack, his parents as Lance, 2d lieutenant, New York. He died in the first day of that fight in the Ia Drang Valley. I traced the name of Henry Toro Herrick from Laguna Beach, traced the name of Jimmy D. Nakayama who was napalmed by friendly fire from an F-100, the plane I flew in the Air Force. I traced the names of some other heroes who were lost for a week and made their way back to friendly lines, an incredible story of escape and evasion, and I thought, is that battle of the Ia Drang Valley that opened the door to the killing fields of Vietnam a story in the distant myths of history, or will we again call on other young machine gunners and lieutenants to go into battle and defend freedom against tyrants and totalitarian regimes? And I thought, yes, we will see the Geoghegans, and the Scotts, and the Plumleys, the two sergeant majors of the two battalions, and we will see other young lieutenants, like Geoghegan, and Herrick, and other leaders like the battalion commander, Lt. Col. Hal Moore go into the jaws of death and fight for freedom. If we leave our heroes the same hollow forces and the undermanned units that we saw in Vietnam, what a disgrace to this committee and this House. We will write another tragic chapter in the history of our country.

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from Arizona [Mr. KYL].

Mr. KYL. Mr. Chairman, I would like to refer, first of all, in this period of debate to the bottom-up review, so-called, that Secretary Aspin has performed, as it might relate to the force levels and spending levels that we are about to vote on in the next couple of days and, in particular, the ballistic missile defense system and its funding levels.

A lot of people, when they originally heard about this bottom-up review, Mr. Chairman, were skeptical, concluding that it probably was a way to justify a budget number already arrived at. As a matter of fact, Secretary Aspin himself lent some credibility to this theory when he talked about coming up with a number on the back of an envelope which was the number that we had to mark to this year.

Well, I am afraid, Mr. Chairman, that there is now some justification of the position of those critics who suggested that this bottom-up review was little more than an effort to meet a specific budget number, rather than a thorough analysis of strategic requirements, which drove the process which then resulted in a number.

Why do I speak this way?

What we find is that in analyzing the document that the Vice President submitted yesterday to the President for reinventing government and finding new ways to make savings in all of government, in the preface there is this description by the Vice President of part of the review. The Vice President said, and I am quoting now from the preface to the reinventing government document:

> We examined every cabinet department and ten agencies at two departments, Defense and Health and Human Services. Our work paralleled other large-scale reviews already under way.

Then here is the critical sentence:

> Defense had launched a bottom-up review to meet the President's 1994–1997 spending reduction target.

Now, Mr. Chairman, let me repeat that. It bears repeating.

> Defense had launched a bottom-up review to meet the President's 1994–1997 spending reduction target.

Unfortunately, Mr. Chairman, that confirms what a lot of us thought was the intent and the purpose of this bottom-up review, and that is most unfortunate because we really do need a new strategic assessment given the new conditions in the world today which ought to enable us to intelligently determine at what level we should have defense spending and what the specific components of that should be.

The reason that this is of such concern to me is that I think there were some predetermined cuts in this budget that are a big mistake, and we are going to be voting on those very soon, later on today. Largely they occur in the area of the ballistic missile defense portion of the budget, and I objected to the rule because the amendments that were authorized I thought, and the way that they were authorized, did not set this issue up in the way that it has been done in the past.

I will just make this point in summary, and then I hope to have a minute to talk about it during the general debate on the ballistic missile defense system. The problem with the funding of the system in the budget is that all of the follow-on technologies and system for protection of the United States have effectively been eliminated. What has been done in this budget is to concentrate strictly on the theater ballistic missile defense system. I do not think that any of us would deny that that is a good place to start and that that ought to be our first focus. But it is a grave mistake, Mr. Chairman, for us to virtually eliminate the spending for the follow-on systems, the follow-on research and the protection of the United States; and I hope that in a minute, when we begin to debate the ballistic missile system, we will have an opportunity to discuss this further because it is something, I think, in the end we will regret, and, as I go back to my first point, it is something that unfortunately, I think, was done to fit a budget number, a preordained number, rather than something that was done with the strategic necessities, the protection of the United States and its citizens, in mind.

Mr. SPENCE. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. DELLUMS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we are now in the last minutes of the general debate on this

bill, and I would like to make a few observations.

First of all, Mr. Chairman, during the course of the general debate my distinguished colleague on the other side of the aisle, the gentleman from Illinois, made a few comments with respect to ballistic missile defense. I would like to make a few observations. First, he quoted former chair of the Supreme Soviet pointing out that by virtue of our expenditures in what then was referred to as SDI accelerated their demise. My response would be: Yes, we won the cold war, and we need to get on with it and get beyond it.

□ 1530

Second, he pointed out the need for a treaty compliant system. I would suggest to my colleagues the only way you could have a treaty compliant national ballistic missile defense system would be if it were, A, ground based, and, B, only at one site.

Question: What do you gain with the national ballistic missile defense at one site? I would suggest if you are going to have a system that goes beyond one site, then you have to violate the ABM Treaty. So there is no such thing as a treaty compliant national ballistic missile defense system, if indeed you are going to go out there and develop a level of protection that, given those notions about the threat, make sense.

Third, we need to look at what is indeed the threat. We as Members of this body who represent the American people have to ask the question, What is the nature of the nuclear threat? Are we more likely to receive an ICBM from some Third World country or are we more likely to have a weapon backpacked into this country? If the answer is the latter, then a national ballistic missile defense system, treaty compliant or not, is bizarre in the extreme.

I would like to now turn to a comment made by my distinguished colleague and member of the committee, the gentleman from Colorado, who quoted the Secretary of Defense regarding the outyear numbers.

The gentleman from Colorado is absolutely correct in his articulation of the comments made by the Secretary of Defense, Mr. Aspin, regarding the outyear numbers. But what I think the gentleman also to point out is what the Secretary of Defense said after he made those remarks. He said, A, we did not have time to develop a thorough analysis that would rationalize or justify our outyear numbers. I believe this is virtually a verbatim quote, but let me at least paraphrase it: I will be back next year with a military budget in fiscal year 1994 for the next 5 years based on a bottom-up review that would then put the stamp of the Clinton administration on the outyear figures.

Mr. Chairman, I think it is important to add that quote in.

Finally, let me just make a few general observations.

Mr. Chairman, for the next 3 or 4 days we are going to debate an important piece of legislation, H.R. 2401, the national defense authorization bill for fiscal year 1994. In so doing I would like to say to my colleagues that the world has changed. The cold war is over, the Berlin Wall is down, the Warsaw Pact no longer exists, and the Soviet Union has dissipated.

Just a few short months ago many of us would not have contemplated these realities. But, indeed, the world has changed. Based on those changes, we now must reach to new thoughts, new ideas. I would suggest to new paradigms.

This is an incredible moment. This is a moment pregnant with great potential, to begin to rethink America's national security needs in a rapidly changing world.

Mr. Chairman, the question that lie before us, not only in the next 4 days, but in the next several months and the next few years, are as follows: what should be our new definition of national security in a post-cold-war world? What is indeed the nature of the threat out there, not politically defined, but objectively arrived at? What should be an appropriate rate of drawdown that would be responsible and that indeed would make sense? What level of troop force is necessary in this rapidly changing world based on a new threat assessment? What weapons indeed do we need as we march toward the 21st century? How do we maintain an appropriate industrial base in a post-cold-war world? How do we really engage in economic conversion as we convert from a $300 billion military budget based on cold war assumptions to a reduced military budget in a post-cold-war world?

It is easy to give a speech about converting from building B-2 bombers to building efficient mass transit systems, or converting from building other nuclear weapons to enhancing the quality of human life. It is another thing to do it in reality.

These are hard questions, hard thoughts, hard ideas, that require our best thinking, that require the best of us as we move forward in this debate.

How do we effectively engage in toxic waste cleanup and environmental restoration? How do we responsibly close military bases and help those communities adversely affected, help those civilians who lose their jobs, and help those military personnel whose careers now must be rapidly changed? What is the new definition of force in a post-cold-war world? What is the new definition of the use of force in a post-cold-war world?

Mr. Chairman, these are questions that we must address. I would hope that all of us in the course of the next several days will rise to our highest and rise to our best. This country is in desperate trouble. There are millions of people unemployed; there are children undereducated; there are senior citizens leading miserable lives; there are people desperately in need of health care; there are urban communities in disarray. There are a myriad of problems that have to be solved, and we have to figure out how to balance the priorities.

The world no longer needs America spending $300 billion a year. The world no longer needs us building more nuclear weapons that have only one purpose, to destroy human life, as we communicate to our children that it is more important to build heinous weapons systems than it is to enhance the quality of their life.

So I hope in the course of these next several days as we debate H.R. 2401 that we do it with dignity, we do it with honor, and we do it with great reason and great dispatch, because the world awaits what we do and our people in this country await what we do.

Mr. Chairman, with those remarks, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. DURBIN). All time for general debate has expired.

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

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

H.R. 2401

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Defense Authorization Act for Fiscal Year 1994".

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into three divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees defined.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense-wide activities.
Sec. 105. Defense Inspector General.

Sec. 106. Defense Health Program.
Sec. 107. Reserve components.
Sec. 108. Chemical demilitarization program.
Sec. 109. National Shipbuilding Initiative.
Sec. 110. Denial of multiyear procurement authorization.

Subtitle B—Army Programs

Sec. 111. Procurement of helicopters.
Sec. 112. TOW missile program.

Subtitle C—Navy Programs

Sec. 121. DDG-51 destroyer and fast sealift programs.
Sec. 122. Attack submarine programs.
Sec. 123. Long-term lease authority for certain vessels.

Subtitle D—Air Force Programs (Nonstrategic)

Sec. 131. Intertheater airlift program.
Sec. 132. RC-135 aircraft program.

Subtitle E—Strategic Programs

Sec. 151. B-2 bomber aircraft program.
Sec. 152. B-1 bomber aircraft program.
Sec. 153. Trident II (D-5) missile procurement.
Sec. 154. Prohibition on retrofitting Trident I submarines to carry Trident II (D-5) missiles.

Subtitle F—Other Matters

Sec. 171. Chemical munitions disposal facilities, Tooele Army Depot, Utah.
Sec. 172. Authority to convey Los Alamos dry dock.
Sec. 173. Sales authority of certain working-capital funded industrial facilities of the Army.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorizations

Sec. 201. Authorization of appropriations.
Sec. 202. Manufacturing technology development.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Demonstration program for ballistic missile post-launch destruct mechanism.
Sec. 212. Funding for certain tactical intelligence programs.
Sec. 213. Federally Funded Research and Development Centers.
Sec. 214. High Performance Computer Modernization Program.
Sec. 215. High Performance Computing and Communication Initiative.
Sec. 216. Superconducting Magnetic Energy Storage (SMES) program.
Sec. 217. Single stage rocket technology.
Sec. 218. Advanced anti-radiation guided missile.
Sec. 219. DP-2 Vectored Thrust Technology Demonstration Project.
Sec. 220. Advanced Self Protection Jammer (ASPJ) Program.
Sec. 221. Electronic combat systems testing.
Sec. 222. Limitation on Department of Defense missile launches for test purposes.
Sec. 223. B-1 bomber aircraft program.

Subtitle C—Missile Defense Programs

Sec. 231. Funding for fiscal year 1994.
Sec. 232. Report on allocation of funds.
Sec. 233. Transfer authorities for Ballistic Missile Defense.
Sec. 234. Revisions to Missile Defense Act of 1991.
Sec. 235. Patriot Advanced Capability-3 theater missile defense system.
Sec. 236. Development and testing of anti-ballistic missile systems or components to be carried out in accordance with traditional interpretation of Anti-Ballistic Missile Treaty.
Sec. 237. Theater missile defense road map.
Sec. 238. Additional BMD programs.
Sec. 239. Report on national missile defense cost.
Sec. 240. Theater missile defense interceptor testing.
Sec. 241. Arrow Tactical Anti-Missile program.
Sec. 242. Extension of prohibition on testing Mid-Infrared Advanced Chemical Laser against an object in space.
Sec. 243. Technical amendments to reflect redesignation of Strategic Defense Initiative Organization.

Subtitle D—Women's Health Research

Sec. 251. Defense Women's Health Research Center.
Sec. 252. Continuation of army breast cancer research program.
Sec. 253. Inclusion of women and minorities in clinical research projects.
Sec. 254. Report on research relating to female members of the uniformed services and female covered beneficiaries.

Subtitle E—Other Matters

Sec. 261. Repeal of requirement for study by Office of Technology Assessment.
Sec. 262. Comprehensive independent study of national cryptography policy.
Sec. 263. Review of assignment of defense research and development categories.
Sec. 264. One-year delay in transfer of management responsibility for Navy mine countermeasures program.
Sec. 265. Strategic Environmental Research and Development Program.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.
Sec. 302. Working capital funds.
Sec. 303. Armed Forces Retirement Home.
Sec. 304. Transfer from National Defense Stockpile Fund.

Subtitle B—Limitations

Sec. 311. Notification requirement prior to transfer of certain funds.
Sec. 312. Extension of limitation on the use of certain funds for Pentagon Reservation.
Sec. 313. Prohibition on operation of the Naval Air Station, Bermuda.
Sec. 314. Limitation on the use of appropriated funds for Department of Defense golf courses.
Sec. 315. Codification of prohibition on the use of certain cost comparison studies.
Sec. 316. Location of certain prepositioning facilities.
Sec. 317. Use of funds for Navy depot backlog.
Sec. 318. Limitation on use of funds for Trident submarine force.
Sec. 319. Limitation on obligation of funds in connection with upgrades or repairs at the Army Reserve Facility in Marcus Hook, Pennsylvania.
Sec. 320. Prohibition on contracts with the Bahrain Ship Repairing and Engineering Company for ship repair.
Sec. 321. Limitation on chartering of vessels on which reflagging or conversion work has been performed in a foreign shipyard.
Sec. 322. One-year prohibition on reduction of force structure for reserve component special operations forces.
Sec. 323. Prohibition on joint use of Selfridge Air National Guard Base, Michigan, with civil aviation.

Subtitle C—Defense-Wide Funds

Sec. 331. Prohibition on use of Defense Business Operations Fund.
Sec. 332. Classification of certain competitive and noncompetitive activities of the Department of Defense; Noncompetitive Rates Board.
Sec. 333. Competitive and Regulated Business Operations Funds.
Sec. 334. Extension of limitation on obligation against Defense Business Operations Fund.

Subtitle D—Depot-Level Activities

Sec. 341. Department of Defense depot task force.
Sec. 342. Retention of depot-level maintenance workload management by the military departments.
Sec. 343. Prohibition on performance of depot-level support primarily by non-Government personnel.
Sec. 344. Prohibition on performance of certain depot-level work by foreign contractors.
Sec. 345. Modification of limitation on the performance of depot-level maintenance of materiel.
Sec. 346. Clarification of limitation on the performance of depot-level maintenance of materiel for new weapon systems.

Subtitle E—Commissaries and Military Exchanges

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Sec. 3402. Modernization of the civil defense system.

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.

For purposes of this Act, the term "congressional defense committees" means the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 1994 for procurement for the Army as follows:

(1) For aircraft, $1,506,537,000.

(2) For missiles, $1,084,315,000.

(3) For weapons and tracked combat vehicles, $876,997,000.

(4) For ammunition, $665,466,000.

(5) For other procurement, $2,946,362,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 1994 for procurement for the Navy as follows:

(1) For aircraft, $5,759,827,000.

(2) For weapons, including missiles and torpedoes, $2,764,824,000.

(3) For shipbuilding and conversion, $4,160,188,000.

(4) For other procurement, $2,861,480,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 1994 for procurement for the Marine Corps in the amount of $471,021,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 1994 for procurement for the Air Force as follows:

(1) For aircraft, $7,223,502,000.

(2) For missiles, $3,620,871,000.

(3) For other procurement, $7,621,793,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 1994 for defense-wide procurement in the amount of $2,177,082,000.

SEC. 105. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for fiscal year 1994 for procurement for the Defense Inspector General in the amount of $800,000.

SEC. 106. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for fiscal year 1994 for procurement for the Defense Health Program in the amount of $272,762,000.

SEC. 107. RESERVE COMPONENTS.

Funds are hereby authorized to be appropriated for fiscal year 1994 for procurement of aircraft, vehicles, communications equipment, and other equipment for the reserve components of the Armed Forces as follows:

(1) For the Army National Guard, $289,675,000.

(2) For the Air National Guard, $170,000,000.

(3) For the Army Reserve, $81,300,000.

(4) For the Naval Reserve, $156,800,000.

(5) For the Air Force Reserve, $230,000,000.

(6) For the Marine Corps Reserve, $65,500,000.

SEC. 108. CHEMICAL DEMILITARIZATION PROGRAM.

Funds are hereby authorized to be appropriated for fiscal year 1994 for the destruction of lethal chemical weapons in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapons stockpile in the amount of $114,500,000.

SEC. 109. NATIONAL SHIPBUILDING INITIATIVE.

Funds are hereby authorized to be appropriated for fiscal year 1994 for the National Shipbuilding Initiative under subtitle F of title XIII of this Act in the amount of $200,000,000.

SEC. 110. DENIAL OF MULTIYEAR PROCUREMENT AUTHORIZATION.

The Secretary of the Navy may not enter into a multiyear procurement contract under section 2306(h) of title 10, United States Code, for the F/A-18C/D aircraft program.

Subtitle B—Army Programs

SEC. 111. PROCUREMENT OF HELICOPTERS.

(a) AH-64 AIRCRAFT.—The prohibition in section 132(a)(2) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1382) does not apply to the obligation of funds in amounts not to exceed $150,000,000 for the procurement of not more than 10 AH-64 aircraft from funds appropriated for fiscal year 1994 pursuant to section 101.

(b) OH-58D AHIP AIRCRAFT.—The prohibition in section 133(a)(2) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1383) does not apply to the obligation of funds in amounts not to exceed $225,000,000 for the procurement of not more than 36 OH-58D AHIP Scout aircraft from funds appropriated for fiscal year 1994 pursuant to section 101.

SEC. 112. TOW MISSILE PROGRAM.

(a) IN GENERAL.—(1) The Secretary of Defense shall terminate the TOW missile program in accordance with this section.

(2) Except as provided in subsection (b), funds appropriated or otherwise made available to the Department of Defense pursuant to this or any other Act may not be obligated for the procurement of TOW missiles.

(b) EXCEPTIONS.—(1) The prohibition in subsection (a)(2) does not apply to—

(A) the modification of, or the acquisition of spare or repair parts for, TOW missiles described in paragraph (2);

(B) completion of new production missiles described in paragraph (2)(B); and

(C) the obligation of not more than $75,282,000 from funds made available pursuant to section 101(2) for the procurement of not more than 2,000 missiles and for payment of costs necessary to terminate the TOW program.

(2) The missiles referred to in paragraph (1)(A) are—

(A) TOW missiles acquired by the Department of Defense on or before the date of the enactment of this Act;

(B) TOW new production missiles for which funds, other than funds for the procurement of long lead items and other advance procurement, were obligated before the date of the enactment of this Act and which are delivered to the Department of Defense on or after that date; and

(C) 2,000 new production missiles for which funds are available in accordance with subsection (b)(1)(C).

Subtitle C—Navy Programs

SEC. 121. DDG-51 DESTROYER AND FAST SEALIFT PROGRAMS.

None of the funds appropriated pursuant to section 102 for shipbuilding and conversion for the Navy for fiscal year 1994 may be obligated for the DDG-51 guided missile destroyer program until—

(1) contracts for conversion of seven cargo vessels specified under the National Sealift Program have been awarded; and

(2) the Secretary of the Navy has transmitted to the congressional defense committees notice that those contracts have been awarded.

SEC. 122. ATTACK SUBMARINE PROGRAMS.

(a) SEAWOLF SUBMARINE PROGRAM COSTS.—(1) None of the funds described in subsection (b) may be obligated until the Secretary of Defense submits to the congressional defense committees a report concerning the latest and best estimated cost of producing the SSN-21 and SSN-22 Seawolf attack submarines, determined as of the date of the enactment of this Act. The report shall state the full cost for production of each vessel and shall identify the amount and source of funds available to the Navy for each such vessel from funds appropriated for fiscal years before fiscal year 1994.

(2) If the report under paragraph (1) discloses a shortfall of available funds for either or both of the SSN-21 and SSN-22 vessels that is not funded by another source identified by the Secretary of Defense, the Secretary of Defense shall, subject to the provisions of appropriations Acts, use the funds described in subsection (b)(1) to the extent necessary to complete production of those two vessels.

(b) FUNDS SUBJECT TO LIMITATION.—Funds subject to the limitation under subsection (a) are the following:

(1) Any unobligated funds remaining from the amount of $540,200,000 originally appropriated for fiscal year 1992 for the SSN-21 program and made available under Public Law 102-298 for the purposes of preserving the industrial base for submarine construction (as specified at page 27 of the report of the committee of conference to accompany the conference report on H.R. 4990 of the 102d Congress (House Report 102-530)).

(2) Funds appropriated pursuant to section 201 for research, development, test, and evaluation for the Navy for fiscal year 1994 that are available for the new SSN (attack submarine) program for the research and development stages designated as 6.3 and 6.4.

(c) NEW ATTACK SUBMARINE PROGRAM.—In addition to the limitation under subsection

(a)(1), the funds described in subsection (b)(2) may not be obligated until the Secretary of Defense submits to the congressional defense committees a certification that the Cost and Operational Effectiveness Analysis (COEA) process for the new SSN (attack submarine) program has been completed. The Secretary shall include with such certification a copy of the analysis.

(d) REPORT ON PROPOSED USE OF FISCAL YEAR 1992 FUNDS.—(1) In addition to the limitation under subsection (a)(1), funds described in subsection (b)(1) that remain available after any use of such funds under subsection (a)(2) may not be obligated until the Secretary of Defense submits to the congressional defense committees a report describing the Secretary's plan for the use of those funds and 30 days of continuous session of Congress have expired following the date on which that report is transmitted to Congress.

(2) For purposes of paragraph (1), the continuity of a session of Congress is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of such 30-day period.

(e) RETROACTIVE AUTHORIZATION.—The amount referred to in subsection (b)(1) shall be treated for all purposes as having been authorized by law for fiscal year 1992 in accordance with section 114(a) of title 10, United States Code.

SEC. 123. LONG-TERM LEASE AUTHORITY FOR CERTAIN VESSELS.

(a) AUTHORITY.—The Secretary of the Navy may enter into a long-term lease or charter for a vessel described in subsection (b) without regard to the provisions of section 2401 of title 10, United States Code, or section 9081 of the Department of Defense Appropriations Act, 1990 (10 U.S.C. 2401 note).

(b) COVERED VESSELS.—Subsection (a) applies to any double-hull tanker or oceanographic vessel constructed in a United States shipyard after the date of the enactment of this Act using assistance provided under the National Shipbuilding Initiative.

(c) CONDITIONS ON OBLIGATION OF FUNDS.—A contract entered into for a lease or charter pursuant to subsection (a) shall include the following provisions:

(1) A statement that the obligation of the United States to make payments under the contract in any fiscal year is subject to appropriations being provided specifically for that fiscal year and specifically for that lease or project.

(2) A commitment to obligate the necessary amount for each fiscal year covered by the contract when and to the extent that funds are appropriated for that lease or charter for that fiscal year.

(3) A statement that such a commitment given under the authority of this section does not constitute an obligation of the United States.

(d) DEFINITION.—For purposes of subsection (a), the term "long-term lease or charter" has the meaning given that term in section 2401(d)(1)(A) of title 10, United States Code (without regard to subparagraph (B) of that section).

Subtitle D—Air Force Programs (Nonstrategic)

SEC. 131. INTERTHEATER AIRLIFT PROGRAM.

(a) LIMITATION.—None of the funds appropriated pursuant to section 103 for procurement of airlift aircraft for the Air Force for fiscal year 1994 may be obligated until 45 days after the date on which the Secretary of Defense submits to the congressional defense committees the report referred to in subsection (b).

(b) REPORT REQUIREMENT.—A report under subsection (a) is a report in which the Secretary of Defense provides—

(1) the Secretary's recommendation for the aircraft or mix of aircraft to be procured for the intertheater airlift mission; and

(2) the results of the activities under subsections (c), (d), and (e).

(c) ESTABLISHMENT OF INTERTHEATER AIRLIFT REQUIREMENTS.—The Secretary of Defense, after the date of the enactment of this Act, shall establish the qualitative and quantitative intertheater airlift requirements of the Department of Defense.

(d) COST AND OPERATIONAL EFFECTIVENESS ANALYSIS.—The Secretary of Defense, after the date of the enactment of this Act, shall conduct a Cost and Operational Effectiveness Analysis to determine the most cost effective intertheater airlift alternative to satisfy the requirements established pursuant to subsection (c). In carrying out such analysis, the Secretary—

(1) shall consider all reasonable aircraft and mixes of aircraft for the intertheater airlift mission, including procurement of additional C-17 aircraft, procurement of additional C-5 aircraft, procurement of additional C-141 aircraft, carrying out a Service-Life Extension Program (SLEP) for existing C-141 aircraft, and procurement of commercial wide-body aircraft; and

(2) for the C-17 program, shall include appropriate restructure (or "work out") costs and the expected cost of claims against the Government.

(e) DAB REVIEW.—After the activities described in subsections (c) and (d) have been completed, the Secretary shall conduct a Defense Acquisition Board review based on the results under those subsections.

SEC. 132. RC-135 AIRCRAFT PROGRAM.

(a) FISCAL YEAR 1994 FUNDS.—Of the funds authorized to be appropriated in section 103 for procurement of aircraft for the Air Force for fiscal year 1994, $93,200,000 shall be available for reengining and modifying two existing C-135 aircraft to the latest RC-135 Rivet Joint configuration plus improvements necessary to support unique Navy requirements.

(b) FISCAL YEAR 1993 FUNDS.—(1) The amount of $56,962,000 made available under section 141 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2338) for modernizing either Navy EP-3 aircraft or Air Force RC-135 aircraft shall be made available for improvements to existing RC-135 aircraft as though that aircraft had been selected by the Secretary of Defense under section 141(b)(2) of such Act.

(2) The amount of $65,700,000 made available under section 131(3) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2334) to reengine three existing RC-135 aircraft, if the RC-135 was selected by the Secretary of Defense under section 141(b)(2) of such Act, shall be made available for RC-135 reengining as though that aircraft had been so selected.

Subtitle E—Strategic Programs

SEC. 151. B-2 BOMBER AIRCRAFT PROGRAM.

(a) AMOUNT FOR PROGRAM.—Of the amount appropriated pursuant to section 103 for the Air Force for fiscal year 1994 for procurement of aircraft, not more than $911,300,000 may be obligated for procurement for the B-2 bomber aircraft program.

(b) B-2 BUYOUT AND TERMINATION.—The funds referred to in subsection (a) may be obligated only for the purpose of procurement associated with closing out the B-2 bomber aircraft program, including amounts for procurement of spares and parts for that aircraft.

(c) REAFFIRMATION OF LIMITATION ON NUMBER OF B-2 AIRCRAFT.—As provided in section 151(c) of Public Law 102-484 (106 Stat. 2339), the Secretary of the Air Force may not procure more than 20 deployable B-2 aircraft (plus one test aircraft which may not be made operational).

(d) LIMITATION ON OBLIGATION OF FY94 FUNDS.—None of the funds appropriated pursuant to section 103 for the Air Force for fiscal year 1994 may be obligated for the B-2 bomber aircraft program until each of the conditions specified in paragraphs (1), (2), and (3) of section 151(d) of Public Law 102-484 (106 Stat. 2339), including the condition requiring the enactment of an Act which permits the obligation of certain funds for the procurement of B-2 bomber aircraft, has been satisfied.

(e) DENIAL OF INTERIM NEAR-PRECISE MUNITIONS PROGRAM.—(1) The Secretary of the Air Force may not use any funds appropriated for fiscal year 1994 or any prior fiscal year for the development, integration, or acquisition of an interim near-precise munitions capability for the B-2 aircraft.

(2) For the purposes of paragraph (1):

(A) The term "near-precise munitions capability" means the capability that the Secretary of the Air Force has proposed for the B-2 aircraft to be produced by the Global Positioning System-aided targeting system and Global Positioning System-aided munitions.

(B) The term "interim", with respect to a munitions capability for the B-2 aircraft, means a capability proposed for the period before the availability of the Joint Direct Attack Munition for that aircraft.

SEC. 152. B-1 BOMBER AIRCRAFT PROGRAM.

(a) INTERIM NEAR-PRECISE MUNITIONS PROGRAM.—The Secretary of the Air Force shall initiate a program for the production of Global Positioning System-aided munitions (GAM) for 10 B-1 bomber aircraft. It shall be the goal of the program to achieve an interim near-precise munitions capability on 10 B-1 aircraft by 1996.

(b) AMOUNT FOR PROGRAM.—Of the amount authorized to be appropriated pursuant to section 103 for the Air Force for fiscal year 1994 for procurement of aircraft, $263,355,000 shall be available for procurement for B-1B aircraft, of which $100,808,000 shall be available for modification of inservice aircraft. Of the amount available for modification of inservice aircraft, $50,000,000 shall be available for the purchase of GAM kits to achieve the munitions capability described in subsection (a).

SEC. 153. TRIDENT II (D-5) MISSILE PROCUREMENT.

(a) FINAL PRODUCTION.—Of amounts appropriated pursuant to section 102 for procurement of weapons (including missiles and torpedoes) for the Navy for fiscal year 1994—

(1) not more than $983,300,000 may be obligated for procurement of Trident II (D-5) missiles; and

(2) not more than $145,251,000 may be obligated for advance procurement for production of D-5 missiles for a fiscal year after fiscal year 1994.

(b) OPTIONS FOR ACHIEVING SLBM WARHEAD LIMITATIONS.—Not later than April 1, 1994, the Secretary of Defense shall submit to Congress a report on options available for achieving the limitations on submarine-launched ballistic missile (SLBM) warheads imposed by the START II treaty at significantly reduced costs from the costs planned during fiscal year 1994. The report shall include an examination of the implications for those options of further reductions in the number of such warheads under further strategic arms reduction treaties.

(c) LIMITATION ON FY94 PRODUCTION AND ADVANCE PROCUREMENT.—None of the funds appropriated for the Navy referred to in subsection (a) may be obligated for production or advance procurement of Trident II (D-5) missiles until the later of (1) the date on which the President's budget for fiscal year 1995 is submitted to Congress pursuant to section 1105 of title 31, United States Code, or (2) the date on which the report required by subsection (b) is received by Congress.

SEC. 154. PROHIBITION ON RETROFITTING TRIDENT I SUBMARINES TO CARRY TRIDENT II (D-5) MISSILES.

The Secretary of the Navy may not modify any Trident I submarine to enable that submarine to be deployed with Trident II (D-5) missiles.

Subtitle F—Other Matters

SEC. 171. CHEMICAL MUNITIONS DISPOSAL FACILITIES, TOOELE ARMY DEPOT, UTAH.

(a) LIMITATION PENDING CERTIFICATION.—After January 1, 1994, none of the funds appropriated to the Department of Defense for fiscal year 1993 or 1994 may be obligated for the systemization of chemical munitions disposal facilities at Tooele Army Depot, Utah, until the Secretary of Defense submits to Congress a certification described in subsection (b).

(b) CERTIFICATION REQUIREMENT.—A certification referred to in subsection (a) is a certification submitted by the Secretary of Defense to Congress that—

(1) the recommendations for the realignment of Tooele Army Depot contained in the recommendations of the Defense Base Closure and Realignment Commission approved by the President on July 6, 1993, will not jeopardize the health, safety, or welfare of the community surrounding Tooele Army Depot; and

(2) adequate base support, management, oversight, and security personnel to ensure the public safety in the operation of chemical munitions disposal facilities constructed and operated at Tooele Army Depot will remain at that depot after the completion of the realignment of that depot in accordance with those recommendations.

(c) SUPPORTING REPORT.—The Secretary of Defense shall include with a certification under this section a report specifying by job title and category all base support, management, oversight, and security personnel to be retained at Tooele Army Depot after the realignment of that depot is completed in accordance with the recommendations of the Defense Base Closure and Realignment Commission referred to in subsection (b)(1).

(d) EXCEPTION.—Subsection (a) shall not apply if the recommendations of the Defense Base Closure and Realignment Commission approved by the President on July 6, 1993, are disapproved by law enacted in accordance with section 2904(b) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

SEC. 172. AUTHORITY TO CONVEY LOS ALAMOS DRY DOCK.

(a) AUTHORITY.—The Secretary of the Navy may convey to the Brownsville Navigation District of Brownsville, Texas, all right, title, and interest of the United States in and to the dry dock designated as Los Alamos (AFDB7).

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the Brownsville Navigation District shall permit the Secretary of the Navy—

(1) to use real property which is (A) located on and near a ship channel, (B) under the ownership or control of the Brownsville Navigation District, and (C) not used by the Brownsville Navigation District, except that such use shall be only for training purposes and shall be permitted for a five-year period beginning on the date of the transfer;

(2) to use such property under paragraph (1) without reimbursement from the Secretary of the Navy; and

(3) to use the dock for dockage services, without reimbursement from the Secretary of the Navy, except that such use shall be for not more than 45 days each year during the period referred to in paragraph (1) and shall be subject to all applicable Federal and State laws, including laws on maintenance and dredging.

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(c) EXTENSION OF USE.—At the end of the five-year period referred to in subsection (b)(1), the Secretary of the Navy and the chief executive officer of the Brownsville Navigation District may enter into an agreement to extend the period during which the Secretary may use real property and dockage under subsection (b).

(d) CONDITION.—As a condition of the conveyance authorized by subsection (a), the Secretary shall enter into an agreement with the Brownsville Navigation District under which the Brownsville Navigation District agrees to hold the United States harmless for any claim arising with respect to the drydock after the conveyance of the drydock other than as a result of use of the dock by the Navy pursuant to subsection (b) or an agreement under subsection (c).

SEC. 173. SALES AUTHORITY OF CERTAIN WORKING-CAPITAL FUNDED INDUSTRIAL FACILITIES OF THE ARMY.

(a) IN GENERAL.—(1) Chapter 433 of title 10, United States Code, is amended by adding at the end the following new section:

"§4543. Army industrial facilities: sales of manufactured articles or services outside Department of Defense

"(a) AUTHORITY TO SELL OUTSIDE DOD.—Regulations under section 2208(h) of this title shall authorize a working-capital funded Army industrial facility (including a Department of the Army arsenal) that manufactures large caliber cannons, gun mounts, recoil mechanisms, ammunition, munitions, or components thereof to sell manufactured nondefense-related commercial articles or services to a person outside the Department of Defense if—

"(1) in the case of an article, the article is sold to a United States manufacturer, assembler, developer, or other concern—

"(A) for use in developing new products;

"(B) for incorporation into items to be sold to, or to be used in a contract with, an agency of the United States;

"(C) for incorporation into items to be sold to, or to be used in a contract with, or to be used for purposes of soliciting a contract with, a friendly foreign government; or

"(D) for use in commercial products;

"(2) in the case of an article, the purchaser is determined by the Department of Defense to be qualified to carry out the proposed work involving the article to be purchased;

"(3) the sale is to be made on a basis that does not interfere with performance of work by the facility for the Department of Defense or for a contractor of the Department of Defense; and

"(4) in the case of services, the services are related to an article authorized to be sold under this section and are to be performed in the United States for the purchaser.

"(b) ADDITIONAL REQUIREMENTS.—The regulations shall also—

"(1) require that the authority to sell articles or services under the regulations be exercised at the level of the commander of the major subordinate command of the Army with responsibility over the facility concerned;

"(2) authorize a purchaser of articles or services to use advance incremental funding to pay for the articles or services; and

"(3) in the case of a sale of commercial articles or commercial services in accordance with subsection (a) by a facility that manufactures large caliber cannons, gun mounts, or recoil mechanisms, or components thereof, authorize such facility—

"(A) to charge the buyer, at a minimum, the variable costs that are associated with the commercial articles or commercial services sold;

"(B) to enter into a firm, fixed-price contract or, if agreed by the buyer, a cost reimbursement contract for the sale; and

"(C) to develop and maintain (from sources other than appropriated funds) working capital to be available for paying design costs, planning costs, procurement costs, and other costs associated with the commercial articles or commercial services sold.

"(c) RELATIONSHIP TO ARMS EXPORT CONTROL ACT.—Nothing in this section shall be construed to affect the application of the export controls provided for in section 38 of the Arms Export Control Act (22 U.S.C. 2778) to items which incorporate or are produced through the use of an article sold under this section.

"(d) DEFINITIONS.—In this section:

"(1) The term 'commercial article' means an article that is usable for a nondefense purpose.

"(2) The term 'commercial service' means a service that is usable for a nondefense purpose.

"(3) The term 'advance incremental funding', with respect to a sale of articles or services, means a series of partial payments for the articles or services that includes—

"(A) one or more partial payments before the commencement of work or the incurring of costs in connection with the production of the articles or the performance of the services, as the case may be; and

"(B) subsequent progress payments that result in full payment being completed as the required work is being completed.

"(4) The term 'variable costs', with respect to sales of articles or services, means the costs that are expected to fluctuate directly with the volume of sales and—

"(A) in the case of articles, the volume of production necessary to satisfy the sales orders; or

"(B) in the case of services, the extent of the services sold.".

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

"4543. Army industrial facilities: sales of manufactured articles or services outside Department of Defense.".

(b) CONFORMING AMENDMENT.—Subsection (i) of section 2208 of such title is amended to read as follows:

"(i) For provisions relating to sales outside the Department of Defense of manufactured articles and services by a working-capital funded Army industrial facility (including a Department of the Army arsenal) that manufactures large caliber cannons, gun mounts, recoil mechanisms, ammunition, munitions, or components thereof, see section 4543 of this title.".

(c) DEADLINE FOR REGULATIONS.—Regulations under subsection (b) of section 4543 of title 10, United States Code, as added by subsection (a), shall be prescribed not later than 30 days after the date of the enactment of this Act.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorizations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 1994 for the use of the Department of Defense for research, development, test, and evaluation, as follows:

(1) For the Army, $5,417,141,000.

(2) For the Navy, $8,736,970,000.

(3) For the Air Force, $13,446,635,000.

(4) For Defense-wide activities, $10,284,652,000, of which—

(A) $232,592,000 is authorized for the activities of the Director, Test and Evaluation; and

(B) $12,650,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 202. MANUFACTURING TECHNOLOGY DEVELOPMENT.

(a) FISCAL YEAR 1994.—Of the amounts authorized to be appropriated by section 201, $315,000,000 shall be available for, and may be obligated only for, manufacturing technology development as follows:

(1) For the Army: $50,000,000.

(2) For the Navy, $120,000,000.

(3) For the Air Force, $110,000,000.

(4) For the Defense Logistics Agency, $35,000,000, of which $15,000,000 is available only for the establishment of a pilot program for the metalcasting industry.

(b) INDUSTRIAL MODERNIZATION IMPROVEMENT PROGRAM.—The Secretary shall reestablish the Industrial Modernization Improvement Program (IMIP) of the Department of Defense carried out through the Manufacturing Technology programs and shall provide sufficient funding for that program for fiscal year 1994 from funds referred to in subsection (a).

(c) WORKER SKILLS.—Manufacturing technology development programs conducted by or for the Department of Defense, including those programs for which funds are made available pursuant to subsection (a), shall include a focus on production technologies designed to build on and expand existing worker skills and experience in manufacturing production.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. DEMONSTRATION PROGRAM FOR BALLISTIC MISSILE POST-LAUNCH DESTRUCT MECHANISM.

(a) DEMONSTRATION PROGRAM.—The Secretary of Defense shall conduct a demonstration program to develop and test a ballistic missile post-launch destruct mechanism. The program shall be carried out through the Advanced Research Projects Agency.

(b) FUNDING.—The amount expended for the demonstration program may not exceed $15,000,000. Subject to the provisions of appropriations Acts, the Secretary may provide $5,000,000 for the program from unexpended balances remaining available for obligation from funds appropriated to the Department of Defense for fiscal year 1993.

SEC. 212. FUNDING FOR CERTAIN TACTICAL INTELLIGENCE PROGRAMS.

(a) AUTHORIZATION.—Of the funds appropriated pursuant to section 201 for Defense-wide activities, $288,518,000 shall be available for airborne reconnaissance programs.

(b) LIMITATION.—None of the funds referred to in subsection (a) or funds appropriated for fiscal year 1994 for the Navy for research, development, test, and evaluation may be obligated for Navy EP-3 aircraft modifications.

SEC. 213. FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS.

(a) LIMITATION.—During each of fiscal year 1994 and fiscal year 1995, the Secretary of Defense may not obligate funds for expenditure at a federally funded research and development center described in subsection (b) in excess of 90 percent of the amount obligated by the Secretary for expenditure at that center during fiscal year 1993.

(b) COVERED ENTITIES.—Subsection (a) applies with respect to any federally funded research and development center (other than a center that performs applied scientific research under laboratory conditions) that during fiscal years 1991 through 1993 had average annual expenditures of funds derived from the Department of Defense in excess of $25,000,000.

SEC. 214. HIGH PERFORMANCE COMPUTER MODERNIZATION PROGRAM.

Funds made available for fiscal year 1994 for the Department of Defense High Performance Computer (HPC) Modernization Program for Department of Defense research centers and laboratories may be used only for—

(1) the execution of upgrade options under an existing contract for installed supercomputer facilities that have not kept technically current; or

(2) the conduct of competitive procurement for supercomputers that are architecturally stable and production compatible and that can be successfully demonstrated using statistically valid samples of the current workloads of the research centers and laboratories that will be using the supercomputers without substantive reprogramming or program conversion.

SEC. 215. HIGH PERFORMANCE COMPUTING AND COMMUNICATION INITIATIVE.

(a) INDEPENDENT STUDY.—The Secretary of Defense shall request the National Research Council (NRC) of the National Academy of Sciences to conduct a comprehensive study of the inter-agency High Performance Computing and Communications Initiative (HPCCI), with emphasis on the elements of the program supported by the Department of Defense and the relationship of those elements to other elements of the program.

(b) MATTERS TO BE INCLUDED.—The study shall address (at a minimum) the following aspects of the High Performance Computing and Communications Initiative:

(1) The basic underlying rationale for the initiative.

(2) The appropriateness of the goals and directions of the initiative.

(3) The balance between various elements of the initiative.

(4) The likelihood that the various goals of the initiative will be achieved.

(5) The management and coordination of the initiative.

(c) COOPERATION WITH STUDY.—The Secretary of Defense shall direct all relevant defense agencies to cooperate fully with the National Research Council in all aspects of this study, and shall request similar cooperation from the heads of all other appropriate Federal agencies.

(d) FUNDING.—The sum of $800,000 shall be made available from the Department's High Performance Computing and Communications Program to provide funds for the National Research Council to conduct the study under subsection (a).

(e) REPORT.—A report on the results of the study under subsection (a) shall be submitted to the Secretary of Defense not later than July 1, 1995. The Secretary shall promptly submit the report of the study to the Committees on Armed Services of the Senate and House of Representatives. The report shall be submitted to the committees in unclassified form with classified annexes as necessary.

SEC. 216. SUPERCONDUCTING MAGNETIC ENERGY STORAGE (SMES) PROGRAM.

(a) PROGRAM OFFICE.—The Secretary of Defense shall establish within the Department of the Navy a program office to facilitate research and design studies leading to possible construction of Superconducting Magnetic Energy Storage (SMES) test models.

(b) SCIENCE ADVISORY GROUP.—(1) The Secretary of Defense shall establish an advisory committee in the Department of Defense for Superconducting Magnetic Energy Storage activities. The advisory committee shall be established as a science advisory group and shall be independent of the Department of the Navy.

(2) The membership of the advisory committee shall include representatives from the President's Office of Science and Technology Policy, the Department of Defense, the Department of Energy, the Environmental Protection Agency, the Army Corps of Engineers, and private industry.

(3) The advisory committee shall conduct a review every two years of the progress of the Department of Defense program for Superconducting Magnetic Energy Storage development. The advisory committee shall submit a report on each such review to the Secretary as directed by the Secretary. Such report shall include the advisory committee's recommendations for outyear program options and funding. The Secretary shall transmit each such report to Congress.

(4) The advisory committee shall continue in existence until terminated by law.

(c) FUNDING.—Immediately upon enactment of this Act, the Secretary of Defense shall transfer from the Defense Nuclear Agency to the Department of the Navy any funds appropriated for fiscal years before fiscal year 1994 that were designated for the Superconducting Magnetic Energy Storage Project that remain available for obligation. Those funds shall be obligated for (1) continued experimental work (as defined in section 218(b)(4) of the National Defense Authorization Act of 1993 (Public Law 102-484; 106 Stat. 2353)), (2) operation of the advisory group, and (3) study of alternative SMES designs.

(d) DEADLINE.—The office referred to in subsection (a) shall be created and staffed not later than 30 days after the date of the enactment of this Act.

SEC. 217. SINGLE STAGE ROCKET TECHNOLOGY.

(a) PROGRAM FUNDING.—The Secretary of Defense shall establish a Single Stage Rocket Technology program and shall provide funds for that program within funds available for the Advanced Research Projects Agency. That program shall be managed within the Office of the Under Secretary of Defense for Acquisition.

(b) FUNDING.—Of the amount appropriated pursuant to section 201 for Defense-wide activities, $79,880,000 shall be available for, and may be obligated only for, Single Stage Rocket Technology.

SEC. 218. ADVANCED ANTI-RADIATION GUIDED MISSILE.

Of the funds appropriated for research, development, test, and evaluation for the Department of the Navy for fiscal year 1993 that remain available for obligation for Air Systems Advanced Technology Development programs, $10,077,000 shall be obligated and expended only for testing, design, and fabrication of a dual-mode seeker for the Advanced Anti-Radiation Guided Missile using technology that is derived from work done with funding provided through the Small Business Innovative Research (SBIR) program.

SEC. 219. DP-2 VECTORED THRUST TECHNOLOGY DEMONSTRATION PROJECT.

Of the funds appropriated for research, development, test, and evaluation for the Defense Agencies for fiscal year 1993 that remain available for obligation for Tactical Technology programs within the Advanced Research Projects Agency, $15,000,000 shall be obligated and expended only for testing of the DP-2 Vectored Thrust Technology Demonstration project for Special Operations Forces (SOF) applications.

SEC. 220. ADVANCED SELF PROTECTION JAMMER (ASPJ) PROGRAM.

Notwithstanding section 122 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2334), the Secretary of Defense may carry out material procurement, logistics support, and integration of existing Advanced Self Protection Jammer systems from Department of Defense inventory into the F-14D aircraft for testing and evaluation using funds appropriated to the Department of Defense for fiscal year 1993 and prior years.

SEC. 221. ELECTRONIC COMBAT SYSTEMS TESTING.

(a) DETAILED TEST AND EVALUATION BEFORE INITIAL LOW-RATE PRODUCTION.—The Secretary of Defense shall ensure that any electronic combat system and any command, control, and communications countermeasure system is authorized to proceed into the low-rate initial production stage only upon the completion of an appropriate, rigorous, and structured test and evaluation regime. Such a regime shall include testing and evaluation at each of the following types of facilities: computer simulation and modeling facilities, measurement facilities, system integration laboratories, simulated threat

hardware-in-the-loop test facilities, installed system test facilities, and open air ranges.

(b) TIMELY TEST AND EVALUATION REQUIRED.—The Secretary shall ensure that test and evaluation of a system as required by subsection (a) is conducted sufficiently early in the development phase to allow (1) a correction-of-deficiency plan to be developed and in place for deficiencies identified by the testing before the system proceeds into low-rate initial production; and (2) the deficiencies identified by test and evaluation be corrected before the system leaves low-rate initial production.

(c) ANNUAL REPORT ON COMPLIANCE.—The Secretary of Defense shall include in the annual Department of Defense Electronic Warfare Plan report a description of compliance with this section during the preceding year. Such a report shall include a description of the test and evaluation process applied to each system, the results of that process, and the adequacy of test and evaluation resources to carry out that process.

(d) FUNDS USED FOR TESTING.—The costs of the testing necessary to carry out this section with respect to any system shall be paid from funds available for that system.

(e) APPLICABILITY.—The provisions of subsections (a) and (b) shall apply to any electronic combat system program and any command, control, and communications countermeasure system program that is initiated after the date of the enactment of this Act.

SEC. 222. LIMITATION ON DEPARTMENT OF DEFENSE MISSILE LAUNCHES FOR TEST PURPOSES.

(a) LIMITATION.—The Secretary of Defense may not conduct a launch of a missile as part of a test program in any case in which an anticipated result of the launch would be the release of debris in an area over land of the United States outside a designated Department of Defense test range.

(b) DEFINITION OF DEBRIS.—For purposes of subsection (a), the term "debris" does not include particulate matter that is regulated for considerations of air quality.

SEC. 223. B-1 BOMBER AIRCRAFT PROGRAM.

(a) INTERIM NEAR PRECISE MUNITIONS AND TARGETING PROGRAM.—The Secretary of the Air Force shall initiate a program for the development and production of a Global Positioning System-aided relative targeting (GATS) system and Global Positioning System-aided munitions (GAM) for 10 B-1 bomber aircraft. It shall be the goal of the program to achieve an interim near precise weapons capability on 10 B-1 aircraft by 1996.

(b) DEFENSIVE AVIONICS UPGRADE PROGRAM.—The Secretary of the Air Force shall continue efforts associated with upgrades to the defensive avionics system of the B-1B aircraft, including studies, analyses, and tests required for a risk reduction program for a minimum of three, and up to four, defensive avionics participants.

(c) AMOUNT FOR PROGRAM.—Of the amount authorized to be appropriated pursuant to section 201 for the Air Force for fiscal year 1994, $180,543,000 shall be available for the B-1B aircraft program, of which—

(1) $57,000,000 shall be made available for development and integration of a GPS-aided relative targeting system and development of GPS-aided munitions as provided in subsection (a); and

(2) $37,200,000 shall be made available for upgrades to the B-1 defensive avionics system as provided in subsection (b).

Subtitle C—Missile Defense Programs

SEC. 231. FUNDING FOR FISCAL YEAR 1994.

Of the amounts appropriated pursuant to section 201 or otherwise made available to the Department of Defense for research, development, test, and evaluation for fiscal year 1994, not more than a total of $2,617,448,000 may be obligated for ballistic missile defense. None of such amount is available for the Brilliant Pebbles program.

SEC. 232. REPORT ON ALLOCATION OF FUNDS.

When the President's budget for fiscal year 1995 is submitted to Congress pursuant to section 1105 of title 31, United States Code, the Secretary of Defense shall submit to the congressional defense committees a report—

(1) setting forth the allocation by the Secretary of funds appropriated for ballistic missile defense for fiscal year 1994, and the proposed allocation of funds for ballistic missile defense for fiscal year 1995, shown for Theater Missile Defense, Limited Defense System, Other Follow-On Systems, Research and Support, and the Small Business Innovation Research and Small Business Technology Transfer programs of the Small Business Administration, for each program, project, and activity; and

(2) describing an updated master plan for the Theater Missile Defense Initiative that includes (A) a detailed consideration of plans for theater and tactical missile defense doctrine, training, tactics, and force structure, and (B) a detailed acquisition strategy which includes a consideration of acquisition and life-cycle costs through the year 2006 for the programs, projects, and activities associated with the Theater Missile Defense Initiative.

SEC. 233. TRANSFER AUTHORITIES FOR BALLISTIC MISSILE DEFENSE.

(a) IN GENERAL.—After the submission of the report required under section 232, the Secretary of Defense may transfer funds among the ballistic missile defense program elements named in section 232 of this Act.

(b) LIMITATION.—The total amount that may be transferred to or from any program element named in section 232—

(1) may not exceed 10 percent of the amount provided in the report for the program element from which the transfer is made; and

(2) may not result in an increase of more than 10 percent of the amount provided in the report for the program element to which the transfer is made.

(c) RESTRICTION.—Transfer authority under subsection (a) may not be used for a decrease in funds identified in section 231(a) for the Theater Missile Defense Initiative.

(d) MERGER AND AVAILABILITY.—Amounts transferred pursuant to subsection (a) shall be merged with and be available for the same purposes as the amounts to which transferred.

SEC. 234. REVISIONS TO MISSILE DEFENSE ACT OF 1991.

The Missile Defense Act of 1991 (part C of title II of Public Law 102-190; 10 U.S.C. 2431 note) is amended as follows:

(1) Section 232(a) is amended—

(A) in paragraph (1), by striking out "while deploying" and inserting in lieu thereof "while developing the option to deploy"; and

(B) in paragraph (3), by inserting ", as appropriate," before "to friends and allies of the United States".

(2) Section 232(b) is amended—

(A) in paragraphs (1) and (2), by striking out "the Soviet Union" and inserting in lieu thereof "Russia"; and

(B) in paragraph (2), by striking out "Treaty, to include the down-loading of multiple warhead ballistic missiles" and inserting in lieu thereof "Treaties, to include the down-loading of multiple warhead ballistic missiles, as appropriate".

(3) Section 233(b) is amended—

(A) in paragraph (1), by inserting "in compliance with the ABM Treaty" after "for deployment";

(B) by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) INITIAL ABM DEPLOYMENT.—The Secretary shall develop, at an appropriate pace, a cost-effective, operationally effective, and ABM Treaty-compliant anti-ballistic missile system for potential deployment at a single site. The Secretary shall ensure that components of such system are themselves in compliance with the ABM Treaty."; and

(C) by striking out paragraph (3).

(4) Subsection (c) of section 233 is amended to read as follows:

"(c) PRESIDENTIAL ACTIONS.—Congress urges the President to pursue immediate discussions with Russia on the feasibility and mutual interest of amendments to the ABM Treaty to permit clarification of the distinctions for the purposes of the ABM Treaty between theater missile defenses and anti-ballistic missile defenses, including interceptors and radars.".

(5) Section 234 is amended to read as follows:

"SEC. 234. MANAGEMENT RESPONSIBILITY FOR RESEARCH AND DEVELOPMENT OF FAR-TERM FOLLOW-ON TECHNOLOGIES.

"(a) MANAGEMENT RESPONSIBILITY.—The Secretary of Defense shall provide that management and budget responsibility for research and development of any far-term follow-on technology relating to ballistic missile defense shall be provided through the Advanced Research Projects Agency or the appropriate military department.

"(b) WAIVER AUTHORITY.—The Secretary may waive the provisions of subsection (a) in the case of a particular far-term follow-on technology that on December 5, 1991, was under the Strategic Defense Initiative Organization and provide that management and budget responsibility for research and development of that technology shall be provided through the Ballistic Missile Defense Organization if the Secretary determines, and certifies to the congressional defense committees, that providing management and budget responsibility for research and development of that technology as provided in subsection (a) would not be in the national security interests of the United States.

"(c) DEFINITION.—For purposes of this section, the term 'far-term follow-on technology' means a technology that is not likely to be incorporated into a weapon system before 2008.".

(6) Section 235 is amended—

(A) by striking out "Strategic Defense Initiative" in subsections (a) and (b) and inserting in lieu thereof "Ballistic Missile Defense program"; and

(B) by striking out the section heading and inserting in lieu thereof the following:

"SEC. 235. PROGRAM ELEMENTS FOR BALLISTIC MISSILE DEFENSE PROGRAM.".

(7) Section 236(c) is amended by striking out "Strategic Defense Initiative Organization" and inserting in lieu thereof "Ballistic Missile Defense Organization".

(8) Section 238 is amended—

(A) by striking out "As deployment" and inserting in lieu thereof "As time for a decision concerning exercising the option for deployment"; and

(B) by striking out "to the deployment date".

SEC. 235. PATRIOT ADVANCED CAPABILITY-3 THEATER MISSILE DEFENSE SYSTEM.

(a) COMPETITION FOR MISSILE SELECTION.—The Secretary of Defense shall continue the strategy being carried out by the Ballistic Missile Defense Organization as of July 1, 1993, for selection of the best technology (in terms of cost, schedule, risk, and performance) to meet the missile requirements for the Patriot Advanced Capability-3 (PAC-3) theater missile defense system. That strategy, consisting of flight testing, ground testing, simulations, and other analyses of the two competing missiles (the Patriot Multimode Missile and the Extended Range Interceptor (ERINT) missile), shall be continued

until the Secretary determines that the Ballistic Missile Defense Organization has adequate information upon which to base a decision as to which missile will be selected to proceed into the Engineering and Manufacturing Development stage.

(b) FUNDS FOR DEMONSTRATION AND VALIDATION.—Of the funds authorized to be appropriated by section 201 for the Ballistic Missile Defense Organization—

(1) not less than $44,100,000 shall be available for demonstration and validation purposes for the Patriot Multimode Missile program;

(2) not less than $55,900,000 shall be available for demonstration and validation purposes for the Extended Range Interceptor program; and

(3) not less than $52,700,000 shall be available for demonstration and validation and for the Engineering and Manufacturing Development stage for the system selected and for appropriate risk mitigation activities.

(c) IMPLICATIONS OF DELAY.—If there is a delay (based upon the schedule in effect in mid-1993) in the selection described in subsection (a) of the missile for the Patriot Advanced Capability-3 system, the Secretary of Defense shall ensure that demonstration and validation of both competing systems can continue as needed to support an informed decision for such selection.

SEC. 236. DEVELOPMENT AND TESTING OF ANTI-BALLISTIC MISSILE SYSTEMS OR COMPONENTS TO BE CARRIED OUT IN ACCORDANCE WITH TRADITIONAL INTERPRETATION OF ANTI-BALLISTIC MISSILE TREATY.

(a) LIMITATION.—Funds appropriated to the Department of Defense for fiscal year 1994, or otherwise made available to the Department of Defense from any funds appropriated for fiscal year 1994 or for any fiscal year before 1994, may not be obligated or expended—

(1) for any development or testing of anti-ballistic missile systems or components except for development and testing consistent with the interpretation of the 1972 ABM Treaty set forth in the enclosure to the July 13, 1993, ACDA letter; or

(2) for the acquisition of any material or equipment (including any long lead materials, components, piece parts, test equipment, or any modified space launch vehicle) required or to be used for the development or testing of anti-ballistic missile systems or components, except for material or equipment required for development or testing consistent with the interpretation of the 1972 ABM Treaty set forth in the enclosure to the July 13, 1993, ACDA letter.

(b) EXCEPTION.—The limitation under subsection (a) shall not apply to funds transferred to or for the use of the Ballistic Missile Defense Organization for fiscal year 1994 if the transfer is made in accordance with section 1001 of this Act.

(c) DEFINITION.—In this section, the term "July 13, 1993, ACDA letter" means the letter dated July 13, 1993, from the Acting Director of the Arms Control and Disarmament Agency to the chairman of the Committee on Foreign Relations of the Senate relating to the correct interpretation of the 1972 ABM Treaty and accompanied by an enclosure setting forth such interpretation.

SEC. 237. THEATER MISSILE DEFENSE ROAD MAP.

(a) INTEGRATION AND COMPATIBILITY.—In carrying out the Theater Missile Defense Initiative, the Secretary of Defense shall—

(1) seek to maximize the use of existing systems and technologies; and

(2) seek to promote joint use by the military departments of existing and future ballistic missile defense equipment (rather than each military department developing its own systems that would largely overlap in their capabilities).

The Secretaries of the military departments shall seek the maximum integration and compatibility of their ballistic missile defense systems as well as of the respective roles and missions of those systems.

(b) TMD ANALYSIS.—The Secretary of Defense shall submit to Congress a report containing a thorough and complete analysis of the future of theater missile defense programs. The analysis shall include the following:

(1) A description of the mission and scope of Theater Missile Defense.

(2) A description of the role of each of the Armed Forces in Theater Missile Defense.

(3) A description of how those roles interact and complement each other.

(4) An evaluation of the cost and relative effectiveness of each interceptor and sensor under development as part of a Theater Missile Defense system by the Ballistic Missile Defense Organization.

(5) An analysis and comparison of the projected life-cycle costs of each Theater Missile Defense system intended for production (shown separately for research, development, test, and evaluation, for procurement, for operation and maintenance, and for personnel costs for each element).

(6) Specification of the baseline production rate for each year of the program through completion of procurement.

(7) Estimation of the unit cost and capabilities of each element.

(c) DESCRIPTION OF TESTING PROGRAM.—The Secretary of Defense shall include in the report under subsection (b) a description of the current and projected testing program for theater missile defense systems and major components. The report shall include an evaluation of the adequacy of the testing program to simulate conditions similar to those the systems and components would actually be expected to encounter if and when deployed (such as the ability to track and engage multiple targets with multiple interceptors, to discriminate targets from decoys and other incoming objects, and to be employed in a shoot-look-shoot firing mode).

(d) RELATIONSHIP TO ARMS CONTROL TREATIES.—The Secretary shall include in the report under subsection (b) a statement of how production and deployment of any projected Theater Missile Program will conform to existing Anti-Ballistic Missile Treaty and Intermediate Nuclear Forces Treaty Regimes. The report shall describe any potential noncompliance with either Regime, when such noncompliance is expected to occur, and whether provisions need to be renegotiated within that Regime to address future contingencies.

(e) SUBMISSION OF REPORT.—The report required by subsection (b) shall be submitted as part of the next annual report of the Secretary submitted to Congress under section 224 of Public Law 101-189 (10 U.S.C. 2431 note).

SEC. 238. ADDITIONAL BMD PROGRAMS.

(a) NAVAL THEATER MISSILE DEFENSE.—Of the amount provided under section 201 for Theater Missile Defense, $102,000,000 shall be available to support the aggressive exploration of the Navy Upper Tier concept for Naval Theater Missile Defense, including cost-effective systems and upgrades to existing systems that can be fielded more quickly than new systems.

(b) ACCELERATED ADVANCED TECHNOLOGY DEMONSTRATION PROGRAM.—The Secretary of Defense, acting through the Director of the Theater Missile Defense Initiative, shall initiate during fiscal year 1994 an accelerated Advanced Technology Demonstration program to demonstrate the technical feasibility of using the Navy's Standard Missile combined with a kickstage rocket motor and Lightweight Exoatmospheric Projectile (LEAP) as a near-term option for cost-effective wide-area Theater Missile Defense.

SEC. 239. REPORT ON NATIONAL MISSILE DEFENSE COST.

(a) REPORT REQUIRED.—The Secretary of Defense shall submit to Congress a report setting forth a full and thorough estimation of the cost of deploying a National Defense System at Grand Forks, North Dakota. The Secretary shall include in the report—

(1) the projected life-cycle costs of each system intended for production as part of such National Defense System, including a ground-based radar system, the system known as "Brilliant Eyes", and a ground-based interceptor system; and

(2) with respect to each such system, a separate statement of those costs for (A) research, development, test, and evaluation, (B) procurement, (C) deployment and launch activities, (D) operation and maintenance, and (E) personnel.

(b) SUBMISSION.—The report required under subsection (a) shall be submitted as part of the next annual report of the Secretary submitted to Congress under section 224 of Public Law 101-189 (10 U.S.C. 2431 note).

SEC. 240. THEATER MISSILE DEFENSE INTERCEPTOR TESTING.

The Secretary of Defense may not approve a theater missile defense interceptor program proceeding into the Low-Rate Initial Production (Milestone III) acquisition stage until the Secretary certifies to the congressional defense committees in writing that the Secretary has conducted more than two realistic live-fire tests, consistent with section 2366 of title 10, United States Code, involving multiple interceptors and multiple targets in the presence of realistic countermeasures the results of which demonstrate the achievement by the interceptors of the single-shot probability-of-kill specified in the system baseline description established pursuant to section 2435(a)(1)(A) of title 10, United States Code, before the program entered full-scale engineering development.

SEC. 241. ARROW TACTICAL ANTI-MISSILE PROGRAM.

(a) ENDORSEMENT OF COOPERATIVE RESEARCH AND DEVELOPMENT.—Congress reiterates its endorsement (previously stated in section 225(a)(5) of Public Law 101-510 (104 Stat. 1515) and section 241(a) of Public Law 102-190 (105 Stat. 1326)) of a continuing program of cooperative research and development, jointly funded by the United States and Israel, on the Arrow Tactical Anti-Missile program.

(b) PROGRAM GOAL.—The goal of the cooperative program is to demonstrate the feasibility and practicality of the Arrow system and to permit the government of Israel to make a decision on its own initiative regarding deployment of that system without financial participation by the United States beyond the research and development stage.

(c) ARROW CONTINUING EXPERIMENTS.—The Secretary of Defense, from amounts appropriated to the Department of Defense pursuant to section 201 for Defense-wide activities and available for the Ballistic Missile Defense Organization, shall fully fund the United States contribution to the fiscal year 1994 Arrow Continuing Experiments program at the level of $56,400,000.

(d) ARROW DEPLOYABILITY INITIATIVE.—(1) Subject to paragraph (2), the Secretary of Defense may obligate from funds appropriated pursuant to section 201 up to $25,000,000 for the purpose of research and development of technologies associated with deploying the Arrow missile in the future (including technologies associated with battle management, lethality, system integration, and test bed systems).

(2) Funds may not be obligated for the purpose stated in paragraph (1) unless the President certifies to Congress that—

(A) the United States and the government of Israel have entered into an agreement governing

the conduct and funding of research and development projects for the purpose stated in paragraph (1);

(B) each project in which the United States will join under that agreement (i) will nave a benefit for the United States, and (ii) has not been barred by other congressional direction;

(C) the Arrow missile has successfully completed a flight test in which it intercepted a target missile under realistic test conditions; and

(D) the government of Israel is continuing, in accordance with its previous public commitments, to adhere to export controls pursuant to the Guidelines and Annex of the Missile Technology Control Regime.

(e) SENSE OF CONGRESS ON EXPEDITING TEST PROGRAM.—It is the sense of Congress that, in order to expedite the test program for the Arrow missile, the United States should seek to initiate with the government of Israel discussions on the agreement referred to in subsection (d)(2)(A) without waiting for the condition specified in subsection (d)(2)(C) to be met first.

SEC. 242. EXTENSION OF PROHIBITION ON TESTING MID-INFRARED ADVANCED CHEMICAL LASER AGAINST AN OBJECT IN SPACE.

The Secretary of Defense may not carry out a test of the Mid-Infrared Advanced Chemical Laser (MIRACL) transmitter and associated optics against an object in space during 1994 unless such testing is specifically authorized by law.

SEC. 243. TECHNICAL AMENDMENTS TO REFLECT REDESIGNATION OF STRATEGIC DEFENSE INITIATIVE ORGANIZATION.

Section 224 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (10 U.S.C. 2431 note) is amended—

(1) by striking out "Strategic Defense Initiative" each place it appears (other than in subsection (b)(5)) and inserting in lieu thereof "Ballistic Missile Defense program";

(2) by striking out "Strategic Defense Initiative" in subsection (b)(5) and inserting in lieu thereof "Ballistic Missile Defense";

(2) by striking out "SDI" each place it appears and inserting in lieu thereof "BMD"; and

(3) by striking out the section heading and inserting in lieu thereof the following:

"SEC. 224. ANNUAL REPORT ON BALLISTIC MISSILE DEFENSE PROGRAM.".

Subtitle D—Women's Health Research

SEC. 251. DEFENSE WOMEN'S HEALTH RESEARCH CENTER.

(a) ESTABLISHMENT OF CENTER.—(1) Chapter 139 of title 10, United States Code, is amended by inserting after section 2358 the following new section:

"§2359. Defense Women's Health Research Center

"(a) ESTABLISHMENT OF THE CENTER.—The Secretary of Defense shall establish a Defense Women's Health Research Center (hereinafter in this section referred to as the 'Center') in the Department of the Army. The Center shall be under the authority of the Army Health Services Command.

"(b) PURPOSES.—(1) The Center shall be the coordinating agent for multidisciplinary and multiinstitutional research within the Department of Defense on women's health issues related to service in the armed forces. The Center shall be dedicated to development and application of new knowledge, procedures, techniques, training, and equipment for the improvement of the health of women in the armed forces.

"(2) In carrying out or sponsoring research studies, the Center shall provide that the cohort of women in the armed forces shall be considered as control groups.

"(3) The Center shall support the goals and objectives recognized by the Department of Defense under the plan of the Department of Health and Human Services designated as 'Healthy People 2000'.

"(4) The Center shall support initiation and expansion of research into matters relating to women's health in the military, including the following matters as they relate to women in the military:

"(A) Combat stress and trauma.

"(B) Exposure to toxins and other environmental hazards associated with military hardware.

"(C) Psychology related stresses in warfare situations.

"(D) Breast cancer.

"(E) Reproductive health, including pregnancy.

"(F) Gynecological cancers.

"(G) Infertility and sexually transmitted diseases.

"(H) HIV and AIDS.

"(I) Mental health, including post-traumatic stress disorder and depression.

"(J) Menopause, osteoporosis, Alzheimer's disease, and other conditions and diseases related to aging.

"(K) Substance abuse.

"(L) Sexual violence and related trauma.

"(M) Human factor studies related to women in combat.

"(c) REQUIREMENTS RELATING TO ESTABLISHMENT OF CENTER.—The Center may be established only at a facility of the Army in existence on July 1, 1993, having the following characteristics:

"(1) A physical plant immediately available to serve as headquarters for the medical activities to be carried out by the Center.

"(2) Ongoing fellowship and residency programs colocated with ongoing collaborative health-related and interdisciplinary research of (A) a facility of the Department of Veterans Affairs, (B) an accredited university with specialties in medical research and clinical diagnostics, and (C) a hospital owned and operated by a municipality.

"(3) A technologically modern laboratory capability at the site and at the affiliated sites referred to in paragraph (2), with the capability to include state-of-the-art clinical diagnostic instrumentation, data processing, telecommunication, and data storage systems.

"(4) Compatibility with and capability to effectively expand its existing mission in accordance with the mission of the Center under this section.

"(5) Maximum multi-State geographic jurisdiction to permit regional health-related issues to be researched and integrated into national military databases.

"(6) An existing relationship for the provision of services to Native Americans through the Indian Health Service.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2358 the following new item:

"2359. Defense Women's Health Research Center.".

(b) IMPLEMENTATION PLAN.—The Secretary of Defense, acting through the Secretary of the Army and in coordination with the other military departments, shall prepare a plan for the implementation of section 2359 of title 10, United States Code, as added by subsection (a). The plan shall be submitted to the Committees on Armed Services of the Senate and House of Representatives before May 1, 1994.

(c) ACTIVITIES FOR FISCAL YEAR 1994.—During fiscal year 1994, the Center established under section 2359 of title 10, United States Code, as added by subsection (a), shall address the following:

(1) Program planning, infrastructure development, baseline information gathering, technology infusion, and connectivity.

(2) Management and technical staffing.

(3) Data base development of health issues related to service on active duty as compared to service in the National Guard or Reserves.

(4) Research protocols, cohort development, health surveillance and epidemiologic studies.

(d) FUNDING.—Of the funds authorized to be appropriated in section 201, $40,000,000 shall be available only for the establishment of the Center and to complete the planning, staffing, and infrastructure development leading to full operation of the Center by 1995.

SEC. 252. CONTINUATION OF ARMY BREAST CANCER RESEARCH PROGRAM.

During fiscal year 1994, the Secretary of the Army shall continue the breast cancer research program established in the second and third provisos in the paragraph in title IV of the Department of Defense Appropriations Act, 1993 (Public Law 102-396; 106 Stat. 1890) under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY".

SEC. 253. INCLUSION OF WOMEN AND MINORITIES IN CLINICAL RESEARCH PROJECTS.

(a) GENERAL RULE.—In conducting or supporting clinical research, the Secretary of Defense shall ensure that—

(1) women who are members of the Armed Forces are included as subjects in each project of such research; and

(2) members of minority groups who are members of the Armed Forces are included as subjects of such research.

(b) WAIVER AUTHORITY.—The requirement in subsection (a) regarding women and members of minority groups who are members of the Armed Forces may be waived by the Secretary of Defense with respect to a project of clinical research if the Secretary determines that the inclusion, as subjects in the project, of women and members of minority groups, respectively—

(1) is inappropriate with respect to the health of the subjects;

(2) is inappropriate with respect to the purpose of the research; or

(3) is inappropriate under such other circumstances as the Secretary of Defense may designate.

(c) REQUIREMENT FOR ANALYSIS OF RESEARCH.—In the case of a project of clinical research in which women or members of minority groups will under subsection (a) be included as subjects of the research, the Secretary of Defense shall ensure that the project is designed and carried out so as to provide for a valid analysis of whether the variables being tested in the research affect women or members of minority groups, as the case may be, differently than other persons who are subjects of the research.

SEC. 254. REPORT ON RESEARCH RELATING TO FEMALE MEMBERS OF THE UNIFORMED SERVICES AND FEMALE COVERED BENEFICIARIES.

Not later than July 1 of each of 1995, 1996, and 1997, the Secretary of Defense shall submit to Congress a report containing—

(1) a description (as of May 31 of the year in which the report is submitted) of the status of any health research that is being carried out by or under the jurisdiction of the Secretary relating to female members of the uniformed services and female covered beneficiaries under chapter 55 of title 10, United States Code; and

(2) recommendations of the Secretary as to future health research (including a proposal for any legislation relating to such research) relating to such female members and covered beneficiaries.

Subtitle E—Other Matters

SEC. 261. REPEAL OF REQUIREMENT FOR STUDY BY OFFICE OF TECHNOLOGY ASSESSMENT.

Section 802(c) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1414; 10 U.S.C. 2372 note) is repealed.

SEC. 262. COMPREHENSIVE INDEPENDENT STUDY OF NATIONAL CRYPTOGRAPHY POLICY.

(a) STUDY BY NATIONAL RESEARCH COUNCIL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall request the National Research Council of the National Academy of Sciences to conduct a comprehensive study of cryptographic technologies and national cryptography policy. The study shall assess the effect of cryptographic technologies on national security interests of the United States Government, on commercial interests of United States industry, and on privacy interests of United States citizens.

(b) INTERAGENCY COOPERATION WITH STUDY.—The Secretary of Defense shall direct the National Security Agency, the Advanced Research Projects Agency, and other appropriate agencies of the Department of Defense to cooperate fully with the National Research Council in its activities in carrying out the study under this section. The Secretary shall request all other appropriate Federal departments and agencies to provide similar cooperation to the National Research Council.

(c) FUNDING.—Of the amount authorized to be appropriated in section 201 for Defense-wide activities, $800,000 shall be available for the study under this section.

(d) REPORT.—The National Research Council shall complete the study and submit to the Secretary of Defense a report on the study within approximately two years after full processing of security clearances under subsection (e). The report on the study shall set forth the Council's findings and conclusions and the recommendations of the Council for improvements in cryptography policy and procedures. The Secretary shall submit the report to the Committees on Armed Services of the Senate and House of Representatives in unclassified form, with classified annexes as necessary, not later than 120 days after the day on which the report is submitted to the Secretary.

(e) EXPEDITED PROCESSING OF SECURITY CLEARANCES FOR STUDY.—For the purpose of facilitating the commencement of the study under this section, the Secretary of Defense shall expedite to the fullest degree possible the processing of security clearances that are necessary for the National Research Council to conduct the study.

SEC. 263. REVIEW OF ASSIGNMENT OF DEFENSE RESEARCH AND DEVELOPMENT CATEGORIES.

(a) REVIEW REQUIRED.—The Secretary of Defense shall carry out a review of the general content of the research and development categories of the Department of Defense designated as 6.3, 6.4, 6.5, and 6.6, including a review of the criteria for assigning programs to those categories. The review shall examine the assignment of current programs to those categories for the purpose of ensuring that those programs are correctly categorized and assigned program element numbers in accordance with existing Department of Defense policy.

(b) RESPONSIBLE OFFICIAL.—The Secretary of Defense shall designate an official within the Office of the Secretary of Defense to be responsible for monitoring and periodically reviewing program elements for proper categorization to the categories specified in subsection (a).

(c) REPORT.—The Secretary shall include with the budget materials for fiscal year 1995 submitted to Congress by the Secretary in support of the President's budget for that year a report on the implementation of this section. The report (1) shall include a certification (or an explanation of why the Secretary cannot certify) that current research and development programs are correctly categorized as described in subsection (a), and (2) shall specify the official designated under subsection (b).

SEC. 264. ONE-YEAR DELAY IN TRANSFER OF MANAGEMENT RESPONSIBILITY FOR NAVY MINE COUNTERMEASURES PROGRAM.

Section 216 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1317) is amended by striking out "during fiscal years 1994 through 1997" in subsection (a) and inserting in lieu therof "during fiscal years 1995 through 1997".

SEC. 265. STRATEGIC ENVIRONMENTAL RESEARCH AND DEVELOPMENT PROGRAM.

(a) COMPOSITION OF COUNCIL.—Section 2902(b) of title 10, United States Code, is amended—

(1) by striking out "thirteen members" and inserting in lieu thereof "fourteen members";

(2) in paragraph (1), by striking out "Assistant Secretary of Defense responsible for matters relating to production and logistics" and inserting in lieu thereof "Deputy Under Secretary of Defense for Environmental Security";

(3) by redesignating paragraphs (9) and (10) as paragraphs (10) and (11), respectively; and

(4) by inserting after paragraph (8) the following new paragraph (9):

"(9) The Administrator of the National Oceanic and Atmospheric Administration.".

(b) JOINT PROJECTS.—Section 2902(e)(6) of such title is amended by striking out "and the Administrator of the Environmental Protection Agency," and inserting "the Administrator of the Environmental Protection Agency, and the Administrator of the National Oceanic and Atmospheric Administration,".

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 1994 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance in amounts as follows:

(1) For the Army, $16,462,610,000.

(2) For the Navy, $20,102,493,000.

(3) For the Marine Corps, $1,990,139,000.

(4) For the Air Force, $19,788,648,000.

(5) For Defense-wide activities, $9,069,428,000.

(6) For Medical Programs, Defense, $9,106,685,000.

(7) For the Army Reserve, $1,095,590,000.

(8) For the Naval Reserve, $775,800,000.

(9) For the Marine Corps Reserve, $75,050,000.

(10) For the Air Force Reserve, $1,354,578,000.

(11) For the Army National Guard, $2,223,255,000.

(12) For the Air National Guard, $2,665,233,000.

(13) For the National Board for the Promotion of Rifle Practice, $2,483,000.

(14) For the Defense Inspector General, $169,001,000.

(15) For Drug Interdiction and Counter-drug Activities, Defense-wide, $1,109,439,000.

(16) For the Court of Military Appeals, $5,610,000.

(17) For Environmental Restoration, Defense, $2,309,400,000.

(18) For Chemical Agents and Munitions Destruction, Defense-wide, $308,161,000.

SEC. 302. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 1994 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

(1) For the Defense Business Operations Fund, $1,091,095,000.

(2) For the National Defense Sealift Fund, $290,800,000.

SEC. 303. ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 1994 from the Armed Forces Retirement Home Trust Fund the sum of $61,890,000 for operation of the Armed Forces Retirement Home.

SEC. 304. TRANSFER FROM NATIONAL DEFENSE STOCKPILE FUND.

(a) AUTHORITY TO TRANSFER FUNDS.—From amounts in the National Defense Stockpile Transaction Fund that the Secretary of Defense determines are not needed to meet current and estimated future obligations under the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a et seq.), as described in the annual materials plan submitted on May 28, 1993, for the five-year period beginning October 1, 1993, the Secretary of Defense may, to the extent provided in appropriations Acts, transfer not more than $500,000,000 from the Fund to appropriations for operation and maintenance for fiscal year 1994 to be used only for the purpose of reducing the backlog of maintenance and repair (BMAR).

(b) AVAILABILITY.—Amounts transferred pursuant to subsection (a) shall be available for obligation until expended and shall be in addition to any other funds available for the purpose described in such subsection.

(c) TREATMENT OF TRANSFER.—Amounts transferred pursuant to this section shall not increase the amount authorized to be appropriated in section 301 for the account to which the amount is transferred.

Subtitle B—Limitations

SEC. 311. NOTIFICATION REQUIREMENT PRIOR TO TRANSFER OF CERTAIN FUNDS.

The Secretary of Defense may not transfer funds appropriated to operation and maintenance accounts of the Department of Defense for air operations, ship operations, land forces, and combat operations, unless, before the transfer, the Secretary notifies the Congress of the transfer and the reasons for the transfer.

SEC. 312. EXTENSION OF LIMITATION ON THE USE OF CERTAIN FUNDS FOR PENTAGON RESERVATION.

Section 311(a) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2364) is amended by striking out "fiscal year 1993" in paragraphs (1) and (3) and inserting in lieu thereof "fiscal years 1993 and 1994".

SEC. 313. PROHIBITION ON OPERATION OF THE NAVAL AIR STATION, BERMUDA.

(a) PROHIBITION.—No funds available to the Department of Defense for operation and maintenance may be used to operate the Naval Air Station, Bermuda.

(b) EFFECTIVE DATE.—Subsection (a) shall take effect 90 days after the date of the enactment of this Act.

SEC. 314. LIMITATION ON THE USE OF APPROPRIATED FUNDS FOR DEPARTMENT OF DEFENSE GOLF COURSES.

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

"§2246. Department of Defense golf courses: limitation on use of appropriated funds

"(a) LIMITATION.—Except as provided in subsection (b), funds appropriated to the Department of Defense may not be used to equip, operate, or maintain a golf course at a facility or installation of the Department of Defense.

"(b) EXCEPTIONS.—(1) Subsection (a) does not apply to a golf course at a facility or installation outside the United States or at a facility or installation inside the United States at a location designated by the Secretary of Defense as a remote and isolated location.

"(2) The Secretary of Defense shall prescribe regulations governing the use of appropriated funds under this subsection.".

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

"2246. Department of Defense golf courses: limitation on use of appropriated funds.".

SEC. 315. CODIFICATION OF PROHIBITION ON THE USE OF CERTAIN COST COMPARISON STUDIES.

(a) IN GENERAL.—Section 2467 of title 10, United States Code, is amended—

(1) by redesignating subsections (a) and (b) as subsections (c) and (d), respectively;

(2) by inserting before subsection (c), as redesignated by paragraph (1), the following new subsections:

"(a) PROHIBITION.—Except as provided in subsection (b), the Secretary of Defense may not enter into a contract for the performance of a commercial activity in any case in which the contract results from a cost comparison study conducted by the Department of Defense under Office of Management and Budget Circular A-76 (or any successor administrative regulation or policy).

"(b) EXCEPTIONS FOR CERTAIN CONTRACTS.—Subsection (a) does not apply to—

"(1) a contract to be carried out at a location outside the United States at which members of the armed forces would have to be used for the performance of an activity described in subsection (a) at the expense of unit readiness; or

"(2) a contract (or the renewal of a contract) for the performance of an activity under contract on September 30, 1992."; and

(3) in subsection (d)(1), as redesignated by paragraph (1), by striking out "Each officer" and inserting in lieu thereof "In any case in which a comparison referred to in subsection (c) is conducted, the officer".

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

"§2467. Prohibition on the use of certain cost comparison studies".

(2) The item relating to such section in the table of sections at the beginning of chapter 146 of such title is amended to read as follows:

"2467. Prohibition on the use of certain cost comparison studies.".

(c) REPEAL.—Section 312 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2365) is repealed.

(d) EFFECTIVE DATE.—This section, and the amendments made by this section, shall take effect on September 30, 1993.

SEC. 316. LOCATION OF CERTAIN PREPOSITIONING FACILITIES.

(a) SITE FOR ARMY PREPOSITIONING MAINTENANCE FACILITY.—The Secretary of the Army shall establish the Army Prepositioning Maintenance Facility at Charleston, South Carolina.

(b) LIMITATION.—During the two-year period beginning on the date of the enactment of this Act, the Secretary of Defense shall ensure that separate but complementary prepositioning facilities are maintained in Charleston, South Carolina, and Blount Island, Florida, for the Army and Marine Corps, respectively.

(c) REPORT BEFORE SUBSEQUENT RELOCATION.—After the end of such two-year period, any decision by the Secretary of the Navy to relocate the Marine Prepositioning Forces (MPF) from Blount Island, Jacksonville, Florida, may be made only after the Secretary of Defense has submitted to the Committees on Armed Services of the Senate and House of Representatives a detailed cost and operational analysis explaining the basis of the decision for such relocation.

SEC. 317. USE OF FUNDS FOR NAVY DEPOT BACKLOG.

Of the funds authorized to be appropriated under section 301(2) for operation and maintenance for the Navy, $200,000,000 (representing the amount by which the amount of such funds exceeds the amount specified in the budget of the President for operation and maintenance for the Navy for fiscal year 1994) may be used only to decrease the backlog of depot-level maintenance and repair.

SEC. 318. LIMITATION ON USE OF FUNDS FOR TRIDENT SUBMARINE FORCE.

Amounts authorized to be appropriated under section 301(2) that are made available for operation and support of the trident submarine force may not exceed an amount that equals the difference between—

(1) the amount in the budget submitted by the President for fiscal year 1994 (pursuant to section 1105 of title 31, United States Code) for operation and support of the trident submarine force; and

(2) $100,000,000.

SEC. 319. LIMITATION ON OBLIGATION OF FUNDS IN CONNECTION WITH UPGRADES OR REPAIRS AT THE ARMY RESERVE FACILITY IN MARCUS HOOK, PENNSYLVANIA.

(a) LIMITATION ON OBLIGATION OF FUNDS.—Except as provided in subsection (b), none of the funds appropriated for fiscal year 1994 pursuant to an authorization of appropriations contained in this Act may be obligated or expended to plan or carry out any upgrade, repair, or other construction at the Army Reserve Facility in Marcus Hook, Pennsylvania (in this section referred to as the "Marcus Hook facility"), until after the end of the 30 day-period beginning on the date the Secretary of the Army submits to the congressional defense committees the report required by subsection (c).

(b) EXCEPTION.—Subsection (a) shall not prohibit obligations or expenditures of funds in connection with construction at the Marcus Hook facility if the Secretary certifies to the congressional defense committees in advance that the construction is limited to emergency repairs necessary to continue operations of water craft support at the Marcus Hook facility.

(c) REPORT REQUIRED.—The Secretary shall prepare a report evaluating the suitability of alternative sites within a 100 mile radius of the Marcus Hook facility to replace the facility. The report shall contain, at a minimum, a detailed accounting of—

(1) required pier and building space and available building and pier space at each alternative site;

(2) the costs required to operate comparable spaces at each alternative site;

(3) other users at each alternative site and their space requirements; and

(4) the assets and liabilities at each alternative site.

SEC. 320. PROHIBITION ON CONTRACTS WITH THE BAHRAIN SHIP REPAIRING AND ENGINEERING COMPANY FOR SHIP REPAIR.

(a) PROHIBITION.—Notwithstanding section 7299a of title 10, United States Code, the Secretary of Defense may not enter into a contract with the Bahrain Ship Repairing and Engineering Company for the overhaul, repair, or maintenance of naval vessels until the Secretary certifies to the Committees on Armed Services of the Senate and House of Representatives that at least one of the following conditions exists:

(1) The work was unplanned and is of an emergency nature.

(2) There is a compelling national security reason for the work to be done by the Bahrain Ship Repairing and Engineering Company.

(3) The Bahrain Ship Repairing and Engineering Company initiates legal proceedings, or other proceedings, to compensate the members of the Navy killed as a result of the explosion in the engine room of the U.S.S. Iwo Jima that occurred after the repair of the U.S.S. Iwo Jima by that company.

(b) APPLICABILITY.—Subsection (a) applies with respect to contracts for the overhaul, repair, or maintenance of a naval vessel entered into after the date of enactment of this Act.

SECTION 321. LIMITATION ON CHARTERING OF VESSELS ON WHICH REFLAGGING OR CONVERSION WORK HAS BEEN PERFORMED IN A FOREIGN SHIPYARD.

Section 2631 of title 10, United States Code, is amended—

(1) by inserting "(a)" before "Only vessels"; and

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

"(b)(1) The Secretary of Defense may enter into a time-charter contract for the use of a vessel for the transportation of supplies, in the case of a vessel on which reflagging or repair work was performed during the two-year period preceding the date of the award of the proposed charter, only if such work was performed at a shipyard in the United States (including any territory of the United States).

"(2) In paragraph (1), the term 'reflagging or repair work' means work performed on a vessel—

"(A) to enable the vessel to meet applicable standards to become a vessel of the United States; or

"(B) to convert the vessel to a more useful military configuration.".

SEC. 322. ONE-YEAR PROHIBITION ON REDUCTION OF FORCE STRUCTURE FOR RESERVE COMPONENT SPECIAL OPERATIONS FORCES.

(a) PROHIBITION.—During fiscal year 1994, the Secretary of Defense may not reduce the force structure of the special operations forces of the reserve components below the force structure of those forces as of September 30, 1993.

(b) DEFINITION.—In this section, the term "force structure" means the number and types of units and organizations, and the number of authorized personnel spaces allocated to those units and organizations, in a military force.

SEC. 323. PROHIBITION ON JOINT USE OF SELFRIDGE AIR NATIONAL GUARD BASE, MICHIGAN, WITH CIVIL AVIATION.

The Secretary of the Air Force may not enter into any agreement that would provide for or permit civil aircraft to regularly use Selfridge Air National Guard Base in Harrison Township, Michigan.

Subtitle C—Defense-Wide Funds

SEC. 331. PROHIBITION ON USE OF DEFENSE BUSINESS OPERATIONS FUND.

The Secretary of Defense shall not, after April 15, 1994, manage the performance of any function, activity, fund, or account of the Department of Defense through the Defense Business Operations Fund established by section 316 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 105 Stat. 1338)). After April 15, 1994, any management through a defense-wide fund of functions, activities, funds, and accounts that were managed through the Defense Business Operations Fund may be only as provided in section 333.

SEC. 332. CLASSIFICATION OF CERTAIN COMPETITIVE AND NONCOMPETITIVE ACTIVITIES OF THE DEPARTMENT OF DEFENSE; NONCOMPETITIVE RATES BOARD.

(a) CLASSIFICATION ACCORDING TO COMPETITIVENESS.—Not later than April 15, 1994, the

Secretary of Defense shall classify each function, fund, activity, and account that is managed by the Secretary under a single, defense-wide fund (including the Defense Business Operations Fund established in section 316 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (P.L. 102–190; 105 Stat. 1338)) according to whether or not the function, fund, activity, or account is suitable for provision and purchase by the Department of Defense in a competitive market. The Secretary of Defense shall revise a classification under this subsection whenever the Secretary considers it to be appropriate.

(b) PRICING AND PERFORMANCE OF COMPETITIVE ACTIVITIES.—The Secretary of Defense shall take any action necessary to provide for competitive pricing and active competition among suppliers for the operation of each function, fund, activity, or account classified as suitable for competition under subsection (a).

(c) RATES FOR NONCOMPETITIVE ACTIVITIES.—The Secretary of Defense shall establish rates and prices, and standards for the rates and prices, for each function, fund, activity, or account classified as not suitable for competition under subsection (a).

(d) NONCOMPETITIVE RATES BOARD.—(1) The Secretary of Defense shall appoint a Noncompetitive Rates Board (in this section referred to as the "Board") to regularly review the rates, prices, and standards established under subsection (c).

(2) The Board shall be composed of 3 individuals, at least one of whom shall have experience in the private-sector performance of functions, funds, activities, and accounts classified as not suitable for competition under subsection (a).

(3)(A) Each member of the Board shall be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of the duties of the Board.

(B) Each member of the Board shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(4) The Secretary of Defense shall provide the Board with the information and the administrative, professional, and technical support required by the Board to carry out its duties under this section.

(5) The Board shall annually submit to the congressional defense committees, at the same time as the report required to be submitted under section 333(i), the results of reviews conducted under paragraph (1) and the recommendations of the Board for any legislative and administrative action the Board considers to be appropriate.

SEC. 333. COMPETITIVE AND REGULATED BUSINESS OPERATIONS FUNDS.

(a) AUTHORITY TO BORROW FROM GENERAL FUND.—To the extent provided in appropriations Acts, the Secretary of Defense may borrow from the General Fund of the Treasury such sums as may be necessary to purchase the assets of the Defense Business Operations Fund (in this section referred to as the "DBOF") and to provide for the management of functions, funds, activities, and accounts referred to in subsection (b).

(b) PURCHASE OF DBOF ASSETS.—With amounts borrowed under subsection (a), the Secretary of Defense shall purchase from the DBOF at fair market value—

(1) all assets of each function, fund, activity, or account managed through the DBOF and classified under section 332 as suitable to competition; and

(2) all assets of each function, fund, activity, or account managed through the DBOF and classified under section 332 as not suitable to competition.

(c) PAYMENT OF DBOF PURCHASE AMOUNTS TO THE GENERAL FUND.—Amounts received by the DBOF from the sale of DBOF assets under subsection (b) shall be deposited in the General Fund of the Treasury.

(d) ESTABLISHMENT OF CBOF AND RBOF.—(1) There are established in the Treasury of the United States the following revolving funds:

(A) The "Competitive Business Operations Fund" (in this section referred to as the "CBOF").

(B) The "Regulated Business Operations Fund" (in this section referred to as the "RBOF").

(2) The Secretary of Defense may manage the performance of any function, fund, activity, or account referred to in subsection (b)(1) through the CBOF. The assets of each such fund, function, activity, or account purchased from the DBOF under such subsection shall be transferred to and accounted for in the CBOF.

(3) The Secretary of Defense may manage the performance of any function, fund, activity, or account referred to in subsection (b)(2) through the RBOF. The assets of each such function, fund, activity, or account purchased from the DBOF under such subsection shall be transferred to and accounted for in the RBOF.

(e) REPAYMENT TO THE GENERAL FUND.—The Secretary of Defense shall repay, out of the CBOF, the amount of any sums borrowed under subsection (a) and used to purchase assets for the CBOF. The Secretary of Defense shall repay, out of the RBOF, the amount of any sums borrowed under subsection (a) and used to purchase assets for the RBOF. Interest on the amount borrowed shall be paid quarterly and shall equal the average quarterly rate of interest for funds borrowed by the Treasury. The amount of the repayment and interest shall be deposited in the General Fund of the Treasury.

(f) TREATMENT OF NET GAINS AND LOSSES.—(1) The amount of any net gain from the operation of a function, fund, activity, or account managed through the CBOF or the RBOF shall be deposited in the General Fund of the Treasury.

(2) There are authorized to be appropriated to the CBOF or the RBOF, as the case may be, such sums as may be necessary to make up a net loss from the performance of a function, fund, activity, or account managed through the CBOF or the RBOF, as the case may be.

(g) SEPARATE ACCOUNTING, REPORTING, AND AUDITING.—For purposes of reporting and auditing, the Secretary of Defense shall maintain the separate identity and separate records (including separate records on net gains and losses) for each function, fund, activity, or account managed through the CBOF and the RBOF.

(h) INCLUSION OF OTHER FUNCTIONS IN CBOF AND RBOF.—The Secretary shall notify the Congress of any proposal by the Secretary to manage through the CBOF or the RBOF any function, fund, activity, or account that is in addition to the functions, fund, activities, and accounts referred to in subsection (b).

(i) REPORT.—The Secretary of Defense shall submit to the congressional defense committees, at the same time the Secretary submits the report required under section 113 of title 10, United States Code, a report on the management of functions, funds, activities, and accounts under the CBOF and the RBOF. The report shall include—

(1) an identification of each function, fund, activity, and account that is classified as suitable for competition under section 332 and managed through the CBOF;

(2) an identification of each function, fund, activity, and account that is classified as not suitable for competition under section 332 and managed through the RBOF; and

(3) detailed information on the financial performance and condition of each function, fund, activity, and account identified under paragraphs (1) and (2), including information on net gains and losses.

(j) EFFECTIVE DATE.—This section shall take effect on October 1, 1994.

SEC. 334. EXTENSION OF LIMITATION ON OBLIGATION AGAINST DEFENSE BUSINESS OPERATIONS FUND.

Section 343(a) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2377) is amended by striking out "fiscal year 1993" both places it appears and inserting in lieu thereof "a fiscal year".

Subtitle D—Depot-Level Activities

SEC. 341. DEPARTMENT OF DEFENSE DEPOT TASK FORCE.

(a) ESTABLISHMENT.—The Secretary of Defense shall appoint a task force to assess the overall performance and management of depot-level activities of the Department of Defense. The assessment shall include—

(1) an identification of the functions and activities that are suitable for performance by depot-level activities of the Department of Defense;

(2) an identification of the functions and activities that are suitable for performance by non-Government personnel;

(3) an evaluation of the manner and level of performance of such work; and

(4) an evaluation of how rates, prices, and the core workload requirements are determined for work performed by the depot-level activities.

(b) MEMBERSHIP.—The task force shall be composed of individuals who are representatives of the Department of Defense and the private sector and who have expertise in the management and performance of depot-level activities.

(c) PAY AND TRAVEL EXPENSES.—(1) Each member of the task force shall be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of the duties of the task force.

(2) Each member of the task force shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(d) ADMINISTRATIVE SUPPORT.—The Secretary of Defense shall provide the task force with the administrative, professional, and technical support required by the task force to carry out its duties under this section.

(e) REPORT.—Not later than April 1, 1994, the task force shall submit to the congressional defense committees the results of the assessment conducted under subsection (a) and the recommendations of the task for any legislative and administrative action the task force considers to be appropriate.

(f) TERMINATION.—The task force shall terminate not later than 60 days after submitting its report pursuant to subsection (e).

SEC. 342. RETENTION OF DEPOT-LEVEL MAINTENANCE WORKLOAD MANAGEMENT BY THE MILITARY DEPARTMENTS.

(a) MANAGEMENT OF DEPOT-LEVEL MAINTENANCE WORKLOAD BY THE MILITARY DEPARTMENTS.—Chapter 146 of title 10, United States Code, is amended by adding at the end the following new section:

"§2470. Depot-level maintenance workload: management by the military departments

"The Secretary of Defense may not consolidate the management of the depot-level maintenance workload of the Department of Defense under a single defense-wide entity. The management of any such workload for a military department shall continue to be carried out by the Secretary of the military department.".

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

"2470. Depot-level maintenance workload: management by the military departments.".

SEC. 343. PROHIBITION ON PERFORMANCE OF DEPOT-LEVEL SUPPORT PRIMARILY BY NON-GOVERNMENT PERSONNEL.

(a) PROHIBITION.—The Secretary of Defense may not require or permit the long-term, depot-level support of a weapon system referred to in subsection (b) to be provided primarily by non-Government personnel.

(b) COVERED WEAPON SYSTEMS.—A weapon system referred to in subsection (a) is a weapon system—

(1) which has not entered production by the date of the enactment of this Act; or

(2) which has entered production by the date of the enactment of this Act but is planned for depot-level support primarily by Government or non-Government personnel.

SEC. 344. PROHIBITION ON PERFORMANCE OF CERTAIN DEPOT-LEVEL WORK BY FOREIGN CONTRACTORS.

(a) IN GENERAL.—(1) Chapter 146 of title 10, United States Code, as amended by section 342, is amended by adding at the end the following new section:

"§2471. Prohibition on performance of certain depot-level work by foreign contractors

"(a) PROHIBITION.—The Secretary of Defense may not contract for the performance by a person or organization described in subsection (b) of any depot-level maintenance work that, in the determination of the Secretary, could be performed in the United States on a cost-effective basis and without significant adverse effect on the readiness of the armed forces.

"(b) COVERED PERSONS AND ORGANIZATIONS.—A person or organization referred to in subsection (a) is a person or organization—

"(1) which does not perform substantially all of its activities as part of the 'national technology and industrial base', as such term is defined in paragraph (1) of section 2491; and

"(2) which is not a citizen or permanent resident of a country referred to in such paragraph, or, if applicable, the majority of which is owned or controlled by citizens or permanent residents of any such country.".

(2) The table of sections at the beginning of such chapter, as amended by section 342, is amended by adding at the end the following new item:

"2471. Prohibition on performance of certain depot-level work by foreign contractors.".

(b) EFFECTIVE DATE.—Section 2471 of title 10, United States Code, as added by subsection (a), shall apply with respect to contracts entered into after the expiration of the 90-day period beginning on the date of the enactment of this Act.

SEC. 345. MODIFICATION OF LIMITATION ON THE PERFORMANCE OF DEPOT-LEVEL MAINTENANCE OF MATERIEL.

(a) MODIFICATION OF LIMITATION.—Subsection (a)(1) of section 2466 of title 10, United States Code, is amended by striking out "for the military department or the Defense Agency" and inserting in lieu thereof "with respect to each type of materiel or equipment, including ships, aircraft, ordinance, supply, and land forces, for the military department and the Defense Agency".

(b) REPORT.—Subsection (e) of such section is amended to read as follows:

"(e) REPORT.—Not later than January 15, 1995, the Secretary of each military department and, with respect to the Defense Agencies, the Secretary of Defense shall jointly submit to the Congress a report describing the progress during the preceding fiscal year to achieve and maintain the percentage of depot-level maintenance required to be performed by employees of the Department of Defense pursuant to subsection (a).".

SEC. 346. CLARIFICATION OF LIMITATION ON THE PERFORMANCE OF DEPOT-LEVEL MAINTENANCE OF MATERIEL FOR NEW WEAPON SYSTEMS.

(a) CLARIFICATION OF LIMITATION.—Subsection (a) of section 2466 of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3) The Secretary concerned shall, within 5 years after the initial delivery of a weapon system to the Department of Defense, provide for the performance by employees of the Department of Defense of not less than 60 percent of the depot-level maintenance of the weapon system.".

(b) CONFORMING AMENDMENT.—Paragraph (1) of such subsection, as amended by section 345(a), is further amended by striking out "paragraph (2)" and inserting in lieu thereof "paragraphs (2) and (3)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to a weapon system delivered after the date of the enactment of this Act.

Subtitle E—Commissaries and Military Exchanges

SEC. 351. EXPANSION AND CLARIFICATION OF COMMISSARY AND EXCHANGE BENEFITS.

(a) EXPANSION OF FORMER SPOUSES' ELIGIBILITY.—Section 1062 of title 10, United States Code, is amended to read as follows:

"§1062. Certain former spouses

"(a) ELIGIBILITY.—The Secretary of Defense shall prescribe such regulations as may be necessary to provide that a former spouse described in subsection (b) is entitled to commissary and exchange privileges to the same extent and on the same basis as the surviving spouse of a retired member of the uniformed services.

"(b) COVERED FORMER SPOUSES.—Subsection (a) applies to any person who—

"(1) is an unremarried former spouse of a member or former member who performed at least 20 years of service which is creditable in determining the member or former member's eligibility for retired or retainer pay; and

"(2) on the date of the final decree of divorce, dissolution, or annulment had been married to the member or former member for a period of at least 20 years, at least 12 of which were during the period the member or former member performed service creditable in determining the member or former member's eligibility for retired or retainer pay.".

(b) EXPANSION OF RESERVE MEMBERS' ELIGIBILITY.—(1) Section 1063 of such title is amended—

(A) in subsection (a)(1)—

(i) by inserting "for such calendar year on the same basis as members on active duty" before the period in the first sentence; and

(ii) by striking out the second sentence;

(B) by striking out subsection (b); and

(C) by redesignating subsection (c) as subsection (b).

(2) The heading of such section is amended to read as follows:

"§1063. Members of the Ready Reserve".

(c) EXPANSION OF ELIGIBILITY FOR PERSONS QUALIFIED FOR CERTAIN RETIRED PAY BUT UNDER AGE 60.—(1) Section 1064 of such title is amended by striking out "for 12 days each calendar year" and inserting in lieu thereof "on the same basis as a person who is eligible for such retired pay".

(2) The heading of such section is amended to read as follows:

"§1064. Persons qualified for retired pay under chapter 67 but under age 60".

(d) EXTENSION OF BENEFITS TO CERTAIN FORMER ENLISTED MEMBERS.—(1) The Secretary of Defense shall prescribe regulations to allow a person described in paragraph (2), and the survivors of such person, to use commissary and exchange stores of the Department of Defense on the same basis as officers retired for disability under chapter 61 of title 10, United States Code, and the survivors of such officers, respectively.

(2) Paragraph (1) applies to any person who was discharged with a disability from the Armed Forces on or before October 1, 1949, and—

(A) who at the time of such discharge was an enlisted member who had completed less than 20 years of active service; and

(B) who, if such person had been an officer at the time of such discharge, would have been eligible for disability retirement under the Career Compensation Act of 1949.

(e) CLARIFICATION OF USE OF CERTAIN FACILITIES BY CERTAIN PERSONS.—Section 1065(a) of such title is amended—

(1) in the first sentence, by striking out "Armed Forces" and inserting in lieu thereof "armed forces"; and

(2) by striking out the second sentence and inserting in lieu thereof the following: "For a member of the Selected Reserve, and the dependents of such member, such use shall be permitted on the same basis as a member on active duty. For a member who would be eligible for retired pay under chapter 67 but for the fact that the member is under 60 years of age, and the dependents of such member, such use shall be on the same basis as a member eligible for such retired pay.".

(f) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 54 of such title is amended by striking out the items relating to sections 1063 and 1064 and inserting in lieu thereof the following items:

"1063. Members of the Ready Reserve.

"1064. Persons qualified for retired pay under chapter 67 but under age 60.".

SEC. 352. PROHIBITION ON OPERATION OF COMMISSARY STORES BY ACTIVE DUTY MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Chapter 49 of title 10, United States Code, is amended by inserting after section 976 the following new section:

"§977. Operation of commissary stores: assignment of active duty members generally prohibited

"(a) GENERAL RULE.—A member of the armed forces on active duty may not be assigned to the operation of a commissary store.

"(b) EXCEPTION FOR DCA DIRECTOR.—The Secretary of Defense may assign an officer on the active-duty list to serve as the Director of the Defense Commissary Agency.

"(c) EXCEPTION FOR CERTAIN ADDITIONAL MEMBERS.—Beginning on October 1, 1996, not more than 18 additional members of the armed forces on active duty may be assigned to the Defense Commissary Agency. Assignment of such member to regional headquarters of that Agency shall be limited to enlisted advisors for those regions responsible for overseas commissaries and to veterinary specialists.

"(d) EXCEPTION FOR CERTAIN NAVY PERSONNEL.—(1) The Secretary of the Navy may assign to the Defense Commissary Agency a member of the Navy whose assignment afloat is part of the operation of a ship's food service or a ship's store. Any such assignment shall be on a non-reimbursable basis.

"(2) The number of such members assigned to the Defense Commissary Agency during any period before October 1, 1996, may not exceed the number of such members so assigned on October 1, 1993. After September 30, 1996, the number of

such members so assigned may not exceed the lesser of (A) the number of members so assigned on October 1, 1993, and (B) 400.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 976 the following new item:

"977. Operation of commissary stores: assignment of active duty members generally prohibited.".

SEC. 353. MODERNIZATION OF AUTOMATED DATA PROCESSING CAPABILITY OF THE DEFENSE COMMISSARY AGENCY.

In order to perform inside the Defense Commissary Agency (in this section referred to as the "Agency") all automated data processing functions of the Agency as soon as possible, the Secretary of Defense shall take any action necessary to expedite the modernization of the automated data processing capability of the Agency. Such action may include the modification of existing contracts with contractors supplying automated data processing services to the Agency.

SEC. 354. OPERATION OF STARS AND STRIPES BOOKSTORES BY THE MILITARY EXCHANGES.

The Secretary of Defense shall prescribe regulations providing for the operation, not later than April 15, 1994, of Stars and Stripes bookstores outside of the United States by the military exchanges.

SEC. 355. AVAILABILITY OF FUNDS FOR NEXCOM RELOCATION EXPENSES.

Of funds authorized to be appropriated under section 301(2), $10,000,000 shall be available to provide for the payment of expenses incurred by the Navy Exchange Service Command to relocate functions and activities from the Naval Station, Staten Island, to the Naval Base, Norfolk.

Subtitle F—Other Matters

SEC. 361. EMERGENCY AND EXTRAORDINARY EXPENSE AUTHORITY FOR THE INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE.

Section 127 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in the first sentence, by inserting ", the Inspector General of the Department of Defense," after "the Secretary of Defense";

(B) in the second sentence, by inserting "or the Inspector General of the Department of Defense" after "the Secretary concerned"; and

(C) in the third sentence, by inserting "or the Inspector General of the Department of Defense" after "The Secretary concerned";

(2) in subsection (b), by inserting ", by the Inspector General of the Department of Defense to a person in the Office of the Inspector General," after "the Department of Defense"; and

(3) in subsection (c)—

(A) by inserting "(1)" after "(c)"; and

(B) by adding after paragraph (1), as so designated by subparagraph (A), the following new paragraph:

"(2) The amount of funds expended by the Inspector General of the Department of Defense under subsections (a) and (b) during a fiscal year may not exceed $400,000.".

SEC. 362. AUTHORITY FOR CIVILIAN ARMY EMPLOYEES TO ACT ON REPORTS OF SURVEY.

Section 4835 of title 10, United States Code, is amended—

(1) in subsection (a), by inserting "or any civilian employee of the Department of the Army" after "any officer of the Army"; and

(2) in subsection (b), by striking out "an officer of the Army designated by him." and inserting in lieu thereof "the Secretary's designee. The Secretary may designate officers of the Army or civilian employees of the Department of the Army to approve such action.".

SEC. 363. EXTENSION OF GUIDELINES FOR REDUCTIONS IN CIVILIAN POSITIONS.

(a) EXTENSION OF GUIDELINES.—Section 1597 of title 10, United States Code, is amended—

(1) in subsection (a), by striking out "during fiscal year 1993" and inserting in lieu thereof "during a fiscal year"; and

(2) in subsection (b), by striking out "for fiscal year 1993".

(b) UPDATE OF MASTER PLAN.—Section 1597(c) of such title is amended—

(1) in paragraph (1), by striking out "for fiscal year 1994" and inserting in lieu thereof "for a fiscal year"; and

(2) by adding at the end the following new paragraph:

"(4) The Secretary of Defense shall include in the materials referred in paragraph (1), a report on the implementation of the master plan for the fiscal year immediately preceding the fiscal year for which such materials were submitted.".

SEC. 364. AUTHORITY TO EXTEND MAILING PRIVILEGES.

Paragraph (1) of section 3401(a) of title 39, United States Code, is amended—

(1) in the matter before subparagraph (A)—

(A) by inserting "an individual who is" before "a member"; and

(B) by inserting "or a civilian, otherwise authorized to use postal services at Armed Forces installations, who holds a position or performs one or more functions in support of military operations, as designated by the military theater commander," after "section 101 of title 10,"; and

(2) in subparagraphs (A) and (B) by striking "the member" and inserting "such individual".

SEC. 365. EXTENSION AND MODIFICATION OF PILOT PROGRAM TO USE NATIONAL GUARD PERSONNEL IN MEDICALLY UNDERSERVED COMMUNITIES.

(a) PILOT PROGRAM.—Subsection (a) of section 376 of the National Defense Authorization Act for Fiscal Year 1993 (P.L. 102-484; 106 Stat. 2385) is amended—

(1) by striking out "Under regulations prescribed by the Secretary of Defense, the" and inserting in lieu thereof "The";

(2) by inserting ", approved by the Secretary of Defense," after "enter into an agreement"; and

(3) by striking out "fiscal years 1993 and 1994" and inserting in lieu thereof "fiscal years 1993, 1994, and 1995".

(b) FUNDING ASSISTANCE.—Subsection (b) of such section is amended to read as follows:

"(b) FUNDING ASSISTANCE.—Amounts made available from Department of Defense accounts for operation and maintenance and for pay and allowances to carry out the pilot program shall be apportioned by the Chief of the National Guard Bureau among those States with which the Chief has entered into approved agreements. In addition to such amounts, the Chief of the National Guard Bureau may authorize any such State, in order to carry out the pilot program during a fiscal year, to use funds received as part of the operation and maintenance and pay and allowances allotments for the National Guard of the State for that fiscal year. The amount of such funds that may be used to carry out the pilot program during that fiscal year may not exceed 25 percent of the amount used for medical training of the National Guard of the State during the fiscal year immediately before that fiscal year.".

(c) SUPPLIES AND EQUIPMENT.—Such section is further amended—

(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

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

"(c) SUPPLIES AND EQUIPMENT.—(1) Funds made available from Department of Defense operation and maintenance accounts to carry out the pilot program may be used for the purchase of supplies and equipment necessary for the provision of health care under the pilot program.

"(2) In addition to supplies and equipment provided through the use of funds under paragraph (1), supplies and equipment described in such paragraph that are furnished by a State, a Federal agency, or any other person may be used to carry out the pilot program.".

(d) SERVICE OF PARTICIPANTS.—Subsection (f) of such section, as redesignated by subsection (c)(1), is amended to read as follows:

"(f) SERVICE OF PARTICIPANTS.—Service in the pilot program by a member of the National Guard is training in the member's Federal status as a member of the National Guard of a State under section 270 of title 10, United States Code, and section 502 of title 32, United States Code.".

(e) REPORT.—Subsection (g) of such section, as redesignated by subsection (c)(1), is amended by striking out "January 1, 1994" and inserting in lieu thereof "January 1, 1995".

(f) DEFINITIONS.—Such section is further amended by adding at the end the following new subsection:

"(h) DEFINITIONS.—For purposes of this section:

"(1) The term 'health care' includes medical and dental care services.

"(2) The term 'Governor' means, with respect to the District of Columbia, the commanding general of the District of Columbia National Guard.

"(3) The term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.".

SEC. 366. AMENDMENTS TO THE ARMED FORCES RETIREMENT HOME ACT OF 1991.

(a) RELATIONSHIP TO DEPARTMENT OF DEFENSE.—Section 1511 of the Armed Forces Retirement Home Act of 1991 (title XV of P.L. 101-510; 104 Stat. 1723) is amended—

(1) by redesignating subsection (e) as subsection (f); and

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

"(e) DEPARTMENT OF DEFENSE SUPPORT.—The Secretary of Defense may make available to the Retirement Home, on a nonreimbursable basis, administrative support and office services, legal and policy planning assistance, access to investigative facilities of the Inspector General of the Department of Defense and of the military departments, and any other support necessary to enable the Retirement Home to carry out its functions under this Act.".

(b) AUTHORITY OF RETIREMENT HOME CHAIRMAN.—Subsection (d)(1) of section 1515 of such Act (104 Stat. 1727) is amended to read as follows:

"(d) CHAIRMEN.—(1)(A) The Secretary of Defense shall select one of the members of the Retirement Home Board to serve as chairman. The term of office of the chairman shall be five years with eligibility for selection to serve a second five-year term at the discretion of the Secretary. The chairman shall act as the chief executive officer of the Retirement Home, and shall not be responsible to the Secretary of Defense or to the Secretaries of the military departments for overall direction and management of the Retirement Home and each facility maintained as a separate facility of the Retirement Home.

"(B) The chairman may appoint, in addition to such ad hoc committees as the chairman determines to be appropriate, a standing executive committee to act for, and in the name of, the Retirement Home Board at such times and on such matters as the chairman considers necessary to expedite the efficient and timely management of each facility maintained as a separate facility of the Retirement Home.

"(C) The chairman may appoint an administrative staff to assist the chairman in the performance of such individual's duties as the

chairman of the Retirement Board and chief executive officer of the Retirement Home. The chairman shall determine the rate of pay for such staff, except that a staff member who is a member of the Armed Forces on active duty or who is a full-time officer or employee of the United States shall receive no additional pay by reason of service on the administrative staff.".

(c) HOSPITAL CARE FOR HOME RESIDENTS.—The second sentence of section 1513(b) of such Act (104 Stat. 1725) is amended to read as follows: "Secondary and tertiary hospital care for residents that is not available at a facility maintained as a separate establishment of the Retirement Home shall, to the extent available, be obtained by agreement with the Secretary of Veterans Affairs or the Secretary of Defense in a facility administered by such Secretary. The Retirement Home shall not be responsible for the costs incurred for such care by a resident of the Retirement Home who uses a private medical facility for such care.".

(d) DISPOSITION OF ESTATES OF DECEASED RESIDENTS.—Section 1520(a) of such Act (104 Stat. 1731) is amended to read as follows:

"(a) EFFECTS OF DECEASED PERSONS.—The Director of a facility maintained as a separate establishment of the Retirement Home shall safeguard and dispose of the estate and personal effects of deceased residents, including effects delivered to the Retirement Home under subsections 4712(f) and 9712(f) of title 10, United States Code, and shall ensure the following:

"(1) A will or other instrument of a testamentary nature involving property rights executed by a resident shall be promptly delivered, upon the death of the resident, to the proper court of record. All property left by the deceased resident shall be held for disposition as directed by the court.

"(2) In the event a resident dies intestate and the heirs or legal representative of the deceased cannot be immediately ascertained, the Director shall retain all property left by the decedent for a three-year period beginning on the date of the death. If entitlement to such property is established to the satisfaction of the Director at any time during the three-year period, the Director shall distribute the decedent's property, in equal pro-rata shares when multiple beneficiaries have been identified, to the highest following categories of identified survivors (listed in the order of precedence indicated):

"(A) The surviving spouse or legal representative.

"(B) The children of the deceased.

"(C) The parents of the deceased.

"(D) The siblings of the deceased.

"(E) The next-of-kin of the deceased.".

(e) SALE OF EFFECTS.—Subsection (b) of such section is amended to read as follows:

"(b) SALE OF EFFECTS.—(1) In the event the disposition of the estate of a resident of the Retirement Home cannot be accomplished under subsection (a)(2), the entirety of the deceased resident's domiciliary estate and the entirety of any ancillary estate that are unclaimed at the end of the three-year period beginning on the date of the death of the resident shall escheat to the Retirement Home. Upon the sale of any such unclaimed estate property, the proceeds of the sale shall be deposited in the Retirement Home Trust Fund. In the event a personal representative or other fiduciary is appointed to administer a deceased resident's unclaimed estate before the end of such three-year period, the balance of the entire net proceeds of the estate, less estate expenses, shall be directly deposited to any local court fund, subject to a claim by the Comptroller General of the United States. This paragraph shall apply to the estate of a resident of the Soldiers' and Airmen's Home or of the Naval Home who dies after November 29, 1989.

"(2) The Director of a facility maintained as a separate establishment of the Retirement Home may designate an attorney to serve as attorney-general for the facility in any probate proceeding in which the Retirement Home may have a legal interest as nominated fiduciary, testamentary legatee, escheat legatee, or in any other capacity. The attorney-general may, in the domiciliary jurisdiction of the deceased resident and in any ancillary jurisdictions, petition for appointment as fiduciary under any resulting court appointment. In a probate proceeding in which the heirs of an intestate deceased resident cannot be located, the attorney-agent shall be appointed as the fiduciary of the estate of the decedent.

"(3) The designation of a facility of the Retirement Home as personal representative of the estate of a resident of the Retirement Home or as a legatee under the will or codicil of the resident shall not disqualify an employee or staff member of that facility from serving as an eligible witness to a will or codicil of the resident.

"(4) After the expiration of the three-year period beginning on the date of the death of a resident of the facility, the Director of the facility shall dispose of all property of the deceased resident that is not otherwise disposed of as provided for in this subsection, including personal effects such as decorations, medals, and citations to which a right has not been established under subsection (a). Disposal may be made within the discretion of the Director by—

"(A) retaining such property or effects for the facility;

"(B) offering such items to the Secretary of Veterans Affairs, a State, another military home, a museum, or any other institution having an interest; or

"(C) destroying any items the Director concerned considers to be valueless.".

SEC. 367. REQUIRED PAYMENT DATE UNDER PROMPT PAYMENT ACT FOR PROCUREMENT OF BAKED GOODS.

In the case of the acquisition of baked goods by the Department of Defense, the required payment date for purposes of section 3902 of title 31, United States Code (relating to interest penalties for failure to pay contractors by the required payment date), shall be the same as applies under the regulations prescribed under section 3903(a)(4) of such title in the case of the acquisition of edible oils or fats by the Department of Defense.

SEC. 368. PROVISION OF FACILITIES AND SERVICES OF THE DEPARTMENT OF DEFENSE TO CERTAIN EDUCATIONAL ENTITIES.

(a) PROVISION OF FACILITIES AND SERVICES.—Chapter 152 of title 10, United States Code, is amended by adding at the end the following new section:

"§2553. Facilities and services: certain educational entities

"(a) USE OF FACILITIES.—The Secretary may permit an entity referred to in subsection (c) to use, on a reimbursable or nonreimbursable basis, any facility of the Department of Defense that the Secretary determines will assist that entity in achieving its educational goals.

"(b) USE OF SERVICES.—The Secretary may make available to an entity referred to in subsection (c), on a reimbursable or nonreimbursable basis, the services of any member of the armed forces or employee of the Department of Defense who the Secretary determines will assist that entity in achieving its education goals.

"(c) COVERED ENTITIES.—The entities referred to in subsections (a) and (b) are the following:

"(1) The United States Space Camp.

"(2) The United States Space Academy.

"(3) The Aviation Challenge.

"(4) The National Flight Academy.

"(d) OPERATION OF THE NATIONAL FLIGHT ACADEMY.—After the completion of the facilities of the National Flight Academy, the Secretary of the Navy may accept the donation of such facilities from the Naval Aviation Museum Foundation (or a successor entity of the Foundation). If the donation occurs, the Secretary of the Navy may, by regulations prescribed under subsection (f), permit the Naval Aviation Museum Foundation (or any successor entity) to operate and maintain such facilities.

"(e) NONINTERFERENCE WITH ARMED FORCES OPERATIONS.—The provision of facilities and services under subsections (a) and (b) may not interfere with the normal operations and missions of the armed forces.

"(f) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section, including regulations establishing reasonable rates for a reimbursement under subsection (a).".

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

"2553. Facilities and services: certain educational entities.".

SEC. 369. MODIFICATION OF RESTRICTION ON REPAIR OF CERTAIN VESSELS THE HOMEPORT OF WHICH IS PLANNED FOR REASSIGNMENT.

Section 7310(b) of title 10, United States Code, as inserted by section 814(b), is amended to read as follows:

"(b) VESSEL CHANGING HOMEPORTS.—(1) In the case of a naval vessel the homeport of which is not in the United States (or a territory of the United States), the Secretary of the Navy may not during the 15-month period preceding the planned reassignment of the vessel to a homeport in the United States (or a territory of the United States) begin any work for the overhaul, repair, or maintenance of the vessel that is scheduled to be for a period of more than six months.

"(2) In the case of a naval vessel the homeport of which is in the United States (or a territory of the United States), the Secretary of the Navy shall during the 15-month period preceding the planned reassignment of the vessel to a homeport not in the United States (or a territory of the United States) perform in the United States (or a territory of the United States) any work for the overhaul, repair, or maintenance of the vessel that is scheduled to be for a period of more than six months.".

SEC. 370. ESCORTS AND FLAGS FOR CIVILIAN EMPLOYEES WHO DIE WHILE SERVING IN AN ARMED CONFLICT WITH THE ARMED FORCES.

(a) IN GENERAL.—Chapter 75 of title 10, United States Code, is amended by inserting after section 1482 the following new section:

"§1482a. Expenses incident to death: civilian employees serving in a contingency operation

"(a) PAYMENT OF EXPENSES.—The Secretary concerned may pay the following expenses incident to the death of a civilian employee who dies while serving with an armed force in a contingency operation:

"(1) Round-trip transportation and prescribed allowances for one person to escort the remains of the employee to the place authorized under section 5742(b)(1) of title 5.

"(2) Presentation of a flag of the United States to the next of kin of the employee.

"(3) Presentation of a flag of equal size to the flag presented under paragraph (2) to the parents or parent of the employee, if the person to be presented a flag under paragraph (2) is other than the parent of the employee.

"(b) REGULATIONS.—The Secretary of Defense shall prescribe regulations to implement this section. The Secretary of Transportation shall prescribe regulations to implement this section with regard to civilian employees of the Department

of Transportation. Such regulations shall be uniform to the extent possible.

"(c) DEFINITIONS.—In this section:

"(1) The term 'parent' has the meaning given such term in section 1482(a)(11) of this title.

"(2) The term 'Secretary concerned' includes the Secretary of Defense with respect to employees of the Department of Defense who are not employees of a military department.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 75 of such title is amended by inserting after the item relating to section 1482 the following new item:

"1482a. Expenses incident to death: civilian employees serving in a contingency operation.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the payment of incidental expenses for civilian employees who die while serving in a contingency operation that occurs after the date of the enactment of this Act.

SEC. 371. MAINTENANCE OF PACIFIC BATTLE MONUMENTS.

(a) AUTHORITY.—The Commandant of the Marine Corps may provide necessary minor maintenance and repairs to the Pacific battle monuments until such time as the Secretary of the American Battle Monuments Commission and the Commandant of the Marine Corps agree that the repair and maintenance will be performed by the American Battle Monuments Commission.

(b) FUNDING.—Of the amounts made available to the Marine Corps for operation and maintenance in a fiscal year, not more than $15,000 shall be available to repair and maintain Pacific battle monuments, except that of the amounts available to the Marine Corps for operation and maintenance in fiscal year 1994, $150,000 shall be available to repair and relocate a monument located on Iwo Jima commemorating the heroic efforts of American military personnel during World War II.

SEC. 372. EXCLUSIVE USE OF AIRCRAFT CARRIER FOR FULL-TIME TRAINING.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that the aviation training requirements of the Navy can be adequately achieved in a safe and cost-effective manner only if an aircraft carrier is used exclusively and on a full-time basis to meet such requirements.

(b) USE OF CARRIER.—The Secretary of the Navy shall use the U.S.S. Forestall (or another aircraft carrier designated by the Secretary) exclusively and on a full-time basis to meet the aviation training requirements of the Navy.

SEC. 373. REPORT ON CERTAIN EDUCATIONAL ARRANGEMENTS FOR CHILDREN RESIDING ON MILITARY INSTALLATIONS IN THE UNITED STATES.

(a) REPORT.—(1) Not later than March 31, 1994, the Secretary of Defense shall submit to the congressional committees referred to in paragraph (2) a report on any educational arrangement referred to in subsection (b) that is made by the Secretary of Defense for children residing on military installations in the United States. The report shall contain the assessment and recommendations of the Secretary of Defense regarding the justification of the continuing need for school facilities under any such educational arrangement.

(2) The congressional committees referred to in paragraph (1) are the Committees on Armed Services of the Senate and House of Representatives, the Committee on Labor and Human Resources of the Senate, and the Committee on Education and Labor of the House of Representatives.

(b) COVERED ARRANGEMENTS.—An educational arrangement referred to in subsection (a) is an arrangement of the kind that may be made under section 6 of the Act of September 30, 1950 (20 U.S.C. 241).

SEC. 374. ONE-YEAR EXTENSION OF CERTAIN PROGRAMS.

(a) DEMONSTRATION PROJECT FOR USE OF PROCEEDS FROM THE SALE OF CERTAIN PROPERTY.—(1) Section 343(d)(1) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 105 Stat. 1344) is amended by striking out "terminate at the end of the two-year period beginning on the date of the enactment of this Act" and inserting in lieu thereof "terminate on December 5, 1994".

(2) Section 343(e) of such Act is amended by striking out "60 days after the end of the two-year period described in subsection (d)" and inserting in lieu thereof "February 3, 1995".

(b) AUTHORITY FOR AVIATION DEPOTS AND NAVAL SHIPYARDS TO ENGAGE IN DEFENSE-RELATED PRODUCTION AND SERVICES.—Section 1425(e) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1684) is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1994".

(c) AUTHORITY OF BASE COMMANDERS OVER CONTRACTING FOR COMMERCIAL ACTIVITIES.—Section 2468(f) of title 10, United States Code, is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1994".

Subtitle G—Environmental Provisions

SEC. 381. MODIFICATION OF ANNUAL REPORT ON ENVIRONMENTAL RESTORATION AND COMPLIANCE BY THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Section 2706 of title 10, United States Code, is amended to read as follows:

"§2706. Annual report to Congress

"(a) REPORT.—Each year, at the same time the President submits to the Congress the budget for a fiscal year (pursuant to section 1105 of title 31), the Secretary of Defense shall submit to the Congress a report that describes the progress made by the Secretary of Defense in implementing environmental restoration and compliance activities at military installations.

"(b) CONTENTS OF REPORT.—Each such report shall include the following:

"(1) With respect to environmental restoration activities for each military installation, the following:

"(A) A statement of the number of individual facilities at which a hazardous substance has been identified.

"(B) The status of response actions contemplated or undertaken at each such facility.

"(C) The specific cost estimates and budgetary proposals involving response actions contemplated or undertaken at each such facility.

"(D) The amount of funds obligated for each response action, and the progress made on implementing the response action, during the previous fiscal year, with explanations for any cost variance from such previous year's estimates of more than 15 percent or $10,000,000 (whichever is greater), or any schedule slippage of more than 180 days.

"(E) The amount allocated for, and the progress the Department expects to make in implementing, each response action during the current fiscal year.

"(F) The amount requested for each response action for the fiscal year for which the President's budget is submitted, and the progress the Secretary expects to make during that fiscal year in implementing the response action. If such information is not available at the time of the submission of the report, the Secretary shall, to the maximum extent possible, provide the information in a supplemental report not later than 30 days after submission of the report.

"(G) The costs incurred to date for each response action.

"(H) The estimated cost to complete the environmental restoration activities, including, where relevant, the estimated cost in five-year increments.

"(I) The estimated final date for completion of the environmental restoration activities, including, where relevant, the estimated progress, in five-year increments, toward completion.

"(2) With respect to compliance activities, the following:

"(A) A statement of the funding levels and full-time personnel required for the Department of Defense to comply with applicable environmental laws during the fiscal year for which the budget is submitted. The statement shall set forth separately the funding levels and personnel required for the Department of Defense as a whole and for each military installation.

"(B) A statement of the funding levels and full-time personnel requested for such purposes in the budget as submitted by the President, together with an explanation of any differences between the funding level and personnel requirements and the funding level and personnel requests in the budget. The statement shall set forth separately the funding levels and full-time personnel requested for the Department of Defense as a whole and for each military installation.

"(C) A projection of the funding levels and full-time personnel that will be required over the next five fiscal years for the Department of Defense to comply with applicable environmental laws, set forth separately for the Department of Defense as a whole and for each military installation.

"(D) An analysis of the effect that compliance with such environmental laws may have on the operations and mission capabilities of the Department of Defense as a whole and of each military installation.

"(E) A statement of the funding levels requested in the budget for carrying out research, development, testing, and evaluation for environmental purposes or environmental activities of the Department of Defense. The statement shall set forth separately the funding levels requested for the Department of Defense as a whole and for each military department and Defense Agency.

"(F) A description of the number and duties of current full-time personnel, both civilian and military, who carry out environmental activities (including research) for the Department of Defense, including a description of the organizational structure of such personnel from the Secretary of Defense down to the military installation level.

"(G) A statement of the funding levels and personnel required for the Department of Defense to comply with applicable environmental requirements for military installations located outside the United States during the fiscal year for which the budget is submitted.

"(c) DEFINITIONS.—In this section:

"(1) The term 'military installation'—

"(A) includes—

"(i) each facility or site owned by, leased to, or otherwise possessed by the United States and under the jurisdiction of the Secretary;

"(ii) each facility or site which was under the jurisdiction of the Secretary and owned by, leased to, or otherwise possessed by the United States at the time of actions leading to contamination by hazardous substances; and

"(iii) each facility or site at which the Secretary is conducting environmental restoration activities funded through the Defense Environmental Restoration Account established under section 2703, the Department of Defense Base Closure Account 1990 established under section 2906 of the Defense Base Closure and Realignment Act of 1990 (title XXIX of Public Law 101-510; 10 U.S.C. 2687 note), the Department of Defense Base Closure Account established under section 207 of the Defense Authorization Amendments and Base Closure and Realignment Act

(10 U.S.C. note), a successor account to any such accounts, or any other account established in connection with the closing or realigning of a military installation;

"(B) means a base, camp, post, station, yard, center, or other activity under the jurisdiction of the Department of Defense, including any leased facility, which is located within any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, or Guam; and

"(C) does not include any facility used primarily for civil works, rivers and harbors projects, or flood control projects.

"(2) The term 'response' has the same meaning given such term in section 101(25) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(25)).".

(b) CLERICAL AMENDMENT.—The item relating to section 2706 in the table of sections at the beginning of chapter 160 of such title is amended to read as follows:

"2706. Annual report to Congress.".

SEC. 382. INDEMNIFICATION OF TRANSFEREES OF CLOSING DEFENSE PROPERTY.

Section 330 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2371) is amended—

(1) in subsection (a)(1)—

(A) by striking out "hazardous substance or pollutant or contaminant" and inserting in lieu thereof "hazardous substance, pollutant or contaminant, or petroleum or its derivatives"; and

(B) by inserting "(including the activities of any contractor or subcontractor of the Department of Defense other than a response action contractor)" after "Department of Defense activities";

(2) in subsection (a)(2), by striking out "described in this paragraph" and inserting in lieu thereof "referred to in paragraph (1)";

(3) in subsection (a)(3)—

(A) by striking out "the persons and entities described in paragraph (2)" and inserting in lieu thereof "a person or entity described in paragraph (2)"; and

(B) by inserting "to that person or entity" before the period;

(4) in subsection (b)—

(A) in paragraph (2), by inserting "person or" before "entity"; and

(B) in paragraph (4), by inserting "person or" before "entity";

(5) in subsection (c), by inserting "or entity" after "person" each place it appears;

(6) in subsection (d)—

(A) by striking out "plaintiff" and inserting in lieu thereof "person or entity seeking indemnification under this section"; and

(B) by striking out "hazardous substance or pollutant or contaminant" and inserting in lieu thereof "hazardous substance, a pollutant or contaminant, or petroleum or its derivatives"; and

(7) in subsection (f)—

(A) in paragraph (1)—

(i) by inserting "'remedial action', 'response'," after "'release',"; and

(ii) by inserting "(24), (25)," after "(22)," each place it appears; and

(B) by adding after paragraph (3) the following new paragraph:

"(4) The term 'response action contractor' has the meaning given such term in section 119(e)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9619(e)(2)), except that such term includes a person who enters into, and is carrying out, a contract to provide at a facility (including a facility not listed on the National Priorities List) a response action with respect to any release or threatened release from the facility of a hazardous substance or pollutant or contaminant, or a similar action with respect to petroleum or its derivatives.".

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 1994, as follows:

(1) The Army, 540,000.

(2) The Navy, 480,800.

(3) The Marine Corps, 174,100.

(4) The Air Force, 425,700.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 1994, as follows:

(1) The Army National Guard of the United States, 410,000.

(2) The Army Reserve, 260,000.

(3) The Naval Reserve, 113,400.

(4) The Marine Corps Reserve, 36,900.

(5) The Air National Guard of the United States, 117,700.

(6) The Air Force Reserve, 81,500.

(7) The Coast Guard Reserve, 10,000.

(b) WAIVER AUTHORITY.—The Secretary of Defense may increase the end strength authorized by subsection (a) by not more than 2 percent.

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

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

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

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

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

Within the end strengths prescribed in section 402(b), the reserve components of the Armed Forces are authorized, as of September 30, 1994, the following number of Reserves to be serving on full-time active duty or, in the case of members of the National Guard, full-time National Guard duty for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 24,180.

(2) The Army Reserve, 12,542.

(3) The Naval Reserve, 19,369.

(4) The Marine Corps Reserve, 2,119.

(5) The Air National Guard of the United States, 9,389.

(6) The Air Force Reserve, 648.

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

(a) SENIOR ENLISTED MEMBERS.—Effective on October 1, 1993, the table in section 517(b) of title 10, United States Code, is amended to read as follows:

"Grade	Army	Navy	Air Force	Marine Corps
E–9	569	202	328	14
E–8	2,585	429	840	74".

(b) OFFICERS.—Effective on October 1, 1993, the table in section 524(a) of such title is amended to read as follows:

"Grade	Army	Navy	Air Force	Marine Corps
Major or Lieutenant Commander	3,219	1,071	575	110
Lieutenant Colonel or Commander	1,524	520	636	75
Colonel or Navy Captain	372	188	274	25".

SEC. 414. FORCE STRUCTURE ALLOWANCE FOR ARMY NATIONAL GUARD.

(a) MINIMUM FORCE STRUCTURE LEVEL.—The force structure allowance for the Army National Guard of the United States for fiscal year 1994 shall be not less than 420,000.

(b) FORCE STRUCTURE ALLOWANCE DEFINED.—For purposes of this section, the force structure allowance for a reserve component is the allowance prescribed for that reserve component by the Secretary of the military department concerned pursuant to section 413 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2400).

SEC. 415. PERSONNEL LEVEL FOR NAVY CRAFT OF OPPORTUNITY (COOP) PROGRAM.

(a) FISCAL YEAR 1994.—The Secretary of the Navy shall ensure that none of the end strength reduction projected for the Naval Reserve in this Act shall be derived from personnel authorizations assigned to the Craft of Opportunity mission.

(b) PERMANENT STAFFING LEVEL.—The number of personnel authorizations assigned to the Craft of Opportunity mission shall be maintained during fiscal year 1994 and thereafter at not less than the level in effect on September 30, 1991.

Subtitle C—Military Training Student Loads

SEC. 421. AUTHORIZATION OF TRAINING STUDENT LOADS.

(a) IN GENERAL.—For fiscal year 1994, the components of the active and reserve Armed Forces are authorized average military training student loads as follows:

(1) The Army, 75,220.

(2) The Navy, 45,269.

(3) The Marine Corps, 22,753.

(4) The Air Force, 33,439.

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

SEC. 422. STUDENT LOADS AT WAR COLLEGES AND AT COMMAND AND GENERAL STAFF COLLEGES.

(a) REQUIRED STUDENT LEVELS.—The Secretary of Defense shall ensure that the number of students at each of the war colleges and at each of the command and general staff colleges is maintained during fiscal year 1994 at the same level as was in effect on October 1, 1992, for each such college.

(b) COVERED SCHOOLS.—For purposes of subsection (a)—

(1) the war colleges are the National War College, the Industrial College of the Armed Forces, the Army War College, the College of Naval Warfare, and the Air War College; and

(2) the command and general staff colleges are the Armed Forces Staff College, the Army Command and General Staff Course, the College of Naval Command and Staff, the Air Command and Staff College, and the Marine Corps Command and Staff College.

Subtitle D—Authorization of Appropriations

SEC. 431. AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 1994 a total of $70,671,147,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 1994.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Active Components

SEC. 501. YEARS OF SERVICE FOR ELIGIBILITY FOR SEPARATION PAY FOR REGULAR OFFICERS INVOLUNTARILY DISCHARGED.

(a) PERIOD OF SERVICE REQUIRED FOR ELIGIBILITY.—Section 1174(a)(1) of title 10, United States Code, is amended by striking out "five" and inserting in lieu thereof "six".

(b) EFFECTIVE DATE.—(1) Except as provided in paragraph (2), the amendment made by subsection (a) shall apply with respect to any regular officer who is discharged after the date of the enactment of this Act.

(2) The amendment made by subsection (a) shall not apply with respect to an officer who on the date of the enactment of this Act has five or more, but less than six, years of active service in the Armed Forces.

SEC. 502. EXTENSION OF ELIGIBILITY FOR VOLUNTARY SEPARATION INCENTIVE AND SPECIAL SEPARATION BENEFITS PROGRAMS.

Sections 1174a(c)(2) and 1175(d)(1) of title 10, United States Code, are amended by striking out "December 5, 1991" and inserting in lieu thereof "the date of the enactment of the National Defense Authorization Act for Fiscal Year 1994".

SEC. 503. ELIGIBILITY FOR INVOLUNTARY SEPARATION BENEFITS.

Section 1141 of title 10, United States Code, is amended by striking out "September 30, 1990" and inserting in lieu thereof "September 30, 1991".

SEC. 504. TWO-YEAR EXTENSION OF AUTHORITY FOR TEMPORARY PROMOTION OF CERTAIN NAVY LIEUTENANTS.

(a) EXTENSION.—Section 5721(f) of title 10, United States Code, is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as of September 30, 1993.

SEC. 505. OFFICERS INELIGIBLE FOR CONSIDERATION BY EARLY RETIREMENT BOARDS.

Section 638(e)(2)(B) of title 10, United States Code, is amended—

(1) by inserting "(i)" after "grade and competitive category";

(2) by inserting "(ii)" after "of this title, or"; and

(3) by striking out the comma after "any provision of law".

SEC. 506. REMEDY FOR INEFFECTIVE COUNSELING OF OFFICERS DISCHARGED FOLLOWING SELECTION BY EARLY DISCHARGE BOARDS.

(a) PROCEDURE FOR REVIEW.—(1) The Secretary of each military department shall establish a procedure for the review of the individual circumstances of an officer described in paragraph (2) who is discharged, or who the Secretary concerned approves for discharge, following the report of a selection board convened by the Secretary to select officers for separation.

(2) This section applies in the case of any officer (including a warrant officer) who, having been offered the opportunity to be discharged or otherwise separated from active duty through the programs provided under section 1174a and 1175 of title 10, United States Code, elected not to accept such discharge or separation.

(b) APPLICATION.—A review under this section shall be conducted in any case submitted to the Secretary concerned by application from the officer or former officer under regulations prescribed by the Secretary.

(c) PURPOSE OF REVIEW.—(1) The review under this section shall be designed to evaluate the effectiveness of the counseling of the officer before the convening of the board to ensure that the officer was properly informed that selection for discharge or other separation from active duty was a potential result of being within the group of officers to be considered by the board and that the officer was not improperly informed that such selection in that officer's personal case was unlikely.

(2) The Secretary shall consider each case on its merits, but shall make a finding of ineffective counseling if an individual was instructed by an official source before the convening of the board that the officer's risk of discharge was reduced by the quality of the officer's record or by an expected limitation on the number of discharges from the officer's occupational skill category, branch, corps, or other administrative grouping of officers.

(3) For purposes of this subsection, the term "official source" means any office or individual within a military department that could reasonably be expected to provide information on an individual personnel record or personnel policy.

(d) REMEDY.—Upon a finding of ineffective counseling under subsection (c), the Secretary shall provide the officer the opportunity to participate, at the officer's option, in any one of the following programs:

(1) The Special Separation Benefits Programs under section 1174a of title 10, United States Code.

(2) The Voluntary Separation Incentive program under section 1175 of such title.

(3) The Temporary Early Retirement Authority as authorized by section 4403 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484, October 23, 1992).

The officer must meet all eligibility criteria for the program selected.

(e) EFFECTIVE DATE.—This section shall apply with respect to officers separated after September 30, 1990.

Subtitle B—Reserve Components

SEC. 511. EXPANSION OF SELECTED RESERVE CALL-UP PERIOD FROM 90 DAYS TO 180 DAYS.

Section 673b of title 10, United States Code, is amended—

(1) by striking out "90 days" in subsection (a) and inserting in lieu thereof "180 days"; and

(2) by striking out "90 additional days" in subsection (i) and inserting in lieu thereof "180 additional days".

SEC. 512. NUMBER OF FULL-TIME RESERVE PERSONNEL WHO MAY BE ASSIGNED TO ROTC DUTY.

Section 690 of title 10, United States Code, is amended by striking out "may not exceed 200" and inserting in lieu thereof "may not exceed 275".

SEC. 513. REPEAL OF MANDATED REDUCTION IN ARMY RESERVE COMPONENT FULL-TIME MANNING END STRENGTH.

Section 412 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 261 note) is amended by striking out subsections (b) and (c).

SEC. 514. TWO-YEAR EXTENSION OF CERTAIN RESERVE OFFICER MANAGEMENT PROGRAMS.

(a) GRADE DETERMINATION AUTHORITY FOR CERTAIN RESERVE MEDICAL OFFICERS.—Sections 3359(b) and 8359(b) of title 10, United States Code, are each amended by striking "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(b) PROMOTION AUTHORITY FOR CERTAIN RESERVE OFFICERS SERVING ON ACTIVE DUTY.—Sections 3380(d) and 8380(d) of such title are each amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(c) YEARS OF SERVICE FOR MANDATORY TRANSFER TO THE RETIRED RESERVE.—Section 1016(d) of the Department of Defense Authorization Act, 1984 (10 U.S.C. 3360 note) is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(d) EFFECTIVE DATE.—(1) The amendments made by this section shall take effect as of September 30, 1993.

(2) If the date of the enactment of this Act is after September 30, 1993, the Secretary of the Army or the Secretary of the Air Force, as appropriate, shall provide, in the case of a Reserve officer appointed to a higher grade on or after the date of the enactment of this Act under an appointment described in paragraph (3), that the date of rank of such officer under that appointment shall be the date of rank that would have applied to the appointment had the authority referred to in that paragraph not lapsed.

(3) An appointment referred to in paragraph (2) is an appointment under section 3380 or 8380 of title 10, United States Code, that (as determined by the Secretary concerned) would have been made during the period beginning on October 1, 1993, and ending on the date of the enactment of this Act had the authority to make appointments under that section not lapsed during such period.

SEC. 515. CADRE DIVISIONS.

(a) REQUIREMENT TO ESTABLISH.—The Secretary of the Army shall, not later than September 30, 1995, establish one or more active cadre divisions of the Army as reserve component training divisions. Each such active cadre division shall be part of the active Army force structure and shall have a commander who is on the active-duty list of the Army.

(b) IMPLEMENTATION PLAN.—The Secretary of the Army shall during fiscal year 1994 submit to the Committees on Armed Services of the Senate and House of Representatives a plan to meet the requirement in subsection (a). The plan shall include a proposal for any statutory changes that the Secretary considers to be necessary for the implementation of the plan.

SEC. 516. TEST PROGRAM FOR RESERVE COMBAT MANEUVER UNIT INTEGRATION.

(a) PLAN FOR TEST PROGRAM.—The Secretary of the Army shall prepare a plan for carrying out a test program to determine the feasibility and advisability of applying the roundout and roundup models for integration of active and reserve component Army units at the battalion and company levels.

(b) PURPOSE OF TEST PROGRAM.—The purpose of the test program shall be to evaluate whether the roundout and roundup concepts if applied at the battalion and company levels would—

(1) decrease post-mobilization training time;

(2) increase the capabilities of reserve component leaders;

(3) improve the integration of the active and reserve components; and

(4) provide a more efficient means for future expansion of the Army in a period of emergency or increasing international threats to the vital interests of the United States.

(c) REPORT ON PLAN.—The Secretary of the Army shall submit to Congress not later than

March 31, 1994, a report that includes the plan for the test program required under subsection (a).

(d) DEFINITIONS.—For purposes of this section, the terms "roundout" and "roundup" refer to two approaches for integrating Army reserve component (Army National Guard and Army Reserve) combat units into active Army corps, divisions, brigades, and battalions after mobilization. The roundout approach is the method of bringing an incomplete active unit up to full strength by assigning one or more reserve component units to it. The roundup approach is the use of reserve component units to augment or expand active units that are already at full strength.

SEC. 517. REVISIONS TO PILOT PROGRAM FOR ACTIVE COMPONENT SUPPORT OF THE RESERVES.

(a) ACTIVE COMPONENT ADVISERS.—(1) Subsection (c) of section 414 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 10 U.S.C. 261 note) is amended to read as follows:

"(c) PERSONNEL TO BE ASSIGNED.—The Secretary shall assign not less than 2,000 active component personnel to serve as advisers under the program. After September 30, 1994, the number under the preceding sentence shall be increased to not less than 5,000.".

(2) Subsection (d) of such section is amended by striking out the period at the end of the second sentence and inserting in lieu thereof ", together with a proposal for any statutory changes that the Secretary considers necessary to implement the program on a permanent basis.".

(b) ANNUAL REPORT ON IMPLEMENTATION.—(1) The Secretary of the Army shall include in the annual report of the Secretary to Congress known as the Army Posture Statement a presentation relating to the implementation of the Pilot Program for Active Component Support of the Reserves under section 414 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 10 U.S.C. 261 note), as amended by subsection (a).

(2) Each such presentation shall include, with respect to the period covered by the report, the following information:

(A) The promotion rate for officers considered for promotion from within the promotion zone who are serving as active component advisers to units of the Selected Reserve of the Ready Reserve (in accordance with that program) compared with the promotion rate for other officers considered for promotion from within the promotion zone in the same pay grade and the same competitive category, shown for all officers of the Army.

(B) The promotion rate for officers considered for promotion from below the promotion zone who are serving as active component advisers to units of the Selected Reserve of the Ready Reserve (in accordance with that program) compared in the same manner as specified in subparagraph (A).

SEC. 518. REVISION OF CERTAIN DEADLINES UNDER ARMY GUARD COMBAT REFORM INITIATIVE.

(a) DELAY IN MINIMUM PERCENTAGE OF PRIOR ACTIVE-DUTY PERSONNEL.—(1) Subsection (b) of section 1111 of the Army National Guard Combat Readiness Reform Act of 1992 (title XI of Public Law 102–484; 10 U.S.C. 3077 note; 106 Stat. 2537) is amended by striking out "fiscal years 1993 through 1997" and inserting in lieu thereof "fiscal years 1994 through 1997".

(2) Subsection (d) of such section is amended by striking out "March 15, 1993" and "April 1, 1993" and inserting in lieu thereof "December 15, 1993" and "January 15, 1994", respectively.

(b) REPORT ON DENTAL READINESS OF MEMBERS OF EARLY DEPLOYING UNITS.—Section 1118(b) of such Act (106 Stat. 2539) is amended by striking out "February 15, 1993" and inserting in lieu thereof "October 1, 1993".

SEC. 519. ANNUAL REPORT ON IMPLEMENTATION OF ARMY NATIONAL GUARD REFORM INITIATIVE.

(a) IN GENERAL.—Chapter 307 of title 10, United States Code, is amended by adding at the end the following new section:

"§3083. Army National Guard Reform Initiative: annual report

"(a) IN GENERAL.—The Secretary of the Army shall include in the annual report of the Secretary to Congress known as the Army Posture Statement a detailed presentation concerning the Army National Guard, including particularly information relating to the implementation of the Army National Guard Combat Readiness Reform Act of 1992 (title XI of Public Law 102–484; 106 Stat. 2536 et seq.) (hereinafter in this section referred to as 'ANGCRRA').

"(b) MATTERS TO BE INCLUDED IN REPORT.—Each presentation under subsection (a) shall include, with respect to the period covered by the report, the following information concerning the Army National Guard:

"(1) The number and percentage of officers with at least two years of active-duty before becoming a member of the Army National Guard.

"(2) The number and percentage of enlisted personnel with at least two years of active-duty before becoming a member of the Army National Guard.

"(3) The number of officers who are graduates of one of the service academies and were released from active duty before the completion of their active-duty service obligation and of those officers—

"(A) the number who are serving the remaining period of their active-duty service obligation as a member of the Selected Reserve pursuant to section 1112(a)(1) of ANGCRRA; and

"(B) the number for whom waivers were granted by the Secretary under section 1112(a)(2) of ANGCRRA and the reason for each waiver.

"(4) The number of officers who were commissioned as distinguished Reserve Officers' Training Corps graduates and were released from active duty before the completion of their active-duty service obligation and of those officers—

"(A) the number who are serving the remaining period of their active-duty service obligation as a member of the Selected Reserve pursuant to section 1112(a)(1) of ANGCRRA; and

"(B) the number for whom waivers were granted by the Secretary under section 1112(a)(2) of ANGCRRA and the reason for each waiver.

"(5) The number of officers who are graduates of the Reserve Officers' Training Corps program and who are performing their minimum period of obligated service in accordance with section 1112(b) of ANGCRRA by a combination of (A) two years of active duty, and (B) such additional period of service as is necessary to complete the remainder of such obligation served in the National Guard and, of those officers, the number for whom permission to perform their minimum period of obligated service in accordance with that section was granted during the preceding fiscal year.

"(6) The number of officers for whom recommendations were made during the preceding fiscal year for a unit vacancy promotion to a grade above first lieutenant and, of those recommendations, the number and percentage that were concurred in by an active-duty officer under section 1113(a) of ANGCRRA, shown separately for each of the three categories of officers set forth in section 1113(b) of ANGCRRA.

"(7) The number of waivers during the preceding fiscal year under section 1114 of ANGCRRA of any standard prescribed by the Secretary establishing a military education requirement for noncommissioned officers and the reason for each such waiver.

"(8) The number and distribution by grade, shown for each State, of personnel in the initial entry training and nondeployability personnel accounting category established under 1115 of ANGCRRA for members of the Army National Guard who have not completed the minimum training required for deployment or who are otherwise not available for deployment.

"(9) The number of members of the Army National Guard, shown for each State, that were discharged during the previous fiscal year pursuant to 1115(c)(1) of ANGCRRA for not completing the minimum training required for deployment within 24 months after entering the National Guard.

"(10) The number of waivers granted by the Secretary during the previous fiscal year under section 1115(c)(2) of ANGCRRA, shown for each State, of the requirement in section 1115(c)(1) of ANGCRRA described in paragraph (9), and the reason for each waiver.

"(11) The number of members, shown for each State, who were screened during the preceding fiscal year to determine whether they meet minimum physical profile standards required for deployment and, of those members—

"(A) the number and percentage who did not meet minimum physical profile standards required for deployment; and

"(B) the number and percentage who were transferred pursuant to section 1116 of ANGCRRA to the personnel accounting category described in paragraph (8).

"(12) The number of members, and the percentage of the total membership, of the Army National Guard, shown for each State, who underwent a medical screening during the previous fiscal year as provided in section 1117 of ANGCRRA.

"(13) The number of members, and the percentage of the total membership, of the Army National Guard, shown for each State, who underwent a dental screening during the previous fiscal year as provided in section 1117 of ANGCRRA.

"(14) The number of members, and the percentage of the total membership, of the Army National Guard, shown for each State, over the age of 40 who underwent a full physical examination during the previous fiscal year for purposes of section 1117 of ANGCRRA.

"(15) The number of units of the Army National Guard that are scheduled for early deployment in the event of a mobilization and, of those units, the number that are dentally ready for deployment in accordance with section 1118 of ANGCRRA.

"(16) The estimated post-mobilization training time for each Army National Guard combat unit, and a description, displayed in broad categories and by State, of what training would need to be accomplished for Army National Guard combat units in a post-mobilization period, for purposes of section 1119 of ANGCRRA.

"(17) A description of the measures taken during the preceding fiscal year to comply with the requirement in section 1120 of ANGCRRA to expand the use of simulations, simulators, and advanced training devices and technologies for members and units of the Army National Guard.

"(18) Summary tables of unit readiness, shown for each State, and drawn from the unit readiness rating system as required by section 1121 of ANGCRRA, including the personnel readiness rating information and the equipment readiness assessment information required by that section, together with—

"(A) explanations of the information shown in the table; and

"(B) based on the information shown in the tables, the Secretary's overall assessment of the

deployability of units of the Army National Guard, including a discussion of personnel deficiencies and equipment shortfalls in accordance with such section 1121.

"(19) Summary tables, shown for each State, of the results of inspections of units of the Army National Guard by inspectors general or other commissioned officers of the Regular Army under the provisions of section 105 of title 32, together with explanations of the information shown in the tables, and including display of—

"(A) the number of such inspections;

"(B) identification of the entity conducting each inspection;

"(C) the number of units inspected; and

"(D) the overall results of such inspections, including the inspector's determination for each inspected unit of whether the unit met deployability standards and, for those units not meeting deployability standards, the reasons for such failure and the status of corrective actions.

"(20) A listing for each Army National Guard combat unit of the active-duty combat unit associated with it in accordance with section 1131(a) of ANGCRRA identification of each Army National Guard unit, to be shown by State and to be accompanied, for each such National Guard unit, by—

"(A) the assessment of the commander of that associated active-duty unit of the manpower, equipment, and training resource requirements of that National Guard unit in accordance with section 1131(b)(3) of ANGCRRA; and

"(B) the results of the validation by the commander of that associated active-duty unit of the compatibility of that National Guard unit with active duty forces in accordance with section 1131(b)(4) of ANGCRRA.

"(21) A specification of the active-duty personnel assigned to units of the Selected Reserve pursuant to section 414(c)(4) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (10 U.S.C. 261 note), shown (A) by State, (B) by rank of officers, warrant officers, and enlisted members assigned, and (C) by unit or other organizational entity of assignment.

"(c) IMPLEMENTATION.—The requirement to include in an presentation required by subsection (a) information under any paragraph of subsection (b) shall take effect the year following the year in which the provision of ANGCRRA to which that paragraph pertains has taken effect. Before then, in the case of any such paragraph, the Secretary shall include any information that may be available concerning the topic covered by that paragraph.

"(d) DEFINITION.—In this section, the term 'State' includes the District of Columbia, Puerto Rico, Guam, and the Virgin Islands.".

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

"3083. Army National Guard Reform Initiative: annual report.".

SEC. 520. FFRDC STUDY OF STATE AND FEDERAL MISSIONS OF THE NATIONAL GUARD.

(a) STUDY REQUIRED.—The Secretary of Defense shall provide for a study of the State and Federal missions of the National Guard to be carried out by a federally funded research and development center. The study shall consider both the separate and integrated requirements (including requirements pertaining to personnel, weapons, equipment, and facilities) that derive from those missions.

(b) MATTERS TO BE INCLUDED.—The Secretary shall require that the matters to be considered under the study include the following:

(1) Whether the currently projected size for the National Guard after the completion of the reductions in the national defense structure planned through fiscal year 1998 will be adequate for the National Guard to fulfill both its State and Federal missions.

(2) Whether the system of assigning Federal missions to State Guard units could be altered to optimize the Federal as well as the State capabilities of the National Guard.

(3) Whether alternative arrangements, such as cooperative development of National Guard capabilities among the States grouped as regions, are advisable and feasible.

(4) Whether alternative Federal-State cost-sharing arrangements should be implemented for National Guard units whose principal function is to support State missions.

(5) Such other matters related to the missions of the National Guard and the corresponding requirements related to those missions as the Secretary may specify or the center carrying out the study may determine necessary.

(c) FFRDC REPORTS.—(1) The Secretary shall require the center carrying out the study to submit an interim report not later than May 1, 1994, and a final report not later than November 15, 1994. Each report shall include the findings, conclusions, and recommendations of the center concerning each of the matters referred to in subsection (b).

(2) The Secretary shall submit each such report to the Committees on Armed Services of the Senate and House of Representatives not later than 15 days after the date on which it is received by the Secretary.

(d) EVALUATION AND REPORT OF FINAL FFRDC REPORT.—(1) After the center carrying out the study submits its final report, the Secretary of Defense, together with the Secretary of the Army and the Secretary of the Air Force, shall conduct an evaluation of the assumptions, analysis, findings, and recommendations of that study.

(2) Not later than February 1, 1995, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the evaluation under paragraph (1). The report shall be accompanied by any recommendations for legislative action that the Secretary considers necessary as a result of the study and evaluation required by this section.

(e) COOPERATION.—The Secretary shall ensure that the center carrying out the study under this section has full access to such information as the center requires for the purposes of the study and that the center otherwise receives full cooperation from all officials and entities of the Department of Defense, including the National Guard, in carrying out the study.

SEC. 521. EDUCATIONAL ASSISTANCE FOR GRADUATE PROGRAMS FOR MEMBERS OF THE SELECTED RESERVE.

Section 2131 of title 10, United States Code, is amended—

(1) in subsection (c)(1), by striking out "other than" and all that follows through "level." and inserting in lieu thereof a period; and

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

"(i) A program of education in a course of instruction beyond the baccalaureate degree level shall be provided under this chapter, subject to the availability of appropriations.".

SEC. 522. TRANSITION BENEFITS FOR COAST GUARD RESERVE.

(a) APPLICABILITY OF CERTAIN BENEFITS.—The Secretary of Transportation shall prescribe such regulations as necessary so as to apply to the members of the Coast Guard Reserve the provisions of subtitle B of title XLIV of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102–484; 106 Stat. 2712), including the amendments made by those provisions. For purposes of the application of any of such provisions to the Coast Guard Reserve, any reference in those provisions to the Secretary of Defense or Secretary of a military department shall be treated as referring to the Secretary of Transportation.

(b) REGULATIONS.—Regulations prescribed for the purposes of this section shall to the extent practicable be identical to the regulations prescribed by the Secretary of Defense under those provisions.

(c) TEMPORARY SPECIAL RETIREMENT AUTHORITY.—Section 1331a of title 10, United States Code, is amended—

(1) in subsection (a), by striking out "Secretary of a military department" and inserting in lieu thereof "Secretary concerned"; and

(2) in subsection (c), by striking out "of the military department"; and

(3) in subsection (e), by striking out the period at the end and inserting in lieu thereof "and by the Secretary of Transportation with respect to the Coast Guard.".

Subtitle C—Warrant Officers

SEC. 531. AUTHORIZATION FOR INVOLUNTARY SEPARATION OF CERTAIN REGULAR WARRANT OFFICERS.

(a) IN GENERAL.—Chapter 33A of title 10, United States Code, is amended by inserting after section 580 the following new section:

"§580a. Enhanced authority for selective early discharges

"(a) The Secretary of Defense may authorize the Secretary of a military department, during the two-year period beginning on October 1, 1993, to take the action set forth in subsection (b) with respect to regular warrant officers of an armed force under the jurisdiction of that Secretary.

"(b) The Secretary of a military department may, with respect to regular warrant officers of an armed force, when authorized to do so under subsection (a), convene selection boards under section 573(c) of this title to consider for discharge regular warrant officers on the warrant officer active-duty list—

"(1) who have served at least one year of active duty in the grade currently held;

"(2) whose names are not on a list of warrant officers recommended for promotion; and

"(3) who are not eligible to be retired under any provision of law and are not within two years of becoming so eligible.

"(c)(1) In the case of an action under subsection (b), the Secretary of the military department concerned may submit to a selection board convened pursuant to that subsection—

"(A) the names of all regular warrant officers described in that subsection in a particular grade and competitive category; or

"(B) the names of all regular warrant officers described in that subsection in a particular grade and competitive category who also are in particular year groups or specialties, or both, within that competitive category.

"(2) The Secretary concerned shall specify the total number of warrant officers to be recommended for discharge by a selection board convened pursuant to subsection (b). That number may not be more than 30 percent of the number of officers considered—

"(A) in each grade in each competitive category; or

"(B) in each grade, year group, or specialty (or combination thereof) in each competitive category.

"(3) The total number of regular warrant officers described in subsection (b) from any of the armed forces (or from any of the armed forces in a particular grade) who may be recommended during a fiscal year for discharge by a selection board convened pursuant to the authority of that subsection may not exceed 70 percent of the decrease, as compared to the preceding fiscal year, in the number of warrant officers of that armed force (or the number of warrant officers of that armed force in that grade) authorized to be serving on active duty as of the end of that fiscal year.

"(4) A warrant officer who is recommended for discharge by a selection board convened pursuant to the authority of subsection (b) and

whose discharge is approved by the Secretary concerned shall be discharged on a date specified by the Secretary concerned.

"(5) Selection of warrant officers for discharge under this subsection shall be based on the needs of the service.

"(d) The discharge of any warrant officer pursuant to this section shall be considered involuntary for purposes of any other provision of law.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 33A is amended by inserting after the item relating to section 580 the following new item:

"580a. Enhanced authority for selective early discharges.".

SEC. 532. DETERMINATION OF SERVICE FOR WARRANT OFFICER RETIREMENT SANCTUARY.

(a) EQUITY WITH OTHER MEMBERS.—Section 580(a)(4) of title 10, United States Code, is amended—

(1) by inserting "(except as provided in subparagraph (C))" in subparagraph (A) after "shall be separated"; and

(2) by adding at the end the following new subparagraph:

"(C) If on the date on which a warrant officer is to be separated under subparagraph (A) the warrant officer has at least 18 years of creditable active service, the warrant officer shall be retained on active duty until retired under paragraph (3) in the same manner as if the warrant officer had had at least 18 years of service on the applicable date under subparagraph (A) or (B) of that paragraph.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to warrant officers who have not been separated pursuant to section 580(a)(4) of title 10, United States Code, before the date of enactment of this Act.

Subtitle D—Women in the Service

SEC. 541. REPEAL OF THE STATUTORY RESTRICTION ON THE ASSIGNMENT OF WOMEN IN THE NAVY AND MARINE CORPS.

(a) IN GENERAL.—Section 6015 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 555 of this title is amended by striking out the item relating to section 6015.

SEC. 542. GENDER-NEUTRAL OCCUPATIONAL PERFORMANCE STANDARDS.

(a) GENERAL REQUIREMENT.—In the case of any military occupational career field that is open to both male and female members of the Armed Forces, the Secretary of Defense—

(1) shall ensure that qualification of members of the Armed Forces for, and continuance of members of the Armed Forces in, that occupational career field is evaluated on the basis of common, relevant performance standards, without differential standards or evaluation on the basis of gender;

(2) may not use any gender quota, goal, or ceiling except as specifically authorized by law; and

(3) may not change an occupational performance standard for the purpose of increasing or decreasing the number of women in that occupational career field.

(b) REQUIREMENT FOR USE OF SPECIFIC PHYSICAL REQUIREMENTS.—For any military occupational field that is open to both male and female members of the Armed Forces for which (as determined by the Secretary of Defense) muscular strength and endurance and cardiovascular capacity are relevant to the performance of duties in that field, the Secretary shall prescribe specific physical requirements for members of the Armed Forces in that field and shall apply those physical requirements on a gender-neutral basis.

(c) NOTICE TO CONGRESS OF CHANGES.—At least 60 days before implementing any changes to occupational standards for a military occupational field which are expected to result in an increase, or in a decrease, of at least 10 percent in the number of female members of the Armed Forces who enter, or are assigned to, that occupational field, the Secretary of Defense shall submit to Congress a report providing notice of the change and the justification and rationale for the change.

SEC. 543. NOTICE TO CONGRESS OF CHANGES TO GROUND COMBAT EXCLUSION POLICY.

(a) REQUIREMENT.—(1) If the Secretary of Defense proposes to make any change described in paragraph (2) to the ground combat exclusion policy, the Secretary shall, not less than 90 days before any such change is implemented, submit to Congress a report providing notice of the proposed change.

(2) A change referred to in paragraph (1) is a change that either (A) closes to female members of the Armed Forces any category of unit or position that at that time is open to service by such members, or (B) opens to service by such members any category of unit or position that at that time is closed to service by such members.

(b) REPORT CONTENTS.—The Secretary shall include in any report under subsection (a)—

(1) a detailed description of, and justification for, the proposed change to the ground combat exclusion policy; and

(2) a detailed analysis of legal implication of the proposed change with respect to the constitutionality of the application of the Military Selective Service Act to males only.

(c) GROUND COMBAT EXCLUSION POLICY.—For purposes of this section, the term "ground combat exclusion policy" means the military personnel policies of the Department of Defense and the military departments, as in effect on January 1, 1993, by which female members of the Armed Forces are restricted from assignment to units and positions whose mission requires routine engagement in direct combat on the ground.

Subtitle E—Victims' Rights and Family Advocacy

SEC. 551. MANDATORY ARRESTS BY MILITARY LAW ENFORCEMENT OFFICIALS WHEN CALLED TO SCENES OF DOMESTIC VIOLENCE.

(a) IN GENERAL.—Section 807 of title 10, United States Code (article 7 of the Uniform Code of Military Justice), is amended by adding at the end the following new subsection:

"(d)(1) In a case of domestic violence in which a military law enforcement official at the scene determines that physical injury has been inflicted or a deadly weapon or dangerous instrument has been used, the military law enforcement official, upon reasonable belief that an offense has been committed by a person at the scene, shall apprehend that person, if the person is subject to this chapter, or detain that person and remove that person from the scene, if that person is not subject to this chapter.

"(2) The Secretary of Defense shall prescribe by regulation the definition of 'domestic violence' for purposes of this subsection.

"(3) In this subsection, the term 'military law enforcement official' means a person authorized under regulations governing the armed forces to apprehend persons subject to this chapter or to trial thereunder.".

(b) DEADLINE FOR PRESCRIBING PROCEDURES.—The Secretary of Defense shall prescribe procedures to carry out section 807(d) of title 10, United States Code, as added by subsection (a), not later than six months after the date of the enactment of this Act.

SEC. 552. IMPROVED PROCEDURES FOR NOTIFICATION OF VICTIMS AND WITNESSES OF STATUS OF PRISONERS IN MILITARY CORRECTIONAL FACILITIES.

(a) IN GENERAL.—(1) Chapter 48 of title 10, United States Code, is amended by adding at the end the following new section:

"§957. Status of prisoners: procedures for notifying victims and witnesses

"The Secretary of Defense shall prescribe procedures and implement a centralized system for notice of the status of offenders confined in military correctional facilities to be provided to victims and witnesses. Such procedures shall, to the maximum extent practicable, be consistent with procedures of the Federal Bureau of Prisons for victim and witness notification.".

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

"957. Status of prisoners: procedures for notifying victims and witnesses.".

(b) DEADLINE FOR PRESCRIBING PROCEDURES.—The Secretary of Defense shall prescribe the procedures required by section 957 of title 10, United States Code, as added by subsection (a), not later than six months after the date of the enactment of this Act and shall implement the centralized system required by that section not later than six months after those procedures are prescribed.

SEC. 553. STUDY OF STALKING BY PERSONS SUBJECT TO UCMJ.

(a) REPORT REQUIRED.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the problem of stalking by persons subject to the Uniform Code of Military Justice (chapter 47 of title 10, United States Code). In the report, the Secretary shall describe the scope of the problem of stalking within the Armed Forces and shall address whether existing procedures and punitive articles under the Uniform Code of Military Justice adequately protect members of the Armed Forces, and dependents of members of the Armed Forces, who are threatened with stalking. The Secretary shall include in the report such recommendations for changes to law and regulations as the Secretary determines to be necessary.

(b) STALKING.—For purposes of the report under subsection (a), stalking shall be considered to include actions of a person in repeatedly following or harassing another person with the intent of placing that person in reasonable fear of sexual battery, bodily injury, or death in such a way that a reasonable person would be caused to suffer substantial emotional distress and which cause that person to suffer emotional distress.

SEC. 554. TRANSITIONAL COMPENSATION FOR DEPENDENTS OF MEMBERS OF THE ARMED FORCES DISCHARGED FOR DEPENDENT ABUSE.

(a) IN GENERAL.—(1) Chapter 53 of title 10, United States Code, is amended by adding at the end the following new section:

"§1058. Abused dependents: payment of transitional compensation

"(a) AUTHORITY TO PAY COMPENSATION.—If a member of the armed forces is separated from the armed forces as described in subsection (b), the Secretary of the military department concerned may pay monthly transitional compensation in accordance with this section to dependents or former dependents of the member as specified in subsection (d).

"(b) SEPARATIONS COVERED.—(1) This section applies in the case of a member of the armed forces on active duty for a period of more than 30 days—

"(A) who is convicted of a dependent-abuse offense (as defined in subsection (c)) and whose conviction results in the member being—

"(i) administratively discharged with a general discharge or under other than honorable conditions; or

"(ii) discharged or dismissed from the armed forces by sentence of a court-martial; or

"(B) against whom court-martial charges were preferred for a dependent-abuse offense and who is discharged in lieu of trial by court-martial in that case upon approval of the member's request or application for discharge or, in the case of an officer, for resignation.

"(2) For purposes of this section, a member of the armed forces who is incarcerated by sentence of a court-martial with total forfeiture of pay and allowances shall be treated as a former member dismissed or discharged by sentence of a court-martial.

"(c) DEPENDENT-ABUSE OFFENSES.—(1) For purposes of this section, a dependent-abuse offense is conduct by an individual while a member of the armed forces on active duty for a period of more than 30 days—

"(A) that involves abuse of the spouse or a dependent child of the member; and

"(B) that is a criminal offense specified in regulations prescribed by the Secretary of Defense under paragraph (2).

"(2) The Secretary of Defense shall prescribe by regulation the criminal offenses, or categories of offenses, under the Uniform Code of Military Justice (chapter 47 of this title), Federal criminal law, the criminal laws of the States and other jurisdictions of the United States, and the laws of other nations that are to be considered to be dependent-abuse offenses for the purposes of this section.

"(d) RECIPIENTS OF PAYMENTS.—In any case of a separation from active duty as described in subsection (b) in which the Secretary of the military department concerned determines that transitional compensation should be paid under this section, the Secretary shall pay such compensation to dependents or former dependents of the former member as follows:

"(1) If the former member was married at the time of the commission of the dependent-abuse offense resulting in the separation, such compensation shall (except as otherwise provided in this subsection) be paid to the spouse or former spouse to whom the member was married at that time.

"(2) If there is a spouse or former spouse who (but for subsection (g)) would be eligible for compensation under this section and if there is a dependent child of the former member who does not reside in the same household as that spouse or former spouse, such compensation shall be paid to each such dependent child of the former member who does not reside in that household.

"(3) If there is no spouse or former spouse who is (or but for subsection (g) would be) eligible under paragraph (1), such compensation shall be paid to the dependent children of the former member.

"(4) For purposes of paragraphs (2) and (3), an individual's status as a 'dependent child' shall be determined as of the date on which the member is convicted of the dependent-abuse offense or, in a case described in subsection (b)(1)(B), as of the date on which the member is discharged.

"(e) COMMENCEMENT AND DURATION OF PAYMENT.—(1) Payment of transitional compensation under this section shall commence as of the date of the discontinuance of the member's pay and allowances pursuant to the separation or sentencing of the member.

"(2) Payment of such compensation shall terminate at the end of the dependents' transitional period. The dependents' transitional period is the period (A) beginning on the date on which the member is convicted of the dependent-abuse offense or, in a case described in subsection (b)(1)(B), on the date on which the member is discharged, and (B) ending at the end of the transitional period determined by the Secretary concerned. Such transitional period may not exceed 36 months, except that if the length of the member's service on active duty was less than 36 months, the transitional period may not exceed the length of such service.

"(f) AMOUNT OF PAYMENT.—(1) Payment to a spouse or former spouse under this section for any month shall be at the rate in effect for that month for the payment of dependency and indemnity compensation under section 1311(a)(1) of title 38.

"(2) If a spouse or former spouse to whom compensation is paid under this section has custody of a dependent child or children of the member, the amount of such compensation paid for any month shall be increased for each such dependent child by the amount in effect for that month under section 1311(b) of title 38.

"(3) If compensation is paid under this section to a child or children pursuant to subsection (d)(2) or (d)(3), such compensation shall be paid in equal shares, with the amount of such compensation for any month determined in accordance with the rates in effect for that month under section 1313 of title 38.

"(g) FORFEITURE PROVISIONS.—(1) If a former spouse receiving compensation under this section remarries, the Secretary shall terminate payment of such compensation, effective as of the date of such marriage. The Secretary may not renew payment of compensation under this section to such former spouse in the event of the termination of such subsequent marriage.

"(2) If after the separation of the former member as described in subsection (b) the former member resides in the same household as the spouse or former spouse, or dependent child, to whom compensation is otherwise payable under this section, the Secretary shall terminate payment of such compensation, effective as of the time the former member begins residing in such household. Compensation paid for a period after the former member's separation, but before the former member resides in the household, shall not be recouped. If the former member subsequently ceases to reside in such household before the end of the period of eligibility for such payments, the Secretary may not resume such payments.

"(3) In a case in which the victim of the dependent-abuse offense resulting in the separation of the former member was a dependent child, the Secretary concerned may not pay compensation under this section to a spouse or former spouse who would otherwise be eligible to receive such compensation if the Secretary determines (under regulations prescribed under subsection (i)) that the spouse or former spouse was an active participant in the conduct constituting the dependent-abuse offense.

"(h) COORDINATION OF BENEFITS.—The Secretary concerned may not make payments to a spouse or former spouse under both this section and section 1408(h)(1) of this title. In the case of a spouse or former spouse for whom a court order provides for payments by the Secretary pursuant to section 1408(h)(1) of this title and to whom the Secretary offers payments under this section, the spouse or former spouse shall elect which to receive.

"(i) REGULATIONS.—The Secretary of each military department shall prescribe regulations to carry out this section with respect to members of the armed forces under the jurisdiction of that Secretary. Such regulations shall be as uniform as practicable and shall be subject to the approval of the Secretary of Defense.

"(j) DEPENDENT CHILD DEFINED.—In this section, the term 'dependent child', with respect to a member or former member of the armed forces separated as described in subsection (b), means an unmarried child, including an adopted child or a stepchild, who was residing with the member at the time of the dependent-abuse offense resulting in the separation of the former member and—

"(1) who is under 18 years of age;

"(2) who is 18 years of age or older and is incapable of self-support because of a mental or physical incapacity that existed before the age of 18 and who is (or was at the time of the former member's separation) dependent on the former member for over one-half of the child's support; or

"(3) who is 18 years of age or older but less than 23 years of age, is enrolled in a full-time course of study in an institution of higher learning approved by the Secretary of Defense and who is (or was at the time of the former member's separation) dependent on the former member for over one-half of the child's support.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1056 the following new item:

"1058. Abused dependents: payment of transitional compensation.".

(b) EFFECTIVE DATE.—(1) Section 1058 of title 10, United States Code, as added by subsection (a), shall apply with respect to former members of the Armed Forces discharged or dismissed as described in subsection (b) of such section after the date that is three years before the date of the enactment of this Act.

(2) Notwithstanding paragraph (1), no payment may be made under such section 1058 with respect to any period before April 1, 1994.

Subtitle F—Matters Relating to Military Justice

SEC. 561. IMPROVED RIGHT OF APPEAL IN COURT-MARTIAL CASES.

(a) RIGHT OF ACCUSED TO PETITION FOR REVIEW BY COURTS OF MILITARY REVIEW.—Section 869 of title 10, United States Code (article 69 of the Uniform Code of Military Justice), is amended—

(1) by redesignating subsection (e) as subsection (f); and

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

"(e)(1) A Court of Military Review, upon petition of the accused and for good cause shown, may review, under section 866 of this title (article 66)—

"(A) any court-martial case which is subject to action by the Judge Advocate General under this section (i) in which the Judge Advocate General determines not to modify or set aside the findings or sentence, in whole or in part, in accordance with the application of the accused, and (ii) which is not sent to the Court of Military Review by order of the Judge Advocate General; and

"(B) any action taken by the Judge Advocate General under this section in that case.

"(2) A petition by the accused under paragraph (1) must be filed with the Court of Military Review within 60 days of the date on which the accused is notified of the decision of the Judge Advocate General.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to any case reviewed by a Judge Advocate General under section 869 of title 10, United States Code, in which an application is filed under subsection (b) of that section after the date of the enactment of this Act.

SEC. 562. CLARIFICATION OF PUNITIVE UCMJ ARTICLE REGARDING DRUNKEN DRIVING.

(a) CLARIFICATION.—Paragraph (2) of section 911 of title 10, United States Code (article 111 of the Uniform Code of Military Justice), is amended by inserting "or more" after "0.10 grams" both places such term appears.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the amendment to section 911 of title 10, United States Code, made by section 1066(a)(1) of Public Law 102-484 on October 23, 1992.

Subtitle G—Other Matters

SEC. 571. CRITERIA FOR CLOSING SENIOR ROTC UNITS.

(a) CLOSURE CRITERIA.—Section 2102 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(e)(1) The Secretary of a military department may not close a unit of the program that is located at a land grant institution.

"(2) The Secretary of a military department may not close a unit of the program if there is no other unit of the program under the jurisdiction of the Secretary at an institution located in the State in which the unit being considered for closure is located.

"(3) The Secretary of a military department may not close a unit of the program that is not subject to paragraph (1) or (2) unless the Secretary certifies to Congress, in advance of the closure, that the decision to close the unit is based on—

"(A) considerations of the cost per officer commissioned through that unit compared to the average such cost per officer commissioned for all units of the program under the jurisdiction of the Secretary; and

"(B) considerations of the number (and percentage) of members of the program enrolled in that unit who are expected to enter critical or hard to fill officer specialties compared to the average number (and percentage) of such members for all units of the program under the jurisdiction of the Secretary.".

(b) REVIEW OF RECENT CLOSURES.—The Secretary of each military department shall review each closure of a senior Reserve Officers' Training Corps unit under that Secretary's jurisdiction that was decided upon after January 1, 1991, and before the date of the enactment of this Act. The Secretary concerned shall certify to Congress in each case whether or not the closure decision was made in accordance with the criteria specified in section 2102(e) of title 10, United States Code, as added by subsection (a). In any case in which the Secretary is unable to certify that such closure decision was made in accordance with such criteria, the Secretary shall reestablish that unit as soon as practicable and not later than the beginning of the first academic year beginning after the date of the enactment of this Act.

SEC. 572. CHANGE IN TIMING OF REQUIRED DRUG AND ALCOHOL TESTING AND EVALUATION OF APPLICANTS FOR APPOINTMENT AS CADET OR MIDSHIPMAN AND FOR ROTC GRADUATES.

Section 978(a)(3) of title 10, United States Code, is amended—

(1) in the first sentence, by striking out "during the physical examination given the applicant before such appointment" and inserting in lieu thereof "within 72 hours of such appointment"; and

(2) in the second sentence, by striking out "during the precommissioning physical examination given such person" and inserting in lieu thereof "before such an appointment is executed".

SEC. 573. REIMBURSEMENT REQUIREMENTS FOR ADVANCED EDUCATION ASSISTANCE.

(a) IN GENERAL.—Section 2005 of title 10, United States Code, is amended by adding at the end the following new subsections:

"(g)(1) In any case in which the Secretary concerned determines that a person who entered into an agreement under this section failed to complete the period of active duty specified in the agreement (or failed to fulfill any other term or condition prescribed in the agreement) and, by reason of the provision of the agreement required under subsection (a)(3), may owe a debt to the United States and in which that person disputes that such a debt is owed, the Secretary shall designate an official (who may be a member of the armed forces or a civilian employee under the jurisdiction of the Secretary) to investigate the facts of the case and hear evidence presented by the person who may owe the debt and other parties, as appropriate, in order to determine the validity of the debt. That official shall report the official's findings and recommendations to the Secretary concerned. The report shall include the official's assessment as to whether the individual behavior that resulted in the separation of the person who may owe the debt qualifies as misconduct under subsection (a)(3), if the justification for the debt to the Government includes an allegation of misconduct.

"(2) The Secretary of each military department shall ensure that a member of the armed forces who may be subject to a reimbursement requirement under this section is advised of such requirement before (1) submitting a request for voluntary separation, or (2) making a decision on a course of action regarding personal involvement in administrative, nonjudicial, and judicial action resulting from alleged misconduct.

"(h) The Secretary of a military department may waive any requirement for reimbursement under this section at the Secretary's discretion.".

(b) EFFECTIVE DATES.—(1) Subsection (g) of section 2005 of title 10, United States Code, as added by subsection (a), shall apply with respect to persons separated from the Armed Forces after the end of the six-month period beginning on the date of the enactment of this Act.

(2) Subsection (h) of such section, as added by subsection (a), shall apply with respect to persons separated from the Armed Forces after September 30, 1993.

SEC. 574. RECOGNITION OF POWERS OF ATTORNEY NOTARIZED BY DEFENSE NOTARY PUBLIC.

Section 1044a of title 10, United States Code, is amended by adding at the end the following new subsection:

"(e) A power of attorney signed by a person authorized to receive legal assistance under section 1044 of this title and notarized by a person authorized to do so under this section shall be recognized as lawful and given full effect by any person to whom it is presented, notwithstanding any provision of law regulating the granting of a power of attorney in any State, territory, or other jurisdiction of the United States.".

SEC. 575. POLICY CONCERNING HOMOSEXUALITY IN THE ARMED FORCES.

(a) CODIFICATION.—(1) Chapter 37 of title 10, United States Code, is amended by adding at the end the following new section:

"§654. Policy concerning homosexuality in the armed forces

"(a) FINDINGS.—Congress makes the following findings:

"(1) Section 8 of article I of the Constitution of the United States commits exclusively to the Congress the powers to raise and support armies, provide and maintain a Navy, and make rules for the government and regulation of the land and naval forces.

"(2) There is no constitutional right to serve in the armed forces.

"(3) Pursuant to the powers conferred by section 8 of article I of the Constitution of the United States, it lies within the discretion of the Congress to establish qualifications for and conditions of service in the armed forces.

"(4) The primary purpose of the armed forces is to prepare for and to prevail in combat should the need arise.

"(5) The conduct of military operations requires members of the armed forces to make extraordinary sacrifices, including the ultimate sacrifice, in order to provide for the common defense.

"(6) Success in combat requires military units that are characterized by high morale, good order and discipline, and unit cohesion.

"(7) One of the most critical elements in combat capability is unit cohesion, that is, the bonds of trust among individual service members that make the combat effectiveness of a military unit greater than the sum of the combat effectiveness of the individual unit members.

"(8) Military life is fundamentally different from civilian life in that—

"(A) the extraordinary responsibilities of the armed forces, the unique conditions of military service, and the critical role of unit cohesion, require that the military community, while subject to civilian control, exist as a specialized society; and

"(B) the military society is characterized by its own laws, rules, customs, and traditions, including numerous restrictions on personal behavior, that would not be acceptable in civilian society.

"(9) The standards of conduct for members of the armed forces regulate a member's life for 24 hours each day beginning at the moment the member enters military status and not ending until that person is discharged or otherwise separated from the armed forces.

"(10) Those standards of conduct, including the Uniform Code of Military Justice, apply to a member of the armed forces at all times that the member has a military status, whether the member is on base or off base, and whether the member is on duty or off duty.

"(11) The pervasive application of the standards of conduct is necessary because members of the armed forces must be ready at all times for worldwide deployment to a combat environment.

"(12) The worldwide deployment of United States military forces, the international responsibilities of the United States, and the potential for involvement of the armed forces in actual combat routinely make it necessary for members of the armed forces involuntarily to accept living conditions and working conditions that are often spartan, primitive, and characterized by forced intimacy with little or no privacy.

"(13) The prohibition against homosexual conduct is a longstanding element of military law that continues to be necessary in the unique circumstances of military service.

"(14) The armed forces must maintain personnel policies that exclude persons whose presence in the armed forces would create an unacceptable risk to the armed forces' high standards of morale, good order and discipline, and unit cohesion that are the essence of military capability.

"(15) The presence in the armed forces of persons who demonstrate a propensity or intent to engage in homosexual acts would create an unacceptable risk to the high standards of morale, good order and discipline, and unit cohesion that are the essence of military capability.

"(b) POLICY.—A member of the armed forces shall be separated from the armed forces under regulations prescribed by the Secretary of Defense if one or more of the following findings is made and approved in accordance with procedures set forth in such regulations:

"(1) That the member has engaged in, attempted to engage in, or solicited another to engage in a homosexual act or acts unless there are further findings, made and approved in accordance with procedures set forth in such regulations, that the member has demonstrated that—

"(A) such conduct is a departure from the member's usual and customary behavior;

"(B) such conduct, under all the circumstances, is unlikely to recur;

"(C) such conduct was not accomplished by use of force, coercion, or intimidation;

"(D) under the particular circumstances of the case, the member's continued presence in the armed forces is consistent with the interests of the armed forces in proper discipline, good order, and morale; and

"(E) the member does not have a propensity or intent to engage in homosexual acts.

"(2) That the member has stated that he or she is a homosexual or bisexual, or words to that effect, unless there is a further finding, made and approved in accordance with procedures set forth in the regulations, that the member has demonstrated that he or she is not a person who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts.

"(3) That the member has married or attempted to marry a person known to be of the same biological sex.

"(c) ENTRY STANDARDS AND DOCUMENTS.—(1) The Secretary of Defense shall ensure that the standards for enlistment and appointment of members of the armed forces reflect the policies set forth in subsection (b).

"(2) The documents used to effectuate the enlistment or appointment of a person as a member of the armed forces shall set forth the provisions of subsection (b).

"(d) REQUIRED BRIEFINGS.—The briefings that members of the armed forces receive upon entry into the armed forces and periodically thereafter under section 937 of this title (article 137 of the Uniform Code of Military Justice) shall include a detailed explanation of the applicable laws and regulations governing sexual conduct by members of the armed forces, including the policies prescribed under subsection (b).

"(e) RULE OF CONSTRUCTION.—Nothing in subsection (b) shall be construed to require that a member of the armed forces be processed for separation from the armed forces when a determination is made in accordance with regulations prescribed by the Secretary of Defense that—

"(1) the member engaged in conduct or made statements for the purpose of avoiding or terminating military service; and

"(2) separation of the member would not be in the best interest of the armed forces.

"(f) DEFINITIONS.—In this section:

"(1) The term 'homosexual' means a person, regardless of sex, who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts, and includes the terms 'gay' and 'lesbian'.

"(2) The term 'bisexual' means a person who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual and heterosexual acts.

"(3) The term 'homosexual act' means—

"(A) any bodily contact, actively undertaken or passively permitted, between members of the same sex for the purpose of satisfying sexual desires; and

"(B) any bodily contact which a reasonable person would understand to demonstrate a propensity or intent to engage in an act described in subparagraph (A).".

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

"654. Policy concerning homosexuality in the armed forces.".

(b) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary of Defense shall revise Department of Defense regulations, and issue such new regulations as may be necessary, to implement section 654 of title 10, United States Code, as added by subsection (a).

(c) SAVINGS PROVISION.—Nothing in this section or section 654 of title 10, United States Code, as added by subsection (a) may be construed to invalidate any inquiry, investigation, administrative action or proceeding, court-martial, or judicial proceeding conducted before the effective date of regulations issued by the Secretary of Defense to implement such section 654.

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

(1) the suspension of questioning concerning homosexuality as part of the processing of individuals for accession into the Armed Forces under the interim policy of January 29, 1993, should be continued, but the Secretary of Defense may reinstate that questioning with such questions or such revised questions as he considers appropriate if the Secretary determines that it is necessary to do so in order to effectuate the policy set forth in section 654 of title 10, United States Code, as added by subsection (a); and

(2) the Secretary of Defense should consider issuing guidance governing the circumstances under which members of the Armed Forces questioned about homosexuality for administrative purposes should be afforded warnings similar to the warnings under section 831(b) of title 10, United States Code (article 31(b) of the Uniform Code of Military Justice).

SEC. 576. FOREIGN LANGUAGE PROFICIENCY TEST PROGRAM.

(a) TEST PROGRAM.—The Secretary of Defense shall develop and carry out a test program for improving foreign language proficiency in the Department of Defense through improved management and other measures. The test program shall be designed to evaluate the findings and recommendations of—

(1) the June 1993 inspection report of the Inspector General of the Department of Defense on the Defense Foreign Language Program (report numbered 93-INS-10);

(2) the report of the Sixth Quadrennial Review of Military Compensation (August 1988); and

(3) any other recent study of the foreign language proficiency program of the Department of Defense.

(b) EVALUATION OF PRIOR RECOMMENDATIONS.—The test program shall include an evaluation of the following possible changes to current practice identified in the reports referred to in subsection (a):

(1) Management of linguist billets and personnel for the active and reserve components from a Total Force perspective.

(2) Improvement of linguist training programs, both resident and nonresident, to provide greater flexibility, to accommodate missions other than signals intelligence, and to improve the provision of resources for nonresident programs.

(3) Centralized responsibility within the Office of the Secretary of Defense to provide coordinated oversight of all foreign language issues and programs, including a centralized process for determination, validation, and documentation of foreign language requirements for different services and missions.

(4) Revised policies of each of the military departments to foster maintenance of highly perishable linguistic skills through improved management of the careers of language-trained personnel, including more effective use of language skills, improved career opportunities within the linguistics field, and specific linkage of language proficiency to promotions.

(5) In the case language-trained members of the reserve components—

(A) the use of additional training assemblies (ATAs) as a means of sustaining linguistic proficiency and enhancing retention; and

(B) the use of larger enlistment and reenlistment bonuses, Special Duty Assignment Pay, and educational incentives.

(6) Such other management changes as the Secretary may consider necessary.

(c) EVALUATION OF ADJUSTMENT IN FOREIGN LANGUAGE PROFICIENCY PAY.—(1) The Secretary shall include in the test program an evaluation of adjustments in foreign language proficiency pay for active and reserve component personnel.

(2) Before any adjustment in foreign language proficiency pay is included in the test program as authorized by paragraph (1), the Secretary shall submit to the committees named in subsection (d)(2) the following information related to proficiency pay adjustments:

(A) The response of the Secretary to the findings of the Inspector General in the report on the Defense Foreign Language Program referred to in subsection (a)(1), specifically including the following matters raised in that report:

(i) Inadequate centralized oversight of planning, policy, roles, responsibilities, and funding for foreign language programs.

(ii) Inadequate management and validation of the requirements process for foreign language programs.

(iii) Inadequate uniform career management of language-trained personnel, including failure to take sufficient advantage of language skills and to recoup investment of training dollars.

(iv) Inadequate training programs, both resident and nonresident.

(B) The current manning of linguistic billets (shown by service, by active or reserve component, and by career field).

(C) The rates of retention in the service for language-trained personnel (shown by service, by active or reserve component, and by career field).

(D) The rates of retention by career field for language-trained personnel (shown by service, by active or reserve component, and by career field).

(E) The rates of language proficiency for personnel serving in linguistic billets (shown by service, by active or reserve component, and by career field).

(F) Trends in performance ratings for personnel serving in linguistic billets (shown by service, by active or reserve component, and by career field).

(G) Promotion rates for personnel serving in linguistic billets (shown by service, by active or reserve component, and by career field).

(H) The estimated cost of foreign language proficiency pay as proposed to be paid at the adjusted rates for the test program under paragraph (1)—

(i) for each year of the test program; and

(ii) for five years, if those rates are subsequently applied to the entire Department of Defense.

(3) The rates for adjusted foreign language proficiency pay as proposed to be paid for the test program under paragraph (1) may not take effect for the test program unless the senior official responsible for personnel matters in the Office of the Secretary of Defense determines that—

(A) the foreign language proficiency pay levels established for the test program are consistent with proficiency pay levels for other functions throughout the Department of Defense; and

(B) the terms and conditions for receiving foreign language proficiency pay conform to current policies and practices within the Department of Defense.

(d) REPORT ON PLAN FOR TEST PROGRAM.—(1) The Secretary of Defense shall submit to the committees named in paragraph (2) a report containing a plan for the test program required in subsection (a), an explanation of the plan, and a discussion of the matters stated in subsection (c)(2). The report shall be submitted not later than April 1, 1994.

(2) The committees referred to in paragraph (1) are—

(A) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives; and

(B) the Committee on Armed Services and the Select Committee on Intelligence of the Senate.

(e) PERIOD OF TEST PROGRAM.—(1) The test program required by subsection (a) shall begin on October 1, 1994. However, if the report required by subsection (d) is not submitted by the date specified in that subsection for the submission of the report, the test program shall begin at the end of a period of 180 days (as computed under paragraph (2)) beginning on the date on which such report is submitted.

(2) For purposes of paragraph (1), days on which either House is not in session because of an adjournment of more than 3 days to a day certain or because of an adjournment sine die shall be excluded in the computation of such 180-day period.

(3) The test program shall terminate two years after it begins.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

SEC. 601. MILITARY PAY RAISE FOR FISCAL YEAR 1994.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—Any adjustment required by section 1009 of title 37, United States Code, in elements of compensation of members of the uniformed services to become effective during fiscal year 1994 shall not be made.

(b) INCREASE IN BASIC PAY, BAS, AND BAQ.—Effective on January 1, 1994, the rates of basic pay, basic allowance for subsistence, and basic allowance for quarters of members of the uniformed services are increased by 2.2 percent.

(c) UNIFORMED SERVICES DEFINED.—For purposes of this section, the term "uniformed services" does not include the National Oceanic and Atmospheric Administration.

SEC. 602. VARIABLE HOUSING ALLOWANCE FOR CERTAIN MEMBERS WHO ARE REQUIRED TO PAY CHILD SUPPORT AND WHO ARE ASSIGNED TO SEA DUTY.

Section 403a(b)(2) of title 37, United States Code, is amended—

(1) in subparagraph (A), by striking out "or"; and

(2) in subparagraph (B), by inserting "or" after the semicolon; and

(3) by adding at the end the following new subparagraph:

"(C) the member is assigned to sea duty and elects not to occupy assigned unaccompanied quarters, unless the member is in a pay grade above E-6;".

SEC. 603. PAY FOR STUDENTS AT SERVICE ACADEMY PREPARATORY SCHOOLS.

(a) RATES OF PAY.—Section 203 of title 37, United States Code, is amended by adding at the end the following new subsection:

"(e)(1) A student at the United States Military Academy Preparatory School, the United States Naval Academy Preparatory School, or the United States Air Force Academy Preparatory School who was selected to attend the preparatory school from civilian life is entitled to monthly student pay at the same rate as provided for cadets and midshipmen under subsection (c)(1).

"(2) A student at a preparatory school referred to in paragraph (1) who, at the time of the student's selection to attend the preparatory school, was an enlisted member of the uniformed services on active duty for a period of more than 30 days shall continue to receive monthly basic pay at the rate prescribed for the student's pay grade as an enlisted member.

"(3) The monthly student pay of a student described in paragraph (1) shall be treated for purposes of the accrual charge for the Department of Defense Military Retirement Fund established under section 1461 of title 10 in the same manner as monthly cadet pay or midshipman pay under subsection (c)(1).".

(b) APPLICATION OF AMENDMENT.—The amendment made by subsection (a) shall apply with respect to students entering the United States Military Academy Preparatory School, the United States Naval Academy Preparatory School, or the United States Air Force Academy Preparatory School on or after the date of the enactment of this Act.

SEC. 604. ADVANCE PAYMENTS IN CONNECTION WITH THE EVACUATION OF MEMBERS AND DEPENDENTS OF MEMBERS FROM DESIGNATED PLACES.

(a) TIME OF DESIGNATION.—Section 1006(c) of title 37, United States Code, is amended—

(1) by inserting "(1)" after "(c)"; and

(2) by adding at the end the following new paragraph:

"(2) The actual designation of a place under this subsection as a place for which an advance of pay will be made under this subsection in connection with the ordered evacuation of members or dependents of members may be made by the President before, during, or after the evacuation.".

(b) APPLICATION OF AMENDMENT.—Section 1006(c) of title 37, United States Code, as amended by subsection (a), shall apply with respect to evacuations occurring on or after the date of the enactment of this Act. Subject to the availability of appropriations for the purpose of providing an advance of pay under such section, such section shall also apply with respect to evacuations occurring during the period beginning on June 1, 1991, and ending on the date of the enactment of this Act.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. PERMANENT AUTHORITY FOR CERTAIN BONUSES AND SPECIAL PAY FOR NURSE OFFICER CANDIDATES, REGISTERED NURSES AND NURSE ANESTHETISTS.

(a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10 United States Code, is amended by striking out ", during the period beginning on November 29, 1989, and ending on September 30, 1993,".

(b) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a) of title 37, United States Code, is amended by striking out ", during the period beginning on November 29, 1989, and ending on September 30, 1993,".

(c) SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a) of title 37, United States Code, is amended by striking out ", during the period beginning on November 29, 1989, and ending on September 30, 1993,".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as of October 1, 1993.

SEC. 612. EXTENSION AND MODIFICATION OF CERTAIN SELECTED RESERVE BONUSES.

(a) SELECTED RESERVE REENLISTMENT BONUS.—Section 308b(f) of title 37, United States Code, is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(b) SELECTED RESERVE ENLISTMENT BONUS.—Section 308c of title 37, United States Code, is amended—

(1) in subsection (b)—

(A) by striking out "$2,000" in the material preceding paragraph (1) and inserting in lieu thereof "$5,000"; and

(B) in paragraph (1), by striking out "one-half of the bonus shall be paid" and inserting in lieu thereof "an amount not to exceed one-half of the bonus may be paid";

(2) in subsection (e), by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995"; and

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

"(f) The total amount of expenditures under this section may not exceed $37,024,000 during fiscal year 1994.".

(c) SELECTED RESERVE AFFILIATION BONUS.—Section 308e of title 37, United States Code, is amended—

(1) in subsection (c)—

(A) in paragraph (2), by striking out "fifth anniversary" and inserting in lieu thereof "sixth anniversary"; and

(B) by adding at the end the following new paragraph:

"(3) In lieu of the procedures set out in paragraph (2), the Secretary concerned may pay the bonus in monthly installments in such amounts as may be determined by the Secretary. Monthly payments under this paragraph shall begin after the first month of satisfactory service of the person and are payable only for those months in which the person serves satisfactorily. Satisfactory service shall be determined under regulations prescribed by the Secretary of Defense."; and

(2) in subsection (e), by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(d) PRIOR SERVICE ENLISTMENT BONUS.—Section 308i(i) of title 37, United States Code, is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

SEC. 613. EXTENSIONS OF AUTHORITIES RELATING TO PAYMENT OF OTHER BONUSES AND SPECIAL PAYS.

(a) AVIATION OFFICER RETENTION BONUS.—Section 301b(a) of title 37, United States Code, is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1994".

(b) SPECIAL PAY FOR ENLISTED MEMBERS OF THE SELECTED RESERVE ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section 308d(c) of title 37, United States Code, is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(c) REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.—Section 2172(d) of title 10, United States Code, is amended by striking out "October 1, 1993", and inserting in lieu thereof "October 1, 1995".

(d) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of title 37, United States Code, is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(e) ENLISTMENT BONUS FOR CRITICAL SKILLS.—Section 308a(c) of title 37, United States Code, is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(f) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS.—Section 308h(g) of title 37, United States Code, is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(g) SPECIAL PAY FOR CRITICALLY SHORT WARTIME HEALTH SPECIALISTS IN THE SELECTED RESERVES.—Section 613(d) of the National Defense Authorization Act, Fiscal Year 1989 (37 U.S.C. 302 note), is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

Subtitle C—Travel and Transportation Allowances

SEC. 621. AUTHORIZATION OF PAYMENT OR COLLECTION DUE TO FLUCTUATIONS OF FOREIGN CURRENCY INCURRED BY CERTAIN MILITARY MEMBERS.

(a) PAYMENT OR COLLECTION AUTHORIZED.—Subsection (d) of section 405 of title 37, United States Code, is amended to read as follows:

"(d)(1) In the case of a member of the uniformed services authorized to receive a per diem allowance under subsection (a), the Secretary concerned may make a lump-sum payment for nonrecurring expenses incurred by the member in occupying a private household outside of the United States if the expenses are authorized or approved under regulations prescribed by the Secretary concerned. Such nonrecurring expenses may include losses experienced by a member upon the return of refundable housing related deposits or as a result of other transactions necessary to secure housing where losses are incurred solely as the result of fluctuation in the relative values of United States and foreign currencies.

"(2) Any currency fluctuation gains made by the member upon the return of a refundable housing-related deposit shall be recouped by the Secretary concerned.

"(3) Expenses for which payments are made under this subsection may not be considered for purposes of determining the per diem allowance of the member under subsection (a).".

(b) APPLICATION OF AMENDMENT.—Section 405(d) of title 37, United States Code, as amended by subsection (a), shall apply with respect to nonrecurring expenses and currency fluctuation gains described in such section that are incurred by members of the uniformed services on or after the later of—

(1) October 1, 1993; and

(2) the date of the enactment of this Act.

Subtitle D—Other Matters

SEC. 631. DEFINITION OF DEPENDENT FOR PURPOSES OF ALLOWANCES TO INCLUDE CERTAIN UNMARRIED PERSONS IN THE LEGAL CUSTODY OF A MEMBER OR FORMER MEMBER.

(a) EXPANSION OF DEFINITION.—Section 401(a) of title 37, United States Code, is amended by adding at the end the following new paragraph:

"(4) An unmarried person who—

"(A) is placed in the legal custody of the member as a result of an order of a court of competent jurisdiction in the United States (or a Territory or possession of the United States) for a period of at least 12 consecutive months;

"(B)(i) has not attained the age of 21;

"(ii) has not attained the age of 23 years and is enrolled in a full time course of study at an institution of higher learning approved by the Secretary concerned; or

"(iii) is incapable of self support because of a mental or physical incapacity that occurred while the person was considered a dependent of the member or former member under this paragraph pursuant to clause (i) or (ii);

"(C) is dependent on the member for over one-half of the person's support, as prescribed in regulations of the Secretary concerned;

"(D) resides with the member unless separated by the necessity of military service or to receive institutional care as a result of disability, incapacitation, or such other circumstances as the Secretary concerned may by regulation prescribe; and

"(E) is not a dependent of a member under any other paragraph.".

(b) APPLICATION OF AMENDMENT.—Section 401(a)(4) of title 37, United States Code, as added by subsection (a), shall apply with respect to determinations of dependency made on or after July 1, 1994.

SEC. 632. CLARIFICATION OF ELIGIBILITY FOR TUITION ASSISTANCE.

Section 2007(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(4) The restrictions in paragraph (3) shall not apply in the case of officers and warrant officers on active duty or full-time National Guard duty who are eligible to receive assistance under subsection (a).".

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Health Care Services

SEC. 701. PRIMARY AND PREVENTIVE HEALTH-CARE SERVICES FOR WOMEN.

(a) FEMALE MEMBERS AND RETIREES OF THE UNIFORMED SERVICES.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1074c the following new section:

"§1074d. Primary and preventive health-care services for women

"Female members and former members of the uniformed services who are entitled to medical care under section 1074 or 1074a of this title shall be furnished with primary and preventive health-care services for women as part of such medical care.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074c the following new item:

"1074d. Primary and preventive health-care services for women.".

(b) FEMALE DEPENDENTS.—Section 1077(a) of such title is amended by adding at the end the following new paragraph:

"(13) Primary and preventive health-care services for women.".

(c) DEFINITION.—Section 1072 of such title is amended by adding at the end the following new paragraph:

"(6) The term 'primary and preventive health-care services for women' means health-care services provided to women, including counseling, relating to the following:

"(A) Papanicolaou tests (pap smear).

"(B) Breast examinations and mammography.

"(C) Comprehensive gynecological and obstetric care.

"(D) Infertility and sexually transmitted diseases, including prevention.

"(E) Menopause.

"(F) Physical or psychological conditions arising out of acts of sexual violence.".

SEC. 702. DEFINITION OF DEPENDENT FOR PURPOSES OF MEDICAL AND DENTAL COVERAGE TO INCLUDE CERTAIN UNMARRIED PERSONS IN THE LEGAL CUSTODY OF A MEMBER OR FORMER MEMBER.

(a) EXPANSION OF DEFINITION.—Section 1072(2) of title 10, United States Code, is amended—

(1) in subparagraph (G), by striking out "; and" and inserting in lieu thereof a semicolon;

(2) in subparagraph (H), by striking out the period and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new subparagraph:

"(I) an unmarried person who—

"(i) is placed in the legal custody of the member or former member as a result of an order of a court of competent jurisdiction in the United States (or a Territory or possession of the United States) for a period of at least 12 consecutive months;

"(ii)(I) has not attained the age of 21;

"(II) has not attained the age of 23 and is enrolled in a full time course of study at an institution of higher learning approved by the administering Secretary; or

"(III) is incapable of self support because of a mental or physical incapacity that occurred while the person was considered a dependent of the member or former member under this subparagraph pursuant to subclause (I) or (II);

"(iii) is dependent on the member or former member for over one-half of the person's support, as prescribed in regulations of the administering Secretary;

"(iv) resides with the member or former member unless separated by the necessity of military service or to receive institutional care as a result of disability, incapacitation, or such other circumstances as the administering Secretary may by regulation prescribe; and

"(v) is not a dependent of a member or a former member under any other subparagraph.".

(b) APPLICATION OF AMENDMENT.—Section 1072(2)(I) of title 10, United States Code, as added by subsection (a), shall apply with respect to determinations of dependency made on or after July 1, 1994.

Subtitle B—Health Care Management

SEC. 711. EXTENSION AND REVISION OF SPECIALIZED TREATMENT SERVICES PROGRAM.

(a) EXTENSION OF WAIVER AUTHORITY REGARDING 40-MILE RADIUS RESTRICTION.—Section 1079(a)(7)(B) of title 10, United States Code, is amended by striking out "October 1, 1993" and inserting in lieu thereof, "October 1, 1995".

(b) INCLUSION OF FACILITIES PURSUANT TO CONTRACT OR AGREEMENT.—Section 1105 of such title is amended—

(1) by inserting "(a) DETERMINATION.—" before "In determining";

(2) by striking out "within the area served by that facility"; and

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

"(b) REGULATIONS.—The Secretary of Defense, after consulting with the other administering Secretaries, shall prescribe regulations to implement this section. Such regulations shall include standards for the designation of service areas comparable in size to service areas designated for facilities of the uniformed services pursuant to sections 1079(a)(7), 1080, and 1086(e) of this title.

"(c) REIMBURSEMENT OF TRANSPORTATION AND SUBSISTENCE EXPENSES.—(1) Subject to paragraph (2), the regulations required by subsection (b) also may provide for the full or partial reimbursement of reasonable expenses for—

"(A) the long-distance transportation for a covered beneficiary to or from a health care facility at which specialized health care services are provided pursuant to this chapter; and

"(B) the long-distance transportation, temporary lodging, and meals (not to exceed the applicable per diem rate) for a non-medical attendant (including a member of the uniformed services on active duty) who accompanies the covered beneficiary.

"(2) Reimbursement of expenses may be made under paragraph (1) only if the Secretary of Defense determines that such reimbursement will permit the health care services to be provided at less total cost to the Department of Defense than if the services were otherwise provided pursuant to this chapter. In lieu of reimbursement for such expenses, the Secretary may authorize the provision of transportation, meals, and lodging by the Department of Defense when reasonably available.".

SEC. 712. CODIFICATION OF CHAMPUS PEER REVIEW ORGANIZATION PROGRAM PROCEDURES.

Section 1079 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(o)(1) Health care services provided pursuant to this section or section 1086 of this title may not include services determined under the CHAMPUS Peer Review Organization program to be not medically or psychologically necessary.

"(2) The Secretary of Defense, after consulting with the other administering Secretaries, may—

"(A) adopt by regulation any quality and utilization review requirements and procedures in effect for the Peer Review Organization program under title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.) that the Secretary determines to be necessary to carry out this subsection; and

"(B) adapt such requirements and procedures to the circumstances of the CHAMPUS Peer Review Organization program as the Secretary determines to be appropriate.".

SEC. 713. FEDERAL PREEMPTION REGARDING CONTRACTS FOR MEDICAL AND DENTAL CARE.

(a) PREEMPTION.—Section 1103 of title 10, United States Code, is amended to read as follows:

"§1103. Contracts for medical and dental care: State and local preemption

"(a) OCCURRENCE OF PREEMPTION.—A law or regulation of a State or local government relating to health insurance, prepaid health plans, or other health care delivery and financing methods shall not apply to any contract entered into pursuant to this chapter by the Secretary of Defense or the administering Secretaries to the extent that the Secretary of Defense or the administering Secretaries determine that—

"(1) the State or local law or regulation is inconsistent with a specific provision of the contract or a regulation promulgated by the Secretary of Defense or the administering Secretaries pursuant to this chapter; or

"(2) preemption of the State or local law or regulation is necessary to implement or operate the contract or to achieve some other important Federal interest.

"(b) EFFECT OF PREEMPTION.—In the case of the preemption under subsection (a) of a State or local law or regulation regarding financial solvency, the Secretary of Defense or the administering Secretaries shall require an independent audit of the prime contractor of each contract entered into pursuant to this chapter covered by the preemption. The audit shall be performed by the Defense Contract Audit Agency.

"(c) STATE DEFINED.—In this section, the term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and each territory and possession of the United States.".

(b) APPLICATION OF AMENDMENT.—Section 1103 of title 10, United States Code, as amended by subsection (a), shall apply with respect to any contract entered into under chapter 55 of such title before, on, or after the date of the enactment of this Act.

SEC. 714. DELAY OF TERMINATION EFFECTIVE DATE FOR UNIFORMED SERVICES TREATMENT FACILITIES.

Subsection (e) of section 1252 of the Department of Defense Authorization Act, 1984 (42 U.S.C. 248d) is amended by striking out "1993" and inserting in lieu thereof "1995".

SEC. 715. MANAGED-CARE DELIVERY AND REIMBURSEMENT MODEL FOR THE UNIFORMED SERVICES TREATMENT FACILITIES.

(a) TIME FOR OPERATION OF MANAGED-CARE DELIVERY AND REIMBURSEMENT MODEL.—Subsection (c) of section 718 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1587) is amended by striking out the first sentence and inserting in lieu thereof the following:

"(1) TIME FOR OPERATION.—Not later than October 1, 1993, the Secretary of Defense shall begin operation of a managed-care delivery and reimbursement model that will continue to utilize the Uniformed Services Treatment Facilities in the military health services system.".

(b) COPAYMENTS AND DEFINITION.—Such subsection is further amended by adding at the end the following new paragraphs:

"(2) COPAYMENTS.—A Uniformed Services Treatment Facility for which there exists a Uniformed Services Treatment Facilities Managed-Care Plan may impose nominal charges for inpatient and outpatient care provided to all categories of beneficiaries enrolled in the plan. The schedule and application of such charges shall be in accordance with the terms and conditions specified in the plan.

"(3) DEFINITION.—For purposes of this subsection, the term 'Uniformed Services Treatment Facility' means a facility described in section 911(a) of the Military Construction Authorization Act, 1982 (42 U.S.C. 248c(a)).".

SEC. 716. CLARIFICATION OF CONDITIONS ON EXPANSION OF CHAMPUS REFORM INITIATIVE TO OTHER LOCATIONS.

(a) IN GENERAL.—Subsection (a) of section 712 of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 1073 note) is amended—

(1) by inserting "(1)" after "CONDITION.—";

(2) in the second sentence, by inserting after "cost-effectiveness of the initiative" the following: "(while assuring that the combined cost of care in military treatment facilities and under the Civilian Health and Medical Program of the Uniformed Services will not be increased as a result of the expansion)"; and

(3) by adding at the end the following new paragraph:

"(2) To the extent any revision of the CHAMPUS reform initiative is necessary in order to make the certification required by this subsection, the Secretary shall assure that enrolled covered beneficiaries may obtain health care services with reduced out-of-pocket costs, as compared to standard CHAMPUS.".

(b) DEFINITION.—Subsection (d) of such section is amended by adding at the end the following new paragraph:

"(3) The terms 'Civilian Health and Medical Program of the Uniformed Services' and 'CHAMPUS' have the meaning given the term 'Civilian Health and Medical Program of the Uniformed Services' in section 1072(4) of title 10, United States Code."

SEC. 717. INCREASED FLEXIBILITY FOR PERSONAL SERVICE CONTRACTS IN MILITARY MEDICAL TREATMENT FACILITIES.

(a) PERSONAL SERVICES CONTRACTS AUTHORIZED.—(1) Section 1091 of title 10, United States Code, is amended to read as follows:

"§1091. Personal services contracts

"(a) AUTHORITY.—The Secretary of Defense may enter into personal services contracts to carry out health care responsibilities in medical treatment facilities of the Department of Defense, as determined to be necessary by the Secretary. The authority provided in this subsection is in addition to any other contract authorities of the Secretary, including authorities relating to the management of such facilities and the administration of this chapter.

"(b) LIMITATION ON AMOUNT OF COMPENSATION.—In no case may the total amount of compensation paid to an individual in any year under a personal services contract entered into under subsection (a) exceed the amount of annual compensation (excluding expenses) specified in section 102 of title 3.

"(c) PROCEDURES.—(1) The Secretary shall establish by regulation procedures for entering into personal services contracts with individuals under subsection (a). At a minimum, such procedures shall assure—

"(A) the provision of adequate notice of contract opportunities to individuals residing in the area of the medical treatment facility involved; and

"(B) consideration of interested individuals solely on the basis of the qualifications established for the contract and the proposed contract price.

"(2) Upon the establishment of such procedures under paragraph (1), the Secretary may exempt contracts covered by this section from the competitive contracting requirements specified in section 2304 of this title or any other similar requirements of law.

"(d) EXCEPTIONS.—The procedures and exemptions provided under subsection (c) shall not apply to personal services contracts entered into under subsection (a) with entities other than individuals or to any contract that is not an authorized personal services contract under such subsection.".

(2) The item relating to section 1091 in the table of sections at the beginning of chapter 55 of title 10, United States Code, is amended to read as follows:

"1091. Personal services contracts.".

(b) REPORT REQUIRED.—Not later than 30 days after the end of the 180-day period beginning on the date on which the Secretary of Defense first uses the authority provided under section 1091 of title 10, United States Code (as amended by subsection (a)(1)), the Secretary shall submit to Congress a report specifying—

(1) the salaries, by medical specialty, offered by the Secretary to individuals agreeing to enter into a personal services contract under such section during that period;

(2) the extent to which those salaries exceed the salaries previously offered by the Secretary for individuals in such medical specialties;

(3) the total number and medical specialties of individuals serving in military medical treatment facilities during that period pursuant to such a contract; and

(4) the number of such individuals (and their medical specialties) who are receiving compensation under such a contract in an amount in excess of the maximum amount authorized under such section, as such section was in effect on the day before the date of the enactment of this Act.

SEC. 718. EXPANSION OF THE PROGRAM FOR THE COLLECTION OF HEALTH CARE COSTS FROM THIRD-PARTY PAYERS.

(a) COLLECTION CHANGES.—Section 1095 of title 10, United States Code, is amended—

(1) in subsection (g)—

(A) by inserting after "collected under this section from a third party payer" the following: "or under any other provision of law from any other payer"; and

(B) by inserting before the period the following: "and shall not be taken into consideration in establishing the operating budget of the facility"; and

(2) in subsection (h)(2), by inserting after "includes" the following: "a preferred provider organization and".

(b) REPORT ON COLLECTIONS.—Not later than February 15 of each year, the Secretary of Defense shall submit to Congress a report specifying for each medical treatment facility of the uniformed services—

(1) the amount collected during the preceding fiscal year under section 1095 of title 10, United States Code, from third-party payers for the costs of health care provided at the facility; and

(2) the amount requested for operation and maintenance of the facility for the preceding fiscal year, the fiscal year in which the report is submitted, and the next fiscal year.

SEC. 719. ALTERNATIVE RESOURCE ALLOCATION METHOD FOR MEDICAL FACILITIES OF THE UNIFORMED SERVICES.

(a) INCLUSION OF CAPITATION METHOD.—Section 1101 of title 10, United States Code is amended—

(1) in subsection (a)—

(A) by striking "DRGS" in the subsection heading and inserting in lieu thereof "CAPITATION OR DRG METHOD";

(B) by inserting "capitation or" before "diagnosis-related groups";

(2) in subsection (b), by striking "Diagnosis-related groups" and inserting in lieu thereof "Capitation or diagnosis-related groups"; and

(3) in subsection (c)—

(A) by striking "shall" both places it appears and inserting in lieu thereof "may"; and

(B) by adding at the end the following new paragraph:

"(4) An appropriate method for calculating or estimating the annual per capita costs of providing comprehensive health care services to members of the uniformed services on active duty and covered beneficiaries.".

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

"§1101. Resource allocation methods: capitation or diagnosis-related groups".

(2) The item relating to such section in the table of sections at the beginning of chapter 55 of such title is amended to read as follows:

"1101. Resource allocation methods: capitation or diagnosis-related groups.".

SEC. 720. USE OF HEALTH MAINTENANCE ORGANIZATION MODEL AS OPTION FOR MILITARY HEALTH CARE.

(a) USE OF MODEL.—Not later than December 15, 1993, the Secretary of Defense shall prescribe and implement a health benefit option (and accompanying cost-sharing requirements) for covered beneficiaries eligible for health care under chapter 55 of title 10, United States Code, that is modelled on health maintenance organization plans offered in the private sector and other similar Government health insurance programs. The Secretary shall include, to the maximum extent practicable, the health benefit option required under this subsection as one of the options available to covered beneficiaries in all future managed health care initiatives undertaken by the Secretary.

(b) ELEMENTS OF OPTION.—The Secretary shall offer covered beneficiaries who enroll in the health benefit option required under subsection (a) reduced out-of-pocket costs and a benefit structure that is as uniform as possible throughout the United States. The Secretary shall allow enrollees to seek health care outside the option, except that the Secretary may prescribe higher out-of-pocket costs than authorized under section 1079 or 1086 of title 10, United States Code, for enrollees who do so.

(c) GOVERNMENT COSTS.—The health benefit option required under subsection (a) shall be administered so that the costs incurred by the Secretary to provide the option are no greater than the costs that would otherwise be incurred to provide health care to the covered beneficiaries who enroll in the option.

SEC. 721. AUTHORIZATION FOR AUTOMATED MEDICAL RECORD CAPABILITY TO BE INCLUDED IN MEDICAL INFORMATION SYSTEM.

(a) AUTOMATED MEDICAL RECORD CAPABILITY.—In carrying out the acquisition of the Department of Defense medical information system referred to in section 704 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661; 100 Stat. 704), the Secretary of Defense may permit an automated medical record capability to be included in the system. The Secretary may make such modifications to existing contracts, and include such specifications in future contracts, as the Secretary considers necessary to include such a capability in the system.

(b) PLAN.—The Secretary of Defense shall develop a plan to test the use of automated medical records at one or more military medical treatment facilities. Not later than January 15, 1994, the Secretary shall submit the plan to the Committees on Armed Services of the Senate and House of Representatives.

(c) DEFINITIONS.—In this section:

(1) The term "medical information system" means a computer-based information system that—

(A) receives data normally recorded concerning patients;

(B) creates and maintains from such data a computerized medical record for each patient; and

(C) provides access to data for patient care, hospital administration, research, and medical care resource planning.

(2) The term "automated medical record" means a computer-based information system that—

(A) is available at the time and place of interaction between a patient and a health care provider;

(B) receives, stores, and provides access to relevant patient and other medical information in a single, logical patient record that is appropriately organized for clinical decisionmaking; and

(C) maintains patient confidentiality in conformance with all applicable laws and regulations.

Subtitle C—Other Matters

SEC. 731. AWARD OF CONSTRUCTIVE SERVICE CREDIT FOR ADVANCED HEALTH PROFESSIONAL DEGREES.

(a) CREDIT ON ORIGINAL APPOINTMENT.—Section 533(b)(1) of title 10, United States Code, is amended—

(1) in subparagraph (A)—

(A) by inserting "professional" in the first sentence after "One year for each year of advanced";

(B) by striking out "Except as provided in clause (E), in" at the beginning of the second sentence and inserting in lieu thereof "In"; and

(C) by striking out "postsecondary education in excess of four that are" in the second sentence and inserting in lieu thereof "advanced education";

(2) by striking out subparagraph (E); and

(3) by redesignating subparagraph (F) as subparagraph "(E)".

(b) CREDIT AS RESERVE OF THE ARMY.—Section 3353(b)(1) of such title is amended—

(1) in subparagraph (A)—

(A) by inserting "professional" in the first sentence after "One year for each year of advanced";

(B) by striking out "Except as provided in clause (E), in " at the beginning of the second sentence and inserting in lieu thereof "In"; and

(C) by striking out "postsecondary education in excess of four that are" in the second sentence and inserting in lieu thereof "advanced education";

(2) by striking out subparagraph (E); and

(3) by redesignating subparagraph (F) as subparagraph "(E)".

(c) CREDIT IN THE NAVAL RESERVE AND MARINE CORPS RESERVE.—Section 5600(b)(1) of such title is amended—

(1) in subparagraph (A)—

(A) by inserting "professional" in the first sentence after "One year for each year of advanced";

(B) by striking out "Except as provided in clause (E), in" at the beginning of the second sentence and inserting in lieu thereof "In"; and

(C) by striking out "postsecondary education in excess of four that are" in the second sentence and inserting in lieu thereof "advanced education";

(2) by striking out subparagraph (E); and

(3) by redesignating subparagraph (F) as subparagraph "(E)".

(d) CREDIT AS RESERVE OF THE AIR FORCE.—Section 8353(b)(1) of such title is amended—

(1) in subparagraph (A)—

(A) by inserting "professional" in the first sentence after "One year for each year of advanced";

(B) by striking out "Except as provided in clause (E), in" at the beginning of the second sentence and inserting in lieu thereof "In"; and

(C) by striking out "postsecondary education in excess of four that are" in the second sentence and inserting in lieu thereof "advanced education";

(2) by striking out subparagraph (E); and

(3) by redesignating subparagraph (F) as subparagraph "(E)".

(e) APPLICATION OF AMENDMENTS.—The amendments made by this section shall apply with respect to determining the constructive service credit of persons receiving an original appointment as commissioned officers in regular components of the Armed Forces, an original appointment as reserve commissioned officers, or an assignment or designation to certain officer categories described in such sections whether such appointment, assignment, or designation occurred before the date of the enactment of this Act or occurs on or after such date.

SEC. 732. CLARIFICATION OF AUTHORITY FOR GRADUATE STUDENT PROGRAM OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

(a) DISTINCTION BETWEEN MEDICAL AND GRADUATE STUDENTS.—Section 2114 of title 10, United States Code, is amended—

(1) in subsection (a), by striking out "Students" in the first sentence and inserting in lieu thereof "Medical students";

(2) in subsection (b), by striking out "Students" in the first and fourth sentences and inserting in lieu thereof in each instance "Medical students";

(3) in subsection (d), by striking out "member" in the first sentence and inserting in lieu thereof "commissioned member"; and

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

"(g) The Secretary of Defense shall establish selection procedures, service obligations (if any), and such other requirements as the Secretary determines to be appropriate for students in any postdoctoral, postgraduate, or technological institute established pursuant to section 2113(h) of this title.".

(b) APPLICATION OF AMENDMENTS.—The amendments made by subsection (a) shall apply with respect to students attending the Uniformed Services University of the Health Sciences on or after the date of the enactment of this Act.

SEC. 733. AUTHORITY FOR THE ARMED FORCES INSTITUTE OF PATHOLOGY TO OBTAIN ADDITIONAL DISTINGUISHED PATHOLOGISTS AND SCIENTISTS.

Section 176(c) of title 10, United States Code, is amended by adding at the end the following new sentence: "The Secretary of Defense, on a case-by-case basis, may waive the limitation on the number of distinguished pathologists or scientists with whom agreements may be entered into under this subsection if the Secretary determines that such waiver is in the best interest of the Department of Defense.".

SEC. 734. REPORT ON THE PROVISION OF HEALTH-CARE SERVICES TO WOMEN.

(a) REPORT REQUIRED.—The Secretary of Defense shall prepare a report evaluating the provision of health-care services through military medical treatment facilities and the Civilian Health and Medical Program of the Uniformed Services to female members of the uniformed services and female covered beneficiaries eligible for health care under chapter 55 of title 10, United States Code.

(b) CONTENTS.—The report required by subsection (a) shall contain the following:

(1) A description of the medical personnel of the Department of Defense who provided health-care services during fiscal year 1993 to female members and covered beneficiaries, including—

(A) the number of such personnel (including both the number of individual employees and the number of full-time employee equivalents);

(B) the professional qualifications or specialty training of such personnel; and

(C) the medical facilities to which such personnel were assigned.

(2) A description of any actions, including the use of special pays and incentives, taken by the Secretary during fiscal year 1993—

(A) to ensure the retention of the medical personnel described in paragraph (1);

(B) to recruit additional personnel to provide health-care services to female members and female covered beneficiaries; and

(C) to replace departing personnel who provided such services.

(3) A description of any existing or proposed programs to encourage specialization of health care professionals in fields related to primary and preventive health-care services for women.

(4) An assessment of any difficulties experienced by military medical treatment facilities or the Civilian Health and Medical Program of the Uniformed Services in furnishing primary and preventive health-care services for women and a description of those actions taken by the Secretary to resolve such difficulties.

(5) An assessment of the extent to which gender-related factors impede or complicate diagnoses (such as inappropriate psychiatric referrals and admissions) made by medical personnel described in paragraph (1).

(6) A description of the actions taken by the Secretary to foster and encourage the expansion of research relating to health care issues of concern to female members of the uniformed services and female covered beneficiaries.

(c) POPULATION STUDY OF THE NEED OF FEMALE MEMBERS AND FEMALE COVERED BENEFICIARIES FOR HEALTH-CARE SERVICES.—(1) As part of the report required by subsection (a), the Secretary shall conduct a study to determine the needs of female members of the uniformed services and female covered beneficiaries for health-care services, including primary and preventive health-care services for women.

(2) The study shall examine the health needs of current members and covered beneficiaries and future members and covered beneficiaries based upon the anticipated size and composition of the Armed Forces in the year 2000 and should be based on the demographics of society as a whole.

(d) SUBMISSION AND REVISION.—The Secretary of Defense shall submit the report required by subsection (a) to Congress not later than April 1, 1994. The Secretary shall revise and resubmit the report to Congress not later than April 1, 1999.

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

(1) The term "primary and preventive health care services for women" has the meaning given such term in paragraph (6) of section 1072 of title 10, United States Code, as added by section 701(c)).

(2) The term "covered beneficiary" has the meaning given such term in paragraph (5) of such section.

SEC. 735. SENSE OF CONGRESS REGARDING THE INCLUSION OF CHIROPRACTIC CARE AS A TYPE OF HEALTH CARE AUTHORIZED UNDER CHAMPUS.

(a) FINDINGS.—Congress finds the following:

(1) Chiropractors are currently prohibited from receiving reimbursement under the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS).

(2) Chiropractors offer cost-effective care that is desired by covered beneficiaries under CHAMPUS.

(3) On March 1, 1992, the Department of Defense concluded a two-year demonstration project to test the participation of chiropractors under CHAMPUS.

(4) The demonstration project included over 1,100 chiropractors in the States of Colorado and Washington and generated over 50,000 claims from 5,700 covered beneficiaries.

(5) A final report from the Department of Defense on the demonstration project was expected in December 1992, but analysis of data derived from the project was delayed due to the late filing of claims.

(b) SENSE OF CONGRESS.—In light of the findings in subsection (a), it is the sense of Congress that the Secretary of Defense should—

(1) designate the analysis referred to in subsection (a)(5) of the demonstration project to test the participation of chiropractors under CHAMPUS as a priority matter to be completed as expeditiously as possible, and not later than October 1, 1993;

(2) submit that analysis, together with such conclusions as the Secretary considers to be appropriate, to the congressional defense committees at the earliest possible date, and not later than October 1, 1993;

(3) provide Congress (including the General Accounting Office or other designated representative of Congress) access to all data resulting from the demonstration project; and

(4) proceed immediately with any preliminary staff work (such as development of procedures and regulations) that may be required to comply with the findings and recommendations resulting from the analysis of the demonstration project.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Acquisition Assistance Programs

SEC. 801. DEFENSE PROCUREMENT TECHNICAL ASSISTANCE PROGRAM.

(a) AVAILABILITY OF AUTHORIZED APPROPRIATIONS.—Of the amounts authorized to be appropriated in section 301(5) for Defense-wide activities for fiscal year 1994, $12,000,000 shall be available for such fiscal year for carrying out the provisions of chapter 142 of title 10, United States Code.

(b) SPECIFIC PROGRAMS.—Of the amounts referred to in subsection (a), $600,000 shall be available for fiscal year 1994 for the purpose of carrying out programs sponsored by eligible entities referred to in subparagraph (D) of section 2411(1) of title 10, United States Code, that provide procurement technical assistance in distressed areas referred to in subparagraph (B) of section 2411(2) of such title. If there is an insufficient number of satisfactory proposals for cooperative agreements in such distressed areas to allow for effective use of the funds made available in accordance with this subsection in such areas, the funds shall be allocated among the Defense Contract Administration Services regions in accordance with section 2415 of such title.

SEC. 802. HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.

(a) FUNDING.—Of the amounts authorized to be appropriated for fiscal year 1994 pursuant to title II of this Act, $15,000,000 shall be available for such fiscal year for infrastructure assistance to historically Black colleges and universities and minority institutions under section 2323(c)(3) of title 10, United States Code.

(b) INFORMATION ON PROGRESS IN PROVIDING INFRASTRUCTURE ASSISTANCE REQUIRED IN ANNUAL REPORT.—Effective October 1, 1993, section 2323(i)(3) of title 10, United States Code, is amended by adding at the end the following:

"(D) A detailed description of the infrastructure assistance provided under subsection (c) during the preceding fiscal year and of the plans for providing such assistance during the fiscal year in which the report is submitted.".

Subtitle B—Provisions to Streamline Defense Acquisition Laws

SEC. 811. REPEAL AND AMENDMENT OF OBSOLETE, REDUNDANT, OR OTHERWISE UNNECESSARY LAWS APPLICABLE TO DEPARTMENT OF DEFENSE GENERALLY.

(a) REPEALS.—The following provisions of law are repealed:

(1) Chapter 135 of title 10, United States Code (relating to encouragement of aviation).

(2) Section 2317 of title 10, United States Code (relating to encouragement of competition and cost savings).

(3) Section 2362 of title 10, United States Code (relating to testing requirements for wheeled or tracked vehicles).

(4) Section 2389 of title 10, United States Code (relating to purchases from the Commodity Credit Corporation and price adjustments for contracts for procurement of milk).

(5) Sections 2436 and 2437 of title 10, United States Code (relating to defense enterprise programs).

(6) Section 821 of Public Law 101-189 (103 Stat. 1503) (relating to certificate of independent price determination in certain Department of Defense contract solicitations).

(b) DELETION OF EXPIRING REPORT REQUIREMENT.—Effective February 1, 1994, section 2361 of title 10, United States Code, is amended by striking out subsection (c).

SEC. 812. EXTENSION TO DEPARTMENT OF DEFENSE GENERALLY OF CERTAIN ACQUISITION LAWS APPLICABLE TO THE ARMY AND AIR FORCE.

(a) INDUSTRIAL MOBILIZATION.—(1) Subchapter V of chapter 148 of title 10, United States Code, is amended by adding at the end the following new sections:

"§2538. Industrial mobilization: orders; priorities; possession of manufacturing plants; violations

"(a) ORDERS.—In time of war or when war is imminent, the President, through the head of any department, may order from any person or organized manufacturing industry necessary products or materials of the type usually produced or capable of being produced by that person or industry.

"(b) PRIORITIES.—A person or industry with whom an order is placed under subsection (a), or the responsible head thereof, shall comply with that order and give it precedence over all orders not placed under that subsection.

"(c) POSSESSION OF MANUFACTURING PLANTS.—In time of war or when war is imminent, the President, through the head of any department, may take immediate possession of any plant that is equipped to manufacture, or that in the opinion of the Secretary of Defense is capable of being readily transformed into a plant for manufacturing, arms or ammunition, parts thereof, or necessary supplies for the armed forces if the person or industry owning or operating the plant, or the responsible head thereof, refuses—

"(1) to give precedence to the order as prescribed in subsection (b);

"(2) to manufacture the kind, quantity, or quality of arms or ammunition, parts thereof, or necessary supplies, as ordered by the Secretary; or

"(3) to furnish them at a reasonable price as determined by the Secretary.

"(d) MANUFACTURE OF PRODUCTS IN SEIZED PLANTS.—The President, through the Secretary of Defense, may manufacture products that are needed in time of war or when war is imminent, in any plant that is seized under subsection (c).

"(e) COMPENSATION AND RENTAL.—Each person or industry from whom products or materials are ordered under subsection (a) is entitled to fair and just compensation. Each person or industry whose plant is seized under subsection (c) is entitled to a fair and just rental.

"(f) VIOLATIONS.—Whoever fails to comply with this section shall be imprisoned for not more than three years and fined under title 18.

"§2539. Industrial mobilization: plants; lists

"(a) LIST OF PLANTS EQUIPPED TO MANUFACTURE ARMS OR AMMUNITION.—The Secretary of Defense shall maintain a list of all privately

owned plants in the United States, and the territories, commonwealths, and possessions, that are equipped to manufacture for the armed forces arms or ammunition, or parts thereof, and shall obtain complete information of the kinds of those products manufactured or capable of being manufactured by each of those plants, and of the equipment and capacity of each of those plants.

"(b) LIST OF PLANTS CAPABLE OF BEING TRANSFORMED INTO AMMUNITION FACTORIES.—The Secretary of Defense shall maintain a list of privately owned plants in the United States, and the territories, commonwealths, and possessions, that are capable of being readily transformed into factories for the manufacture of ammunition for the armed forces and that have a capacity sufficient to warrant conversion into ammunition plants in time of war or when war is imminent, and shall obtain complete information as to the equipment of each of those plants.

"(c) CONVERSION PLANS.—The Secretary of Defense shall prepare comprehensive plans for converting each plant listed pursuant to subsection (b) into a factory for the manufacture of ammunition or parts thereof.

"§2540. Industrial mobilization: Board on Mobilization of Industries Essential for Military Preparedness

"The President may appoint a nonpartisan Board on Mobilization of Industries Essential for Military Preparedness, and may provide necessary clerical assistance, to organize and coordinate operations under sections 2538 and 2539 of this title.".

(2) Sections 4501, 4502, 9501, and 9502 of title 10, United States Code, are repealed.

(b) AVAILABILITY OF SAMPLES, DRAWINGS, INFORMATION, EQUIPMENT, MATERIALS, AND CERTAIN SERVICES.—(1) Chapter 148 of title 10, United States Code, is further amended by adding at the end the following:

"§2541. Availability of samples, drawings, information, equipment, materials, and certain services.

"(a) AUTHORITY.—The Secretary of Defense and the secretaries of the military departments, under regulations to be prescribed by the Secretary of Defense and when determined to be in the interest of national defense, may—

"(1) sell, lend, or give samples, drawings, and manufacturing or other information (subject to the rights of third parties) to any United States person or entity;

"(2) sell or lend government equipment or materials to any United States person or entity—

"(A) for use in independent research and development programs, if the equipment or material will be used exclusively for such research and development; or

"(B) for use in demonstrations to a friendly foreign government; and

"(3) make available to any United States person or entity, for appropriate fees, the services of any government laboratory, center, range, or other testing facility for the testing of materials, equipment, models, computer software, and other items.

"(b) FEES.—Fees for services made available under subsection (a)(3) shall be established by regulations prescribed pursuant to subsection (a). Such fees may not exceed the amount necessary to recoup the direct costs involved, such as utilities, contractor support, and salaries of personnel incurred by the United States to provide such testing.

"(c) CONFIDENTIALITY.—The results of tests performed pursuant to subsection (a)(3) are confidential and may not be divulged outside the government without the consent of the persons for whom the tests are performed.

"(d) USE OF FEES.— Fees received for services made available under subsection (a)(3) may be credited to the appropriations or funds of the selling activity.".

(2) Section 2314 of title 10, United States Code, is amended by inserting "or sale" after "procurement".

(3) Sections 4506, 4507, 4508, 9506, and 9507 of title 10, United States Code, are repealed.

(c) PROCUREMENT FOR EXPERIMENTAL PURPOSES.—(1) Chapter 139 of title 10, United States Code, is amended by adding at the end the following new section:

"§2373. Procurement for experimental purposes

"(a) AUTHORITY.—The Secretary of a military department may buy ordnance, signal, and chemical activity supplies, including parts and accessories, and designs thereof, that the Secretary concerned considers necessary for experimental or test purposes in the development of the best supplies that are needed for the national defense.

"(b) PROCEDURES.—Purchases under this section may be made inside or outside the United States, with or without competitive bidding, and by contract or otherwise. Chapter 137 of this title applies when such purchases are made in quantity.".

(2) Sections 4504 and 9504 of title 10, United States Code, are repealed.

(d) ACCEPTANCE OF GRATUITOUS SERVICES OF CERTAIN RESERVE OFFICERS.—(1) Chapter 11 of title 10, United States Code, is amended by inserting after section 278 the following new section:

"§279. Authority to accept certain gratuitous services of officers

"Notwithstanding section 1342 of title 31, the Secretary of a military department may accept the gratuitous services of an officer of a reserve component under the Secretary's jurisdiction (other than an officer of the Army National Guard of the United States or the Air National Guard of the United States)—

"(1) in the furtherance of the enrollment, organization, and training of that officer's reserve component or the Reserve Officers' Training Corps; or

"(2) in consultation upon matters relating to the armed forces.".

(2) Sections 4541 and 9541 of title 10, United States Code, are repealed.

SEC. 813. REPEAL AND AMENDMENT OF CERTAIN ACQUISITION LAWS APPLICABLE TO THE ARMY AND AIR FORCE.

(a) REPEALS.—The following provisions of subtitles B and D of title 10, United States Code, are repealed:

(1) Sections 4503 and 9503 (relating to research and development programs).

(2) Sections 4505 and 9505 (relating to procurement of production equipment).

(3) Sections 4531 and 9531 (relating to procurement authorization).

(4) Section 4533 (relating to Army rations).

(5) Sections 4534 and 9534 (relating to subsistence supplies, contract stipulations, and place of delivery on inspection).

(6) Sections 4535 and 9535 (relating to purchase of exceptional subsistence supplies without advertising).

(7) Sections 4537 and 9537 (relating to assistance of U.S. mapping agencies with military surveys and maps).

(8) Sections 4538 and 9538 (relating to exchange and reclamation of unserviceable ammunition).

(b) AMENDMENTS.—(1) Section 2358(a) of title 10, United States Code, is amended—

(A) in the first sentence, by striking out "Subject to approval by the President, the Secretary of Defense" and inserting in lieu thereof "The Secretary of Defense and the Secretaries of the military departments";

(B) in the first sentence, by inserting after "other military" the following: "or department"; and

(C) in the second sentence, by striking out "Subject to approval by the President, the Secretary" and inserting in lieu thereof "The Secretary concerned".

(2) Section 2358(b) of such title is amended—

(A) by inserting after "Secretary of Defense" the following: "or the Secretary of the military department concerned"; and

(B) by inserting after "relationship to a military" the following: "or department".

SEC. 814. CONSOLIDATION, REPEAL, AND AMENDMENT OF CERTAIN ACQUISITION LAWS APPLICABLE TO THE NAVY.

(a) REPEALS.—The following provisions of subtitle C of title 10, United States Code, are repealed:

(1) Section 7201 (relating to guided missiles, research and development, procurement, and construction).

(2) Section 7210 (relating to purchase of patents, patent applications, and licenses).

(3) Section 7213 (relating to relief of contractors and their employees from losses by enemy action).

(4) Section 7230 (relating to sale of degaussing equipment).

(5) Section 7296 (relating to availability of appropriations for other purposes).

(6) Section 7298 (relating to conversion of combatants and auxiliaries).

(7) Section 7301 (relating to estimates required for bids on construction).

(8) Section 7310 (relating to constructing combatant vessels).

(9) Chapter 635 (relating to naval aircraft).

(10) Section 7366 (relating to limitation on appropriations for naval salvage facilities).

(b) REVISION AND STREAMLINING OF CERTAIN PROVISIONS RELATING TO NAVAL VESSELS.—Chapter 633 of such title is amended by striking out sections 7304, 7305, 7306, 7307, 7308, and 7309 and inserting in lieu thereof the following:

"§7304. Examination of vessels; striking of vessels from Naval Vessel Register

"(a) BOARDS OF OFFICERS TO EXAMINE NAVAL VESSELS.—The Secretary of the Navy shall designate boards of naval officers to examine naval vessels, including unfinished vessels, for the purpose of making a recommendation to the Secretary as to which vessels, if any, should be stricken from the Naval Vessel Register. Each vessel shall be examined at least once every three years if practicable.

"(b) ACTIONS BY BOARD.—A board designated under subsection (a) shall submit to the Secretary in writing its recommendations as to which vessels, if any, among those it examined should be stricken from the Naval Vessel Register.

"(c) ACTION BY SECRETARY.—If the Secretary concurs with a recommendation by a board that a vessel should be stricken from the Naval Vessel Register, the Secretary shall strike the name of that vessel from the Naval Vessel Register.

"§7305. Vessels stricken from Naval Vessel Register: sale

"(a) APPRAISAL OF VESSELS STRICKEN FROM NAVAL VESSEL REGISTER.—The Secretary of the Navy shall appraise each vessel stricken from the Naval Vessel Register under section 7304 of this title.

"(b) AUTHORITY TO SELL VESSEL.—If the Secretary considers that the sale of the vessel is in the national interest, the Secretary may sell the vessel. Any such sale shall be in accordance with regulations prescribed by the Secretary for the purposes of this section.

"(c) PROCEDURES FOR SALE.—(1) A vessel stricken from the Naval Vessel Register and not subject to disposal under any other law may be

sold under this section. In such a case, the Secretary may sell the vessel to the highest acceptable bidder, regardless of the appraised value of the vessel, after the vessel is publicly advertised for sale for a period of not less than 30 days.

"(2) If the Secretary determines that the bid prices for a vessel received after advertising under paragraph (1) are not acceptable and that readvertising will serve no useful purpose, the Secretary may sell the vessel by negotiation to the highest acceptable bidder if—

"(A) each responsible bidder has been notified of intent to negotiate and has been given a reasonable opportunity to negotiate; and

"(B) the negotiated price is—

"(i) higher than the highest rejected price of any responsible bidder; or

"(ii) reasonable and in the national interest.

"(d) APPLICABILITY.—This section does not apply to a vessel the disposal of which is authorized by the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.), if it is to be disposed of under that Act.

"§7306. Vessels stricken from Naval Vessel Register; captured vessels: transfer by gift or otherwise

"(a) AUTHORITY TO MAKE TRANSFER.—Subject to subsections (c) and (d) of section 602 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 474), the Secretary of the Navy may transfer, by gift or otherwise, any vessel stricken from the Naval Vessel Register, or any captured vessel, to—

"(1) any State, Commonwealth, or possession of the United States or any municipal corporation or political subdivision thereof;

"(2) the District of Columbia; or

"(3) any not-for-profit or nonprofit entity.

"(b) VESSEL TO BE MAINTAINED IN CONDITION SATISFACTORY TO SECRETARY.—An agreement for the transfer of a vessel under subsection (a) shall include a requirement that the transferee will maintain the vessel in a condition satisfactory to the Secretary.

"(c) TRANSFERS TO BE AT NO COST TO UNITED STATES.—Any transfer of a vessel under this section shall be made at no cost to the United States.

"(d) NOTICE TO CONGRESS.—(1) No transfer under this section takes effect unless—

"(A) notice of the proposal to make the transfer is sent to Congress; and

"(B) 60 calendar days of continuous session of Congress have expired after the notice is sent to Congress.

"(2) For purposes of paragraph (1)(B), the continuity of a session of Congress is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of such 60-day period.

"§7306a. Vessels stricken from Naval Vessel Register: use for experimental purposes

"(a) AUTHORITY.—The Secretary of the Navy may use for experimental purposes any vessel stricken from the Naval Vessel Register.

"(b) STRIPPING VESSEL.—(1) Before using a vessel for an experimental purpose pursuant to subsection (a), the Secretary shall carry out such stripping of the vessel as is practicable.

"(2) Amounts received as proceeds from the stripping of a vessel pursuant to this subsection shall be credited to appropriations available for the procurement of scrapping services needed for such stripping. Amounts received which are in excess of amounts needed for procuring such services shall be deposited into the general fund of the Treasury.

"§7307. Disposals to foreign nations

"(a) LARGER OR NEWER VESSELS.—A naval vessel that is in excess of 3,000 tons or that is less than 20 years of age may not be disposed of to another nation (whether by sale, lease, grant, loan, barter, transfer, or otherwise) unless the disposition of that vessel is approved by law enacted after August 5, 1974. A lease or loan of such a vessel under such a law may be made only in accordance with the provisions of chapter 6 of the Arms Export Control Act (22 U.S.C. 2796 et seq.) or chapter 2 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 et seq.).

"(b) OTHER VESSELS.—(1) A naval vessel not subject to subsection (a) may be disposed of to another nation (whether by sale, lease, grant, loan, barter, transfer, or otherwise) in accordance with applicable provisions of law, but only after—

"(A) the Secretary of the Navy notifies the Committees on Armed Services of the Senate and House of Representatives in writing of the proposed disposition; and

"(B) 30 days of continuous session of Congress have expired following the date on which such notice was transmitted to those committees.

"(2) For purposes of paragraph (1)(B), the continuity of a session of Congress is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of such 30-day period.

"§7308. Chief of Naval Operations: certification required for disposal of combatant vessels

"Notwithstanding any other provision of law, no combatant vessel of the Navy may be sold, transferred, or otherwise disposed of, unless the Chief of Naval Operations certifies that it is not essential to the defense of the United States.

"§7309. Construction of vessels in foreign shipyards: prohibition

"(a) PROHIBITION.—Except as provided in subsection (b), no vessel to be constructed for any of the armed forces, and no major component of the hull or superstructure of any such vessel, may be constructed in a foreign shipyard.

"(b) PRESIDENTIAL WAIVER FOR NATIONAL SECURITY INTEREST.—(1) The President may authorize exceptions to the prohibition in subsection (a) when the President determines that it is in the national security interest of the United States to do so.

"(2) The President shall transmit notice to Congress of any such determination, and no contract may be made pursuant to the exception authorized until the end of the 30-day period beginning on the date on which the notice of the determination is received by Congress.

"(c) EXCEPTION FOR INFLATABLE BOATS.—An inflatable boat or a rigid inflatable boat, as defined by the Secretary of the Navy, is not a vessel for the purpose of the restriction in subsection (a).

"§7310. Overhaul, repair, etc. of vessels in foreign shipyards: restrictions

"(a) VESSELS WITH HOMEPORT IN UNITED STATES.—A naval vessel (or any other vessel under the jurisdiction of the Secretary of the Navy) the homeport of which is in the United States may not be overhauled, repaired, or maintained in a shipyard outside the United States, other than in the case of voyage repairs.

"(b) VESSEL CHANGING HOMEPORTS.—In the case of a naval vessel the homeport of which is not in the United States (or a territory of the United States), the Secretary of the Navy may not during the 15-month period preceding the planned reassignment of the vessel to a homeport in the United States (or a territory of the United States) begin any work for the overhaul, repair, or maintenance of the vessel that is scheduled to be for a period of more than six months.".

SEC. 815. ADDITIONAL AUTHORITY TO CONTRACT FOR FUEL STORAGE AND MANAGEMENT.

(a) ADDITIONAL AUTHORITY.—Section 2388 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking out "The" and inserting "The Secretary of Defense or the"; and

(B) by striking out "the storage, handling, and distribution of liquid fuels" and inserting in lieu thereof the following: "storage facilities for, or the storage, handling, or distribution of, liquid fuels or natural gas. Any such contract may be entered into";

(2) by striking out subsection (b); and

(3) by redesignating subsection (c) as subsection (b).

(b) SECTION HEADING AMENDMENT.—The heading of section 2388 of such title is amended to read as follows:

"§2388. Liquid fuels and natural gas: contracts for storage, handling, or distribution".

SEC. 816. ADDITIONAL AUTHORITY RELATING TO THE ACQUISITION OF PETROLEUM.

Section 2404 of title 10, United States Code, is amended—

(1) in subsection (c)—

(A) by inserting "or petroleum-related services" after "petroleum" the first place it appears; and

(B) by striking out "petroleum derivatives" and inserting in lieu thereof "petroleum-related services";

(2) in subsection (d)—

(A) by striking out "and products" and inserting in lieu thereof "products"; and

(B) by striking out the period at the end and inserting in lieu thereof ", and natural gas."; and

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

"(e) The Secretary of Defense may sell petroleum that is in inventory if the Secretary determines that the sale would be in the public interest. Amounts received from such a sale shall be credited to appropriations available for the acquisition of petroleum. Amounts so credited shall be available for obligation for the same period as the appropriations to which the amounts are credited.".

SEC. 817. SIMPLIFIED ACQUISITION THRESHOLD.

(a) SIMPLIFIED ACQUISITION THRESHOLD.—Paragraph (7) of section 2302 of title 10, United States Code, is amended to read as follows:

"(7) The term 'simplified acquisition threshold' means $100,000, adjusted on October 1 of each year divisible by 5 to the amount equal to $100,000 in constant fiscal year 1990 dollars (rounded to the nearest $1,000).".

(b) CONFORMING AMENDMENTS.—(1) Title 10, United States Code, is amended by striking out "small purchase threshold" each place it appears other than sections 2410i(b)(1), 2304(g)(2), and 2304(g)(3) and inserting in lieu thereof "simplified acquisition threshold".

(2) Section 2304(g)(1) is amended by adding at the end the following: "Any such simplified procedures shall maintain the notice requirements under section 18 of the Office of Federal Procurement Policy Act (41 U.S.C. 416) and subsections (e), (f), and (g) of section 8 of the Small Business Act (15 U.S.C. 637) for any purchase or contract for an amount in excess of the small purchase threshold, as that term is used in those Acts.".

(3) Section 2384(b) of title 10, United States Code, is amended—

(A) in paragraph (1), by inserting "or in paragraph (3)" after "in paragraph (2)"; and

(B) by adding at the end the following new paragraph:

"(3) Paragraph (1) does not apply to a contract in an amount equal to or less than the simplified acquisition threshold (as defined in section 2302(7) of this title).".

(4) Section 2397c(a)(1) of title 10, United States Code, is amended by striking out "in excess of $100,000" and inserting in lieu thereof "in an amount in excess of the simplified acquisition threshold (as defined in section 2302(7) of this title)".

(5) Section 2408(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(4) In this subsection, the term 'defense contract' means a contract in an amount in excess of the simplified acquisition threshold (as defined in section 2302(7) of this title).".

SEC. 818. PROCUREMENT OF COMMERCIAL AND NONDEVELOPMENTAL ITEMS.

(a) POLICY.—Section 2301(a) of title 10, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (6);

(2) by striking out the period at the end of paragraph (7) and inserting in lieu thereof a semicolon; and

(3) by adding at the end the following new paragraphs:

"(8) to the maximum extent practicable, and consistent with the objectives set forth in section 2501(c) of this title, the Department of Defense shall acquire commercial items to meet its needs and shall require prime contractors and subcontractors, at all levels, which furnish other than commercial items, to incorporate to the maximum extent practicable commercial items as components of items being supplied to the Department; and

"(9) when commercial items and components are not available, practicable, or cost effective, the Department shall acquire, and shall require prime contractors and subcontractors to incorporate, other nondevelopmental items and components to the maximum extent practicable.".

(b) COMMERCIAL ITEM DEFINED.—Section 2302 of title 10, United States Code, as amended by section 817, is further amended by adding at the end the following new paragraph:

"(8) The term 'commercial item' means any item regularly used in the course of normal business operations for other than Government purposes that—

"(A) has been sold, leased, or licensed to the general public;

"(B) has been offered for sale, lease, or license to the general public;

"(C) is not yet available in the commercial marketplace, but will be available in time to satisfy the delivery requirements under a Government solicitation; or

"(D) is an item that, but for minor modifications made to meet Government requirements, would satisfy the criteria set forth in subparagraph (A), (B), or (C).".

(c) COST OR PRICING DATA.—Section 2306a(b) of title 10, United States Code, is amended—

(1) by redesignating subparagraphs (A), (B), and (C) of paragraph (1) as clauses (i), (ii), and (iii), respectively;

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(3) by inserting "(1)" before "This section need not"; and

(4) by adding at the end the following:

"(2) This section does not apply to a contract or subcontract for commercial items unless the head of the agency determines that cost or pricing data are necessary for the evaluation by the agency of the reasonableness of the price of the contract or subcontract. In any case in which the head of the agency requires such data to be submitted under this section, the head of the agency shall document in writing the reasons for such requirement.".

(d) PROCUREMENT PLANNING.—(1) Subsection (a) of section 2325 of title 10, United States Code, is amended by inserting "commercial or" before "nondevelopmental items" each place it appears in paragraphs (2), (3), and (4).

(2) The heading of section 2325 of such title is amended to read as follows:

"§2325. Preference for commercial and nondevelopmental items".

(3) The table of sections at the beginning of chapter 137 of such title is amended by striking out the item relating to section 2325 and inserting in lieu thereof the following:

"2325. Preference for commercial and nondevelopmental items.".

(e) PROCUREMENT OF COMMERCIAL ITEMS.—(1) Chapter 137 of title 10, United States Code, is amended by inserting after section 2325 the following new section:

"§2325a. Procurement of commercial items

"(a) REGULATIONS; UNIFORM TERMS AND CONDITIONS.—(1) The Secretary of Defense shall prescribe regulations implementing this section and paragraphs (8) and (9) of section 2301(a) of this title. The regulations shall contain a set or sets of uniform terms and conditions to be included in contracts for the acquisition of commercial end items. Such uniform terms and conditions shall be modeled to the maximum extent practicable on commercial terms and conditions and shall include only those contract clauses, including clauses requiring terms and conditions to be flowed down to subcontractors, that are—

"(A) required to implement provisions of law applicable to commercial item acquisitions;

"(B) essential for the protection of the Federal Government's interest in an acquisition; or

"(C) determined by the Secretary to be consistent with standard commercial practice.

"(2) The regulations prescribed under paragraph (1) shall provide that prime contractors and subcontractors furnishing other than commercial items as end items or components may not require suppliers furnishing commercial items as components to comply with any clause, term, or condition except those—

"(A) required to implement provisions of law applicable to subcontractors furnishing commercial items;

"(B) essential for the protection of the prime contractor or higher tier subcontractor in a particular acquisition; or

"(C) determined to be consistent with standard commercial practice.

"(b) DEFINITIONS.—In this section:

"(1) The term 'component' means any item supplied to the Government as part of an end item or of another component.

"(2) The term 'nondevelopmental item' has the meaning given that term in section 2325 of this title.

"(c) EXEMPTIONS FROM PRESENT LAW.—Procurements of commercial items shall not be subject to the following provisions of this title:

"(1) Section 2324.
"(2) Section 2384.
"(3) Section 2393.
"(4) Section 2397.
"(5) Section 2397a.
"(6) Section 2397b.
"(7) Section 2397c.
"(8) Section 2402.
"(9) Section 2406.
"(10) Section 2408.

"(d) SET-ASIDES PRESERVED.—Nothing in this section shall prevent the Secretary of Defense from restricting the award of prime contracts for commercial items to any source as may from time to time be prescribed or permitted by law.

"(e) RESTRICTION TO FIRM, FIXED PRICE CONTRACTS.—Except where commercial items are to be provided as a portion of a contract that also provides for the delivery of other than commercial items, only firm, fixed price contracts or fixed price contracts with economic price adjustment provisions shall be used to acquire commercial end items under this section.".

(2) The table of sections at the beginning of chapter 137 of such title is amended by inserting after the item relating to section 2325 the following new item:

"2325a. Procurement of commercial items.".

SEC. 819. TECHNICAL AND CLERICAL AMENDMENTS.

(a) AMENDMENTS TO TABLES OF SECTIONS.—The table of sections at the beginning of each chapter of title 10, United States Code, listed in the following paragraphs is amended by striking out the items relating to the sections listed in such paragraphs:

(1) Chapter 137: section 2317.
(2) Chapter 139: section 2362.
(3) Chapter 141: sections 2384a and 2389.
(4) Chapter 144: sections 2436 and 2437.
(5) Chapter 433: sections 4531, 4534, 4535, 4537, 4538, and 4541.
(6) Chapter 631: sections 7201, 7210, 7213, and 7230.
(7) Chapter 633: sections 7296, 7298, and 7301.
(8) Chapter 637: section 7366.
(9) Chapter 933: sections 9531, 9534, 9535, 9537, 9538, and 9541.

(b) AMENDMENTS TO TABLES OF CHAPTERS.—

(1) The table of chapters at the beginning of subtitle A, and part IV of subtitle A, of title 10, United States Code, are amended by striking out the item relating to chapter 135.

(2) The table of chapters at the beginning of subtitle B, and part IV of subtitle B, of such title are amended by striking out the item relating to chapter 431.

(3) The table of chapters at the beginning of subtitle C, and part IV of subtitle C, of such title are amended by striking out the item relating to chapter 635.

(c) ADDITIONAL AMENDMENTS.—

(1) The table of sections at the beginning of subchapter I of chapter 11 of title 10, United States Code, is amended by inserting after the item relating to section 278 the following new item:

"279. Authority to accept certain gratuitous services of officers".

(2) The table of sections at the beginning of chapter 139 of such title is amended by adding at the end the following new item:

"2373. Procurement for experimental purposes".

(3) The table of sections at the beginning of chapter 141 of such title is amended by striking out the item relating to section 2388 and inserting in lieu thereof the following:

"2388. Liquid fuels and natural gas: contracts for storage, handling, or distribution.".

(4) The table of sections at the beginning of subchapter V of chapter 148 of such title is amended by adding at the end the following new items:

"2538. Industrial mobilization: orders; priorities; possession of manufacturing plants; violations
"2539. Industrial mobilization: plants; lists
"2540. Industrial mobilization: Board on Mobilization of Industries Essential for Military Preparedness
"2541. Availability of samples, drawings, information, equipment, materials, and certain services.".

(5) Chapter 431 of such title is amended by striking out the chapter heading and the table of sections.

(6) The table of sections at the beginning of chapter 633 of such title is amended by striking out the items relating to sections 7304, 7305, 7306, 7307, 7308, 7309, and 7310 and inserting in lieu thereof the following:

"7304. Examination of vessels; striking of vessels from Naval Vessel Register.
"7305. Vessels stricken from Naval Vessel Register: sale.
"7306. Vessels stricken from Naval Vessel Register; captured vessels: transfer by gift or otherwise.

"7306a. Vessels stricken from Naval Vessel Register: use for experimental purposes.
"7307. Disposals to foreign nations.
"7308. Chief of Naval Operations: certification required for disposal of combatant vessels.
"7309. Construction of vessels in foreign shipyards: prohibition.
"7310. Overhaul, repair, etc. of vessels in foreign shipyards: restrictions.".

(7)(A) Chapter 931 of such title is amended—

(i) by striking out the table of sections for subchapter I;

(ii) by striking out the headings for subchapters I and II;

(iii) by striking out the table of subchapters; and

(iv) by amending the chapter heading to read as follows:

"CHAPTER 931—CIVIL RESERVE AIR FLEET".

(B) The table of chapters at the beginning of subtitle D, and part IV of subtitle D, of such title are amended by striking out the items relating to chapter 931 and inserting in lieu thereof the following:

"931. Civil Reserve Air Fleet ..... 9511".

(d) CROSS-REFERENCE AMENDMENTS.—(1) Section 505(a)(2)(B)(i) of the National Security Act of 1947 (50 U.S.C. 415(a)(2)(B)(i)) is amended by striking out "section 7307(b)(1)" and inserting in lieu thereof "section 7307(a)".

(2) Section 2366(d) of title 10, United States Code, is amended by striking out "to the defense committees of Congress (as defined in section 2362(e)(3) of this title)." and inserting in lieu thereof "to the Committees on Armed Services and on Appropriations of the Senate and House of Representatives.".

Subtitle C—Other Matters

SEC. 821. REPORTS ON CONTRACT BUNDLING.

(a) REPORTS.—Not later than April 1, 1994, the Secretary of Defense and the Comptroller General shall each submit to the Committees on Armed Services and on Small Business of the Senate and House of Representatives a report on the effects of contract bundling on the participation by small business concerns and small disadvantaged business concerns in procurement by the Department of Defense. The report shall contain the findings and conclusions of the Secretary or the Comptroller General, as the case may be, regarding such effects, based on the data collected under subsection (b). The report also shall contain such recommendations for administrative or legislative action as the Secretary or Comptroller General considers appropriate to maintain and increase participation by small business concerns and small disadvantaged business concerns in procurement by the Department of Defense.

(b) DATA COLLECTION.—For purposes of carrying out the report requirement of subsection (a), the Secretary of Defense shall collect data on the effect of contract bundling on the participation by small business concerns and small disadvantaged business concerns in procurement by the Department of Defense. At a minimum, the Secretary shall collect data on the following:

(1) The number and types of bundled contracts awarded during fiscal years 1992 and 1993 and expected to be awarded during fiscal year 1994, together with the reasons for the bundling of such contracts.

(2) The cost effectiveness of bundling such contracts compared to awarding the contracts in separate, smaller contracts.

(3) The number of smaller contracts that would have been awarded if such contracts were not bundled, and the types of contractors (such as small business concerns and small disadvantaged business concerns) that could have been expected to perform the smaller contracts.

(4) The extent to which small businesses and small disadvantaged businesses participate as subcontractors on bundled contracts.

(c) TRANSMISSION OF DATA TO COMPTROLLER GENERAL.—Not later than February 1, 1994, the Secretary of Defense shall transmit to the Comptroller General a copy of the data collected under subsection (b) for use by the Comptroller General in carrying out the report requirement of subsection (a).

(d) DEFINITION.—For purposes of this section, the term "contract bundling" means the consolidation of two or more requirements, descriptions, specifications, line items, or statements of work that individually were or could be performed by a small business concern, resulting in a contract opportunity for supplies, services, or construction that may be unsuitable for award to a small business concern due to—

(1) the diversity and size of the elements of performance specified;

(2) the aggregate dollar value of the anticipated award;

(3) the geographical dispersion of the contract performance sites; or

(4) any combination of paragraphs (1), (2), and (3).

SEC. 822. PROHIBITION ON COMPETITION BETWEEN DEPOT MAINTENANCE ACTIVITIES AND SMALL BUSINESSES FOR CERTAIN MAINTENANCE CONTRACTS.

(a) IN GENERAL.—(1) Chapter 146 of title 10, United States Code, as amended by sections 342 and 344, is further amended by adding at the end the following new section:

"§2472. Contracts to perform depot-level maintenance: prohibition on competition between depot-level activities and small businesses and certain other entities

"(a) EXCLUSION.—In any case in which the Secretary of Defense plans to use competitive procedures to select an entity to perform a depot-level maintenance workload, if the procurement is to be conducted as described in subsection (b), then the Secretary shall exclude from competing in the procurement depot-level activities of the Department of Defense.

"(b) PROCUREMENT DESCRIPTION.—The requirement to exclude depot-level activities under subsection (a) applies in the case of a procurement to be conducted by excluding from competition entities in the private sector other than—

"(1) small business concerns in furtherance of section 8 or 15 of the Small Business Act (15 U.S.C. 637 or 644); or

"(2) entities described in subsection (a)(1) of section 2323 of this title in furtherance of the goal specified in that subsection.".

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

"2472. Contracts to perform depot-level maintenance: prohibition on competition between depot-level activities and small businesses and certain other entities.".

(b) EFFECTIVE DATE.—Section 2472 of title 10, United States Code, as added by subsection (a), shall take effect on the date of the enactment of this Act.

SEC. 823. CLARIFICATION OF REQUIREMENT FOR DOMESTIC MANUFACTURE OF PROPELLERS FOR SHIPS FUNDED UNDER THE FAST SEALIFT PROGRAM.

Section 1424(b) of Public Law 101-510 (10 U.S.C. 7291 note) is amended—

(1) in paragraph (6), by striking out "paragraph (5)" and inserting in lieu thereof "paragraph (6)";

(2) by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively; and

(3) by adding after paragraph (4) the following new paragraph (5):

"(5) The propellers for vessels constructed under the program shall incorporate only castings poured and finished in the United States and forgings manufactured in the United States. The Secretary of Defense may waive the requirement of this paragraph if adhering to the requirement would result in the existence of only one United States source for such castings and forgings.".

SEC. 824. PILOT PROGRAM TO IMPROVE PRICING POLICIES FOR USE OF MAJOR RANGE AND TEST FACILITY INSTALLATIONS OF THE AIR FORCE.

(a) PILOT PROGRAM TO ESTABLISH COMPETITIVE PRICES.—(1) Chapter 949 of title 10, United States Code, is amended by inserting after section 9781 the following new section:

"§9782. Use of test and evaluation installations by commercial entities

"(a) CONTRACT AUTHORITY.—The Secretary of the Air Force, in consultation with the Secretary of Defense, may enter into contracts with commercial entities that desire to conduct commercial test and evaluation activities at a Major Range and Test Facility Installation under the jurisdiction of the Secretary.

"(b) TERMINATION OR LIMITATION OF CONTRACT UNDER CERTAIN CIRCUMSTANCES.—A contract entered into under subsection (a) shall contain a provision that the installation commander may terminate, prohibit, or suspend immediately any commercial test or evaluation activity to be conducted at the Major Range and Test Facility Installation under the contract if the installation commander certifies in writing that the test or evaluation activity is or would be detrimental—

"(1) to the public health and safety;

"(2) to property (either public or private); or

"(3) to any national security interest or foreign policy interest of the United States.

"(c) CONTRACT PRICE.—The installation commander shall require a commercial entity using a Major Range and Test Facility Installation under a contract entered into under subsection (a) to reimburse the installation for all direct costs associated with the test and evaluation activities conducted by the commercial entity under the contract. In addition, the contract may require the commercial entity to reimburse the installation for such indirect costs related to the use of the installation as the installation commander considers to be appropriate and competitive.

"(d) RETENTION OF FUNDS COLLECTED FROM COMMERCIAL USERS.—Amounts collected under subsection (c) from a commercial entity conducting test and evaluation activities at a Major Range and Test Facility Installation shall be credited to the appropriation accounts under which the costs associated with the test and evaluation activities of the commercial entity were incurred.

"(e) REGULATIONS AND LIMITATIONS.—The Secretary of the Air Force, in consultation with the Secretary of Defense, shall prescribe regulations to carry out this section. The authority of installation commanders under subsections (b) and (c) shall be subject to the authority, direction, and control of the Secretary of the Air Force.

"(f) DEFINITIONS.—In this section:

"(1) The term 'Major Range and Test Facility Installation' means a test and evaluation installation under the jurisdiction of the Secretary of the Air Force and designated as such by the Secretary.

"(2) The term 'direct costs' includes the cost of—

"(A) labor, material, facilities, utilities, equipment, supplies, and any other resources damaged or consumed during the test or evaluation

activities or maintained for a particular commercial entity; and

"(B) construction specifically performed for the commercial entity to conduct test and evaluation activities.

"(3) The term 'installation commander' means the commander of a Major Range and Test Facility Installation.

"(g) TERMINATION OF AUTHORITY.—The authority provided to the Secretary of the Air Force by subsection (a) shall terminate on September 30, 1998.

"(h) REPORT.—Not later than January 1, 1999, the Secretary of the Air Force shall submit a report to the Secretary of Defense and Congress describing the number and purposes of contracts entered into under subsection (a) and evaluating the success of this section in opening Major Range and Test Facility Installations to commercial test and evaluation activities.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 9781 the following new item:

"9782. Use of test and evaluation installations by commercial entities.".

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Office of the Secretary of Defense

SEC. 901. ENHANCED POSITION FOR COMPTROLLER OF DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Chapter 4 of title 10, United States Code, is amended—

(1) by redesignating sections 135, 136, 138, 139, 140, and 141 as sections 137, 138, 139, 140, 141, and 142, respectively; and

(2) by transferring section 137 (relating to the Comptroller) so as to appear after section 134a, redesignating that section as section 135, and amending that section by adding at the end the following new subsection:

"(d) The Comptroller takes precedence in the Department of Defense after the Under Secretary of Defense for Policy.".

(b) EXECUTIVE SCHEDULE III PAY LEVEL.—Section 5314 of title 5, United States Code, is amended by inserting after the item relating to the Under Secretary of Defense for Policy the following:

"Comptroller of the Department of Defense.".

(c) CONFORMING AMENDMENT.—Subsection (d) of section 138 of title 10, United States Code, as redesignated by subsection (a), is amended by inserting "and Comptroller" after "Under Secretaries of Defense".

SEC. 902. NEW POSITION OF UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS.

(a) IN GENERAL.—Chapter 4 of title 10, United States Code, is amended by inserting after section 135, as transferred and redesignated by section 901(a), the following new section:

"§136. Under Secretary of Defense for Personnel and Readiness

"(a) There is an Under Secretary of Defense for Personnel and Readiness, appointed from civilian life by the President, by and with the consent of the Senate.

"(b) Subject to the authority, direction, and control of the Secretary of Defense, the Under Secretary of Defense for Personnel and Readiness shall perform such duties and exercise such powers as the Secretary of Defense may prescribe in the areas of military readiness, total force management, military and civilian personnel requirements, military and civilian personnel training, military and civilian family matters, personnel requirements for weapons support, National Guard and reserve components, and health affairs.

"(c) The Under Secretary of Defense for Personnel and Readiness takes precedence in the Department of Defense after the Comptroller.".

(b) EXECUTIVE SCHEDULE III PAY LEVEL.—Section 5314 of title 5, United States Code, is amended by inserting after the item relating to the Comptroller of the Department of Defense, as added by section 901(b), the following:

"Under Secretary of Defense for Personnel and Readiness.".

(c) OFFSETTING REDUCTION IN NUMBER OF ASSISTANT SECRETARY OF DEFENSE POSITIONS.—(1) Subsection (a) of section 138 of title 10, United States Code, as redesignated by section 901(a), is amended by striking out "eleven" and inserting in lieu thereof "ten".

(2) Section 5315 of title 5, United States Code, is amended by striking out "Assistant Secretaries of Defense (11)" and inserting in lieu thereof "Assistant Secretaries of Defense (10)".

SEC. 903. REDESIGNATION OF POSITIONS OF UNDER SECRETARY AND DEPUTY UNDER SECRETARY OF DEFENSE FOR ACQUISITION.

(a) REDESIGNATIONS.—The office of Under Secretary of Defense for Acquisition in the Department of Defense is hereby redesignated as Under Secretary of Defense for Acquisition and Technology. The office of Deputy Under Secretary of Defense for Acquisition in the Department of Defense is hereby redesignated as Deputy Under Secretary of Defense for Acquisition and Technology.

(b) USD CHARTER AMENDMENTS.—(1) Section 133 of title 10, United States Code, is amended by striking out "Under Secretary of Defense for Acquisition" in subsections (a), (b), and (e)(1) and inserting in lieu thereof "Under Secretary of Defense for Acquisition and Technology".

(2) The heading for such section is amended to read as follows:

"§133. Under Secretary of Defense for Acquisition and Technology".

(c) DUSD CHARTER AMENDMENTS.—(1) Section 133a of such title is amended by striking out "Deputy Under Secretary of Defense for Acquisition" in subsections (a) and (b) and inserting in lieu thereof "Deputy Under Secretary of Defense for Acquisition and Technology".

(2) The heading for such section is amended to read as follows:

"§133a. Deputy Under Secretary of Defense for Acquisition and Technology".

(d) CONFORMING AMENDMENTS TO TITLE 10, UNITED STATES CODE.—(1) The following sections of title 10, United States Code, are amended by striking out "Under Secretary of Defense for Acquisition" each place such term appears (including section headings) and inserting in lieu thereof "Under Secretary of Defense for Acquisition and Technology": sections 134(c), 137(b) (as redesignated by section 901(a)), 139 (as redesignated by section 901(a)), 171(a)(3), 179(a), 1702, 1703, 1707(a), 1722, 1735(c), 1737(c), 1741(b), 1746(a), 1761(b), 1762(a), 1763, 2304(f), 2308(b), 2325(b), 2329, 2350a, 2369, 2399(b), 2435(b), 2438(c), 2523(a), and 2534(b).

(2) The item relating to section 1702 in the table of sections at the beginning of subchapter I of chapter 87 of such title is amended to read as follows:

"1702. Under Secretary of Defense for Acquisition and Technology: authorities and responsibilities.".

(3) Section 171(a)(8) of such title is amended by striking out "Deputy Under Secretary of Defense for Acquisition" and inserting in lieu thereof "Deputy Under Secretary of Defense for Acquisition and Technology".

(e) CONFORMING AMENDMENTS TO TITLE 5, UNITED STATES CODE.—(1) Section 5313 of title 5, United States Code, is amended by striking out "Under Secretary of Defense for Acquisition" and inserting in lieu thereof "Under Secretary of Defense for Acquisition and Technology".

(2) Section 5314 of such title is amended by striking out "Deputy Under Secretary of Defense for Acquisition" and inserting in lieu thereof "Deputy Under Secretary of Defense for Acquisition and Technology".

(f) REFERENCES IN OTHER LAWS.—Any reference to the Under Secretary of Defense for Acquisition or the Deputy Under Secretary of Defense for Acquisition in any provision of law other than title 10, United States Code, or in any rule, regulation, or other paper of the United States shall be treated as referring to the Under Secretary of Defense for Acquisition and Technology or the Deputy Under Secretary of Defense for Acquisition and Technology, respectively.

SEC. 904. FURTHER CONFORMING AMENDMENTS TO CHAPTER 4 OF TITLE 10, UNITED STATES CODE.

(a) COMPOSITION OF OSD.—Subsection (b) of section 131 of title 10, United States Code, is amended to read as follows:

"(b) The Office of the Secretary of Defense is composed of the following:

"(1) The Deputy Secretary of Defense.

"(2) The Under Secretary of Defense for Acquisition and Technology.

"(3) The Under Secretary of Defense for Policy.

"(4) The Comptroller.

"(5) The Under Secretary of Defense for Personnel and Readiness.

"(6) The Director of Defense Research and Engineering.

"(7) The Assistant Secretaries of Defense.

"(8) The Director of Operational Test and Evaluation.

"(9) The General Counsel of the Department of Defense.

"(10) The Inspector General of the Department of Defense.

"(11) Such other offices and officials as may be established by law or the Secretary of Defense may establish or designate in the Office.".

(b) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 4 of such title is amended to read as follows:

"Sec.
"131. Office of the Secretary of Defense.
"132. Deputy Secretary of Defense.
"133. Under Secretary of Defense for Acquisition and Technology.
"133a. Deputy Under Secretary of Defense for Acquisition and Technology.
"134. Under Secretary of Defense for Policy.
"134a. Deputy Under Secretary of Defense for Policy.
"135. Comptroller.
"136. Under Secretary of Defense for Personnel and Readiness.
"137. Director of Defense Research and Engineering.
"138. Assistant Secretaries of Defense.
"139. Director of Operational Test and Evaluation.
"140. General Counsel.
"141. Inspector General.
"142. Assistant to the Secretary of Defense for Atomic Energy.".

SEC. 905. DIRECTOR OF OPERATIONAL TEST AND EVALUATION.

Subsection (c) of section 139 of title 10, United States Code, as redesignated by section 901(a)(1), is amended—

(1) by striking out the first sentence;

(2) by striking out "Director of Defense Research and Engineering" and inserting in lieu thereof "Under Secretary of Defense for Acquisition and Technology"; and

(3) by striking out "research and development" and inserting in lieu thereof "acquisition".

Subtitle B—Reserve Commands

SEC. 921. ARMY RESERVE COMMAND.

(a) ESTABLISHMENT AS A PERMANENT SEPARATE ARMY COMMAND.—(1) Chapter 307 of title

10, United States Code, as amended by section 519(a), is further amended by inserting after section 3081 the following new section:

"§3082. Army Reserve command

"(a) ESTABLISHMENT OF COMMAND.—There is in the Army an Army Reserve command, which shall be a separate command of the Army. The Secretary of the Army shall maintain that command with the advice and assistance of the Chief of Staff of the Army.

"(b) COMMANDER.—The Chief of Army Reserve is the commander of the Army Reserve command. The commander of the Army Reserve command reports directly to the Chief of Staff of the Army.

"(c) ASSIGNMENT OF FORCES.—The Secretary of the Army shall assign to the Army Reserve command all forces of the Army Reserve.

"(d) ESTABLISHMENT OF RESPONSIBILITY.—(1) The Chief of Staff of the Army shall establish standards, evaluate units, validate units, and provide training assistance for the Army Reserve in the areas of unit training, readiness, and mobilization.

"(2) The Chief of Staff shall establish training doctrine, with associated tasks, conditions, and standards, for individual and unit training and shall establish standards, control of certification, and validation for all courses, instructors, and students for the Army Reserve.

"(3) The commander of the Army Reserve command shall be responsible for meeting the standards, and for successfully complying with the evaluation, certification, and validation requirements, established by the Chief of Staff of the Army pursuant to paragraphs (1) and (2).".

(2) The table of sections at the beginning of such chapter, as amended by section 519(b), is further amended by inserting after the item relating to section 3081 the following new item:

"3082. Army Reserve command.".

(b) CONFORMING REPEAL.—Section 903 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1620) (10 U.S.C. 3074 note) is repealed.

(c) TRANSITION PROVISION.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Army, in consultation with the Chief of Staff of the Army, shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the plans of the Secretary of the Army for implementation of section 3082 of title 10, United States Code, as added by subsection (a). Such implementation shall begin not later than 90 days after the date of the enactment of this Act and shall be completed not later than one year after such date.

SEC. 922. NAVAL RESERVE COMMAND.

(a) ESTABLISHMENT AS PERMANENT SEPARATE NAVAL COMMAND.—Chapter 519 of title 10, United States Code, is amended by adding at the end the following new section:

"§5253. Naval Reserve command

"(a) ESTABLISHMENT OF COMMAND.—There is in the Navy a Naval Reserve command, which shall be a separate command of the Navy. The Secretary of the Navy shall maintain that command with the advice and assistance of the Chief of Naval Operations.

"(b) COMMANDER.—The Chief of Naval Reserve is the commander of the Naval Reserve command. The commander of the Naval Reserve command reports directly to the Chief of Naval Operations.

"(c) ASSIGNMENT OF FORCES.—The Secretary of the Navy shall assign to the Naval Reserve command all forces of the Naval Reserve other than those Naval Reserve forces specifically assigned by the Secretary to the active component of the Navy.

"(d) ESTABLISHMENT OF RESPONSIBILITY.—(1) The Chief of Naval Operations shall establish standards, evaluate units, validate units, and provide training assistance for the Naval Reserve in the areas of unit training, readiness, and mobilization.

"(2) The Chief of Naval Operations shall establish training doctrine, with associated tasks, conditions, and standards, for individual and unit training and shall establish standards, control of certification, and validation for all courses, instructors, and students for the Naval Reserve.

"(3) The commander of the Naval Reserve command shall be responsible for meeting the standards, and for successfully complying with the evaluation, certification, and validation requirements, established by the Chief of Naval Operations pursuant to paragraphs (1) and (2).".

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

"5253. Naval Reserve command.".

SEC. 923. MARINE CORPS RESERVE COMMAND.

(a) ESTABLISHMENT AS PERMANENT SEPARATE MARINE CORPS COMMAND.—Chapter 519 of title 10, United States Code (as amended by section 922(a)), is further amended by adding at the end the following new section:

"§5254. Marine Corps Reserve command

"(a) ESTABLISHMENT OF COMMAND.—There is in the Marine Corps a Marine Corps Reserve command, which shall be a separate command of the Marine Corps. The Secretary of the Navy shall maintain that command with the advice and assistance of the Commandant of the Marine Corps.

"(b) COMMANDER.—The commander of the Marine Corps Reserve command reports directly to the Commandant of the Marine Corps.

"(c) ASSIGNMENT OF FORCES.—The Secretary of the Navy shall assign to the Marine Corps Reserve command all forces of the Marine Corps Reserve.

"(d) ESTABLISHMENT OF RESPONSIBILITY.—(1) The Commandant shall establish standards, evaluate units, validate units, and provide training assistance for the Marine Corps Reserve in the areas of unit training, readiness, and mobilization.

"(2) The Commandant shall establish training doctrine, with associated tasks, conditions, and standards, for individual and unit training and shall establish standards, control of certification, and validation for all courses, instructors, and students for the Marine Corps Reserve.

"(3) The commander of the Marine Corps Reserve command shall be responsible for meeting the standards, and for successfully complying with the evaluation, certification, and validation requirements, established by the Commandant to paragraphs (1) and (2).".

(2) The table of sections at the beginning of such chapter (as amended by section 925(b)) is amended by adding at the end the following new item:

"5254. United States Marine Corps Reserve command.".

SEC. 924. AIR FORCE RESERVE COMMAND.

(a) ESTABLISHMENT AS PERMANENT SEPARATE AIR FORCE COMMAND.—(1) Chapter 807 of title 10, United States Code, is amended by adding at the end the following new section:

"§8082. Air Force Reserve command

"(a) ESTABLISHMENT OF COMMAND.—There is in the Air Force an Air Force Reserve command, which shall be a separate command of the Air Force. The Secretary of the Air Force shall maintain that command with the advice and assistance of the Chief of Staff of the Air Force.

"(b) COMMANDER.—The Chief of Air Force Reserve is the commander of the Air Force Reserve command. The commander of the Air Force Reserve command reports directly to the Chief of Staff of the Air Force.

"(c) ASSIGNMENT OF FORCES.—The Secretary of the Air Force shall assign to the Air Force Reserve command all forces of the Air Force Reserve.

"(d) ESTABLISHMENT OF RESPONSIBILITY.—(1) The Chief of Staff of the Air Force shall establish standards, evaluate units, validate units, and provide training assistance for the Air Force Reserve in the areas of unit training, readiness, and mobilization.

"(2) The Chief of Staff shall establish training doctrine, with associated tasks, conditions, and standards, for individual and unit training and shall establish standards, control of certification, and validation for all courses, instructors, and students for the Air Force Reserve.

"(3) The commander of the Air Force Reserve command shall be responsible for meeting the standards, and for successfully complying with the evaluation, certification, and validation requirements, established by the Chief of Staff of the Air Force pursuant to paragraphs (1) and (2).".

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

"8082. Air Force Reserve command.".

Subtitle C—Professional Military Education

SEC. 931. AUTHORITY FOR AWARD BY NATIONAL DEFENSE UNIVERSITY OF CERTAIN MASTER OF SCIENCE DEGREES.

(a) IN GENERAL.—Chapter 108 of title 10, United States Code, is amended by adding at the end the following new section:

"§2163. National Defense University: masters of science in national security strategy and in national resource strategy

"(a) NATIONAL WAR COLLEGE DEGREE.—The President of the National Defense University, upon the recommendation of the faculty and commandant of the National War College, may confer the degree of master of science of national security strategy upon graduates of the National War College who fulfill the requirements for the degree.

"(b) ICAF DEGREE.—The President of the National Defense University, upon the recommendation of the faculty and commandant of the Industrial College of the Armed Forces, may confer the degree of master of science of national resource strategy upon graduates of the Industrial College of the Armed Forces who fulfill the requirements for the degree.

"(c) REGULATIONS.—The authority provided by subsections (a) and (b) shall be exercised under regulations prescribed by the Secretary of Defense.".

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

"2163. National Defense University: masters of science in national security strategy and in national resource strategy.".

SEC. 932. REDESIGNATION OF ARMED FORCES STAFF COLLEGE.

The Armed Forces Staff College at Norfolk, Virginia, shall after the date of the enactment of this Act be known and designated as the "Joint Armed Forces Staff College".

SEC. 933. LOCATION FOR NEW JOINT WARFIGHTING CENTER.

The Secretary of Defense shall provide for the Joint Warfighting Center (established by the Secretary on July 1, 1993, to assist the Chairman of the Joint Chiefs of Staff and other senior military officers in the preparation for joint warfare) to be located at the Joint Armed Forces Staff College in Norfolk, Virginia.

SEC. 934. AUTHORITY TO EMPLOY CIVILIAN FACULTY MEMBERS AT GEORGE C. MARSHALL EUROPEAN CENTER FOR SECURITY STUDIES.

(a) IN GENERAL.—(1) Section 1595 of title 10, United States Code, is amended to read as follows:

"§1595. Civilian faculty members at certain Department of Defense schools: employment and compensation

"(a) AUTHORITY OF SECRETARY.—The Secretary of Defense may employ as many civilians as professors, instructors, and lecturers at the institutions specified in subsection (c) as the Secretary considers necessary.

"(b) COMPENSATION OF FACULTY MEMBERS.—The compensation of persons employed under this section shall be as prescribed by the Secretary.

"(c) COVERED INSTITUTIONS.—This section applies with respect to the following institutions of the Department of Defense:

"(1) The National Defense University.

"(2) The Foreign Language Center of the Defense Language Institute.

"(3) The George C. Marshall European Center for Security Studies.

"(d) APPLICATION TO FACULTY MEMBERS AT NDU.—In the case of the National Defense University, this section applies with respect to persons selected by the Secretary for employment as professors, instructors, and lecturers at the National Defense University after February 27, 1990.

"(e) COMPOSITION OF NATIONAL DEFENSE UNIVERSITY.—For purposes of this section, the National Defense University includes the National War College, the Armed Forces Staff College, the Institute for National Strategic Study, and the Industrial College of the Armed Forces.".

(2) The item relating to such section in the table of sections at the beginning of chapter 81 of such title is amended to read as follows:

"1595. Civilian faculty members at certain Department of Defense schools: employment and compensation.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on October 1, 1993.

Subtitle D—Other Matters

SEC. 941. ASSIGNMENT OF RESERVE FORCES.

(a) UNIFIED COMMANDS.—Section 162(a) of title 10, United States Code, is amended by inserting "(other than forces of the reserve components)" after "all forces under their jurisdiction".

(b) SPECIAL OPERATIONS COMMAND.—Section 167(b) of such title is amended by striking out "and reserve".

SEC. 942. MORATORIUM ON MERGER OF SPACE COMMAND AND STRATEGIC COMMAND.

(a) MORATORIUM.—During the period beginning on the date of the enactment of this Act and ending on December 1, 1994—

(1) the United States Space Command may not be merged with the United States Strategic Command; and

(2) no element or component of the United States Space Command (as constituted on the date of the enactment of this Act) may be transferred to the United States Strategic Command.

(b) GAO REPORT.—Not later than March 1, 1994, the Comptroller General of the United States shall submit to Congress a report on the costs and benefits of merging the United States Space Command with the United States Strategic Command. The matters to be addressed by the Comptroller General in the report shall include (1) cost savings and other efficiencies which could be achieved through such a merger, as well as any disadvantages of such a merger, (2) the record of any problems associated with the performance of the functions of the Space Command and of the Strategic Command when those functions have been vested in the same organization in the past, and (3) the degree to which any such proposed merger decreases the organizational visibility and priority of space-related issues within the Department of Defense.

SEC. 943. SECURITY CLEARANCES FOR CIVILIAN EMPLOYEES.

(a) IN GENERAL.—(1) Chapter 81 of title 10, United States Code, is amended by inserting after section 1581 the following new section:

"§1582. Security clearances: procedural safeguards for denial or revocation

"Under regulations to be prescribed by the Secretary of Defense, civilian employees of the Department of Defense shall be entitled to the same procedural safeguards with respect to the denial or revocation of security clearances as are afforded to employees of defense contractors under Executive Order 10865 (50 U.S.C. 401 note), entitled 'Safeguarding Classified Information Within Industry', as in effect on July 1, 1993.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1581 the following new item:

"1582. Security clearances: procedural safeguards for denial or revocation.".

(b) EFFECTIVE DATE.—Section 1582 of title 10, United States Code, as added by subsection (a), shall apply with respect to the denial or revocation of a security clearance after the date of the enactment of this Act.

(c) DEADLINE.—The regulations required by section 1582 of title 10, United States Code, as added by subsection (a), shall be prescribed not later than 180 days after the date of the enactment of this Act.

SEC. 944. PROGRAM FOR VIDEOTAPING OF INVESTIGATIVE INTERVIEWS.

(a) IN GENERAL.—The Secretary of Defense shall carry out a program for the videotaping of subject and witness interviews by military criminal investigative organizations, as determined appropriate by the Secretary.

(b) STARTUP COSTS.—The Secretary shall direct that, of amounts available to the Department of Defense for fiscal year 1994 for operations and maintenance, $2,500,000 shall be allocated for the purchase of video equipment for use in the program under subsection (a) and for necessary modifications to interrogation facilities to accommodate that equipment.

(b) MILITARY CRIMINAL INVESTIGATIVE ORGANIZATIONS.—For purposes of subsection (a), the military criminal investigative organizations are the following:

(1) The Defense Criminal Investigative Service.

(2) The Criminal Investigative Division of the Department of the Army.

(3) The Naval Criminal Investigative Service of the Department of the Navy.

(4) The Office of Special Investigations of the Department of the Air Force.

SEC. 945. FLEXIBILITY IN ADMINISTERING REQUIREMENT FOR ANNUAL FOUR PERCENT REDUCTION IN NUMBER OF PERSONNEL ASSIGNED TO HEADQUARTERS AND HEADQUARTERS SUPPORT ACTIVITIES.

Section 906(a) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1622) is amended by adding at the end the following: "If the number by which the number of such personnel is reduced during any of fiscal years 1991, 1992, 1993, or 1994 is greater than the number required under the preceding sentence, the excess number from that fiscal year may be applied by the Secretary toward the required reduction during a subsequent fiscal year (so that the total reduction under this section need not exceed the number equal to five times the required reduction number specified under the preceding sentence).".

SEC. 946. ENHANCED FLEXIBILITY RELATING TO REQUIREMENTS FOR SERVICE IN A JOINT DUTY ASSIGNMENT.

(a) EXTENSION OF AUTHORITY FOR JOINT DUTY EQUIVALENCY WAIVER.—Section 619(e)(2) of title 10, United States Code, is amended—

(1) by striking out "paragraph (1)—" and inserting in lieu thereof "paragraph (1) in the following circumstances:";

(2) by capitalizing the first letter of the first word in each of subparagraphs (A) through (D);

(3) by striking out the semicolon at the end of subparagraphs (A), (B), and (C) and inserting in lieu thereof a period;

(4) by striking out "; and" at the end of subparagraph (D) and inserting in lieu thereof a period; and

(5) by striking out subparagraph (E) and inserting in lieu thereof the following:

"(E) Until January 1, 1998, in the case of an officer who served in an assignment (other than a joint duty assignment) that began before October 1, 1986, and that involved significant experience in joint matters (as determined by the Secretary) if the officer served in that assignment for a period of sufficient duration (which may not be less than 12 months) for the officer's service to have been considered a full tour of duty under the policies and regulations in effect on September 30, 1986.".

(b) REQUIREMENT FOR JOINT DUTY ASSIGNMENT FOR GENERAL AND FLAG OFFICERS RECEIVING JOINT DUTY EQUIVALENCY WAIVER.—Section 619 of such title is further amended by adding at the end the following new subsection:

"(f)(1) An officer who receives a waiver under paragraph (2)(E) of subsection (e) by reason of service described in that paragraph that began before October 1, 1986, may not (except as provided in paragraph (2)) be appointed to the grade of major general or rear admiral until the officer completes a full tour of duty in a joint duty assignment.

"(2) The Secretary of Defense may on a case-by-case basis delay the requirement under paragraph (1) for completion of a full tour of duty in a joint duty assignment in the case of an officer selected for promotion to the grade of major general or rear admiral so that such a tour of duty is completed while the officer is serving in that grade. Any such delay may be granted only in a case in which the Secretary determines, and certifies to Congress, that it is necessary that the requirement for service by general and flag officers in a joint duty assignment be deferred in the case of that particular officer because of a lack of available billets for officers in the grade of brigadier general or rear admiral (lower half) that are joint duty assignment positions.

"(3) The delegation limitations in paragraph (3)(C) of subsection (e) shall apply to the authority provided in paragraph (2).".

(c) REPORT ON PLANS FOR COMPLIANCE WITH SECTION 619(e).—(1) Not later than January 1, 1994, the Secretary of Defense shall certify to Congress that the Army, Navy, Air Force, and Marine Corps have each developed and implemented a plan for their officer personnel assignment and promotion policies so as to ensure compliance with the requirements of section 619(e) of title 10, United States Code, as amended by subsection (a). Each such plan should particularly ensure that by January 1, 1998, the service covered by the plan shall have enough officers who have completed a full tour of duty in a joint duty assignment so as to permit the orderly promotion of officers to brigadier general or, in the case of the Navy, rear admiral (lower half).

(2) The Secretary of Defense shall include as part of the information submitted to Congress pursuant to section 667 of title 10, United States

Code, for each of the next five years after the date of the enactment of this Act the following:

(A) The degree of progress made toward meeting the requirements of section 619(e) of title 10, United States Code.

(B) The compliance achieved with each of the plans developed pursuant to paragraph (1).

(d) REVISION OF SERVING-IN WAIVER.—Section 619(e)(2) of title 10, United States Code, as amended by subsection (a), is further amended by adding at the end the following:

"(F) In the case of an officer selected by a promotion board for appointment to the grade of brigadier general or rear admiral (lower half) while serving in a joint duty assignment, of which no less than six months have been completed on the date on which the officer is selected by that selection board, and who subsequently completes no less than two years in that joint duty assignment.".

(e) DESERT STORM JOINT DUTY CREDIT.—(1) Section 933(a)(1) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2476; 10 U.S.C. 644 note) is amended by striking out "chapter 38 of" and inserting in lieu thereof "any provision of".

(2) Any joint duty service credit given to an officer under section 933(a)(1) of the National Defense Authorization Act for Fiscal Year 1993 before the date of the enactment of this Act may be applied to any provision of title 10, United States Code.

(f) CORRECTION OF SPELLING MISTAKE.—Section 1305(b)(1)(B) of Public Law 100–180 (10 U.S.C. 619 note) is amended by striking out "nuclear populsion" and inserting in lieu thereof "nuclear propulsion".

SEC. 947. FLEXIBILITY FOR REQUIRED POST-EDUCATION JOINT DUTY ASSIGNMENT.

(a) IN GENERAL.—Subsection (d) of section 663 of title 10, United States Code, is amended to read as follows:

"(d) POST-EDUCATION JOINT DUTY ASSIGNMENTS.—(1) The Secretary of Defense shall ensure that each officer with the joint specialty who graduates from a joint professional military education school shall be assigned to a joint duty assignment for that officer's next duty assignment after such graduation (unless the officer receives a waiver of that requirement by the Secretary in an individual case).

"(2)(A) The Secretary of Defense shall ensure that a high proportion (which shall be greater than 50 percent) of the officers graduating from a joint professional military education school who do not have the joint specialty shall receive assignments to a joint duty assignment as their next duty assignment after such graduation or, to the extent authorized in subparagraph (B), as their second duty assignment after such graduation.

"(B) The Secretary may, if the Secretary determines that it is necessary to do so for the efficient management of officer personnel, establish procedures to allow up to one-half of the officers subject to the duty assignment requirement in subparagraph (A) to be assigned to a joint duty assignment as their second (rather than first) assignment after such graduation from a joint professional military education school.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to officers graduating from joint professional military education schools after the date of the enactment of this Act.

SEC. 948. REPORT ON OPTIONS FOR ORGANIZATIONAL STRUCTURE FOR IMAGERY COLLECTION FUNCTIONS.

(a) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the committees specified in subsection (e) a report containing an assessment of options for the organization of intelligence elements of the Government for the management of central imagery functions. The report shall be prepared in consultation with the Director of Central Intelligence.

(b) OPTIONS TO BE CONSIDERED.—Options considered for the purposes of the assessment under subsection (a) shall include the following:

(1) Carrying out the management of central imagery functions through the Central Imagery Office of the Department of Defense as constituted on the date of the enactment of this Act.

(2) Consolidation within the Defense Intelligence Agency of the central imagery functions carried out as of the date of the enactment of this Act through the Central Imagery Office of the Department of Defense (as constituted on the date of the enactment of this Act).

(3) Any other option identified by the Secretary of Defense and the Director of Central Intelligence.

(c) BASIS FOR EVALUATION OF OPTIONS.—Each option identified under subsection (b) shall be evaluated on the basis of—

(1) organizational efficiency;

(2) cost savings that could be realized through consolidation and through sharing of overhead resources; and

(3) any other criteria determined by the Secretary of Defense and the Director of Central Intelligence.

(d) RESTRICTION PENDING SUBMISSION OF REPORT.—Unless otherwise directed by law, neither the Secretary of Defense nor the Director of Central Intelligence may take any action to carry out the elimination, consolidation, or restructuring of the Central Imagery Office of the Department of Defense (as constituted on the date of the enactment of this Act) before the report under subsection (a) is submitted.

(e) COMMITTEES TO WHICH REPORT IS TO BE SUBMITTED.—The report required by subsection (a) shall be submitted to the Committees on Armed Services of the Senate and House of Representatives and to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

(f) DEFINITION.—For purposes of this section, the term "imagery collection functions" means the intelligence functions of tasking imagery collection, production of imagery analysis, and dissemination of imagery analysis.

SEC. 949. REPORT ON DEPARTMENT OF DEFENSE BOTTOM UP REVIEW.

(a) REPORT REQUIRED.—The Secretary of Defense shall submit, in classified and unclassified forms, to the Committees on Armed Services of the Senate and House of Representatives a report on the comprehensive review of Department of Defense activities ordered by the Secretary of Defense and identified as the "Bottom Up Review" (hereinafter in this section referred to as the "Review"). The report shall include the following information:

(1) A statement of the goals and objectives of the Review.

(2) The principal findings and recommendations of the Review.

(3) A presentation of the process, structure, and scope of the Review, including all programs and policies examined by the Review.

(4) The various force structure, strategy, budgetary and programmatic options considered as part of the Review.

(5) A description of any threat assessment or defense planning scenario used in conducting the Review.

(6) The criteria used in the development, review, and selection of the alternative strategy, force structure, programmatic, budgetary, and other options considered in the Review.

(7) Presentation of changes as a result of the Review in each of the following:

(A) The National Security Strategy of the United States, as described in the January 1993, report entitled "National Security Strategy of the United States", issued by former President Bush.

(B) The National Military Strategy of the United States, including changes in the four key elements of the new National Military Strategy announced by former President Bush on August 2, 1990, and described in the January 1993 report entitled, "Annual Report to the President and the Congress" from former Secretary of Defense Dick Cheney, namely, strategic deterrence and defense, forward presence, crisis response, and reconstitution.

(C) Alliance structures or overseas force presence and commitments and any changes in the level of support by the United States Armed Forces for peacekeeping and peacemaking missions, humanitarian activities, domestic civil functions, drug interdiction, support to international organizations such as the United Nations, and other areas such as conversion and reinvestment.

(D) The military force structure, as described in the January 1993 report entitled "Annual Report to the President and the Congress" from former Secretary of Defense Dick Cheney.

(E) The roles and functions of the military departments and the roles and functions of the unified commands as set out in the Unified Command Plan.

(F) Cost, schedule, and inventory objectives for major defense acquisition programs (as defined in section 2430 of title 10, United States Code) altered as a result of the Review.

(G) The defense industrial base of the United States, including the effect on key defense industrial sectors such as the nuclear propulsion industrial base, the armored vehicle industrial base, tactical aviation, and shipyards for both conventional-powered and nuclear-powered vessels.

(b) DEADLINE.—The report required by subsection (a) shall be submitted not later than the earlier of (1) the date on which the President's budget for fiscal year 1995 budget is submitted to Congress pursuant to section 1105 of title 31, United States Code, and (2) the end of the 90-day period beginning on the date of the enactment of this Act.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1001. TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 1994 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary of Defense may transfer under the authority of this section may not exceed $2,000,000,000.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary of Defense shall promptly notify Congress of transfers made under the authority of this section.

SEC. 1002. CLARIFICATION OF SCOPE OF AUTHORIZATIONS.

No funds are authorized to be appropriated under this Act for the Federal Bureau of Investigation.

SEC. 1003. INCORPORATION OF CLASSIFIED ANNEX.

(a) STATUS OF CLASSIFIED ANNEX.—The Classified Annex prepared by the Committee on Armed Services to accompany the bill H.R. 2401 of the One Hundred Third Congress and transmitted to the President is hereby incorporated into this Act.

(b) CONSTRUCTION WITH OTHER PROVISIONS OF ACT.—The amounts specified in the Classified Annex are not in addition to amounts authorized to be appropriated by other provisions of this Act.

(c) LIMITATION ON USE OF FUNDS.—Funds appropriated pursuant to an authorization contained in this Act that are made available for a program, project, or activity referred to in the Classified Annex may only be expended for such program, project, or activity in accordance with such terms, conditions, limitations, restrictions, and requirements as are set out for that program, project, or activity in the Classified Annex.

(d) DISTRIBUTION OF CLASSIFIED ANNEX.—The President shall provide for appropriate distribution of the Classified Annex, or of appropriate portions of the annex, within the executive branch of the Government.

SEC. 1004. DEFENSE COOPERATION ACCOUNT.

(a) REVISION IN AUDIT REQUIREMENT.—Subsection (i) of section 2608 of title 10, United States Code, is amended to read as follows:

"(i) PERIODIC AUDITS BY GAO.—The Comptroller General of the United States shall make periodic audits of money and property accepted under this section, at such intervals as the Comptroller General determines to be warranted. The Comptroller General shall submit to Congress a report on the results of each such audit.".

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

"§2608. Acceptance of contributions for defense programs, projects, and activities; Defense Cooperation Account".

(2) The item relating to such section in the table of sections at the beginning of chapter 155 of such title is amended to read as follows:

"2608. Acceptance of contributions for defense programs, projects, and activities; Defense Cooperation Account.".

SEC. 1005. GLOBAL COOPERATIVES INITIATIVE.

There is hereby authorized to be appropriated for Operation and Maintenance for the Secretary of Defense for fiscal year 1994 the sum of $111,000,000 for Global Cooperative Initiatives.

SEC. 1006. LIMITATION ON TRANSFERRING DEFENSE FUNDS TO OTHER DEPARTMENTS AND AGENCIES.

Section 1604 of Public Law 101-189 (103 Stat. 1598) is amended by striking out "a report" and all that follows and inserting in lieu thereof "a certification that making those funds available to such other department or agency is in the national security interest of the United States.".

SEC. 1007. SENSE OF CONGRESS CONCERNING DEFENSE BUDGET PROCESS.

It is the sense of Congress that any future five-year defense plan—

(1) should be based on an objective assessment of United States national security requirements and be resourced at a level capable of protecting and promoting our Nation's interests; and

(2) should be based on financial integrity and accountability to ensure a fully funded defense program necessary to maintain a ready and capable force.

Subtitle B—Counter-Drug Activities

SEC. 1021. DEPARTMENT OF DEFENSE SUPPORT FOR COUNTER-DRUG ACTIVITIES OF OTHER AGENCIES.

(a) EXTENSION OF SUPPORT AUTHORIZATION.—Section 1004(a) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 374 note) is amended by striking out "fiscal years 1991, 1992, 1993, and 1994," and inserting in lieu thereof "fiscal years 1991 through 1995,".

(b) FUNDING OF SUPPORT ACTIVITIES.—Of the amount authorized to be appropriated for fiscal year 1994 under section 301(14) for operation and maintenance with respect to drug interdiction and counter-drug activities, $40,000,000 shall be available to the Secretary of Defense for the purposes of carrying out section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 374 note).

SEC. 1022. REPORT ON DEFENSE COUNTER-DRUG PROGRAM.

(a) REPORT REQUIRED.—The Secretary of Defense shall submit to Congress a report evaluating the consistency of—

(1) all drug interdiction and counter-drug activities undertaken or supported by the Department of Defense using funds appropriated pursuant to the authorization of appropriations in section 301(14); with

(2) the goals, objectives, and resource balance contained in the National Drug Control Strategy required to be submitted to Congress in 1994 under section 1005 of the Anti-Drug Abuse Act of 1988 (21 U.S.C. 1504).

(b) RECOMMENDATIONS.—The report required under subsection (a) shall include such recommendations as the Secretary considers to be necessary to more closely conform defense drug interdiction and counter-drug activities to the National Drug Control Strategy. The recommendations may include a request for the reprogramming of funds appropriated or otherwise made available to the Department of Defense for drug interdiction and counter-drug activities if the Secretary determines that such a request is necessary.

(c) LIMITATION ON OBLIGATION OF FUNDS PENDING REPORT.—(1) Except as provided in paragraph (2), no more than 75 percent of the funds appropriated for fiscal year 1994 pursuant to the authorization of appropriations in section 301(14) for drug interdiction and counter-drug activities undertaken or supported by the Department of Defense may be obligated or expended before the date on which the Secretary of Defense submits to Congress the report required under subsection (a).

(2) Paragraph (1) shall not prohibit obligations or expenditures of funds for personnel expenses, including pay and allowances of members of the Armed Forces, incurred in connection with defense drug interdiction and counter-drug activities.

Subtitle C—Other Matters

SEC. 1031. PROCEDURES FOR HANDLING WAR BOOTY.

(a) IN GENERAL.—(1) Chapter 153 of title 10, United States Code, is amended by adding at the end the following new section:

"§2579. War booty: procedures for handling and retaining battlefield objects

"(a) POLICY.—The United States recognizes that battlefield souvenirs have traditionally provided military personnel with a valued memento of service in a national cause. At the same time, it is the policy and tradition of the United States that the desire for souvenirs in a combat theater not blemish the conduct of combat operations or result in the mistreatment of enemy personnel, the dishonoring of the dead, distraction from the conduct of operations, or other unbecoming activities.

"(b) PURPOSE.—The purpose of this section is to provide a procedure for the handling of battlefield objects that is consistent with the policies expressed in subsection (a).

"(c) GENERAL RULE.—When forces of the United States are operating in a theater of operations, enemy material captured or found abandoned shall be turned over to appropriate United States or allied military personnel. A member of the armed forces (or other person under the authority of the armed forces in a theater of operations) may not (except in accordance with this section) take from a theater of operations as a souvenir an object formerly in the possession of the enemy.

"(d) PROCEDURES FOR OBTAINING BATTLEFIELD SOUVENIRS.—(1) A member of the armed forces who wishes to retain as a souvenir an object covered by subsection (c) that was retrieved personally by that member may so request at the time the object is turned over pursuant to subsection (c).

"(2) The Secretary concerned shall designate an officer to review requests under paragraph (1). If the officer determines that the object may be appropriately retained as a war souvenir, the object shall be turned over to the member who requested the right to retain it.

"(3) The Secretary concerned may charge a processing fee to each member making a request under paragraph (1). The amount of any such fee may not exceed the amount necessary to recoup the costs of handling and reviewing the objects for which requests are made under paragraph (1).

"(e) FURNISHING OF CAPTURED ITEMS.—(1) The Secretary concerned shall make available to members of the armed forces who served in a theater of operations items of enemy material other than weapons and explosives that are no longer required for military use, intelligence exploitation, or other purpose determined by the Secretary. A processing fee as described in subsection (d)(3) may be charged.

"(2) The Secretary concerned shall make available for sale to members of the armed forces who served in a theater of operations items of captured weaponry as follows:

"(A) The only weapons that may be sold are those in categories to be agreed upon jointly by the Secretary of Defense and the Secretary of the Treasury.

"(B) Not more than one weapon may be sold to any member.

"(C) Before a weapon is turned over to a member following such a sale, the weapon shall be rendered unserviceable.

"(D) The Secretary concerned shall assess a charge in connection with each such sale (in addition to any processing fee) in an amount sufficient to cover the full cost of rendering the weapon unserviceable.".

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

"2579. War booty: procedures for handling and retaining battlefield objects.".

(b) EFFECTIVE DATE.—Section 2579 title 10, United States Code, as added by subsection (a), shall apply with respect to objects taken in a theater of operations after the date of the enactment of this Act.

SEC. 1032. AWARD OF PURPLE HEART TO MEMBERS KILLED OR WOUNDED IN ACTION BY FRIENDLY FIRE.

(a) IN GENERAL.—Chapter 57 of title 10, United States Code, is amended by adding at the end the following new section:

"§1129. Purple Heart: members killed or wounded in action by friendly fire

"(a) For purposes of the award of the Purple Heart, the Secretary concerned shall treat a member of the armed forces described in subsection (b) in the same manner as a member who is killed or wounded in action as the result of an act of an enemy of the United States.

"(b) A member described in this subsection is a member who is killed or wounded in action by weapon fire while directly engaged in armed conflict, other than as the result of an act of an enemy of the United States, unless (in the case of a wound) the wound is the result of willful misconduct of the member.

"(c) This section applies to members of the armed forces who are killed or wounded on or after December 7, 1941. In the case of a member killed or wounded as described in subsection (b) on or after December 7, 1941, and before the date of the enactment of this section, the Secretary concerned shall award the Purple Heart under subsection (a) in each case which is known to the Secretary before the date of the enactment of this section or for which an application is made to the Secretary in such manner as the Secretary requires.".

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

"1129. Purple Heart: members killed or wounded in action by friendly fire.".

SEC. 1033. AWARD OF GOLD STAR LAPEL BUTTONS TO SURVIVORS OF SERVICE MEMBERS KILLED BY TERRORIST ACTS.

(a) ELIGIBILITY.—Subsection (a) of section 1126 of title 10, United States Code, is amended—

(1) by striking out "of the United States" in the matter preceding paragraph (1);

(2) by striking out "or" at the end of paragraph (1);

(3) in paragraph (2)—

(A) by redesignating clauses (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively; and

(B) by striking out the period at the end and inserting in lieu thereof "; or"; and

(4) by adding at the end the following new paragraph:

"(3) who lost or lose their lives after March 28, 1973, as a result of—

"(A) an international terrorist attack against the United States or a foreign nation friendly to the United States, recognized as such an attack by the Secretary of Defense; or

"(B) military operations while serving outside the United States (including the commonwealths, territories, and possessions of the United States) as part of a peacekeeping force.".

(b) DEFINITIONS.—Subsection (d) of such section is amended by adding at the end the following new paragraphs:

"(7) The term 'military operations' includes those operations involving members of the armed forces assisting in United States Government sponsored training of military personnel of a foreign nation.

"(8) The term 'peacekeeping force' includes those personnel assigned to a force engaged in a peacekeeping operation authorized by the United Nations Security Council.".

SEC. 1034. EXTENSION OF AUTHORITY FOR CERTAIN FOREIGN GOVERNMENTS TO RECEIVE EXCESS DEFENSE ARTICLES.

Section 516(a)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(a)(3)) is amended by inserting "or fiscal year 1992" after "fiscal year 1991".

SEC. 1035. CODIFICATION OF PROVISION RELATING TO OVERSEAS WORKLOAD PROGRAM.

(a) CODIFICATION.—(1) Chapter 138 of title 10, United States Code, is amended by inserting after section 2348 the following new section:

"§2349. Overseas Workload Program

"(a) IN GENERAL.—A firm of any member nation of the North Atlantic Treaty Organization or of any major non-Nato ally shall be eligible to bid on any contract for the maintenance, repair, or overhaul of equipment of the Department of Defense located outside the United States to be awarded under competitive procedures as part of the program of the Department of Defense known as the Overseas Workload Program.

"(b) SITE OF PERFORMANCE.—A contract awarded to a firm described in subsection (a) may be performed in the theater in which the equipment is normally located or in the country in which the firm is located.

"(c) EXCEPTIONS.—The Secretary of a military department may restrict the geographic region in which a contract referred to in subsection (a) may be performed if the Secretary determines that performance of the contract outside that specific region—

"(1) could adversely affect the military preparedness of the armed forces; or

"(2) would violate the terms of an international agreement to which the United States is a party.

"(d) DEFINITION.—For purposes of this section, the term 'major non-NATO ally' has the meaning given such term in section 2350a(i)(3) of this title.".

(2) The table of sections at the beginning of subchapter I of such chapter is amended by inserting after the item relating to section 2348 the following new item:

"2349. Overseas Workload Program.".

(b) CONFORMING AMENDMENTS.—(1) Section 1465 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1700) is repealed.

(2) Section 9130 of the Department of Defense Appropriations Act, 1993 (Public Law 102–396; 102 Stat. 1935), is amended—

(A) in subsection (b), by striking out ", or thereafter,"; and

(B) in subsection (d), by striking out "or thereafter" each place it appears.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1993.

SEC. 1036. MODIFICATION OF AUTHORITY TO CONDUCT NATIONAL GUARD CIVILIAN YOUTH OPPORTUNITIES PROGRAM.

(a) LOCATION OF PROGRAM.—Subsection (c) of section 1091 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 32 U.S.C. 501 note) is amended to read as follows:

"(c) CONDUCT OF THE PROGRAM.—The Secretary of Defense may provide for the conduct of the pilot program in such States as the Secretary considers to be appropriate, except that the Secretary may not enter into agreements under subsection (d) with more than 10 States to provide for a program curriculum in excess of 6 weeks for any participant.".

(b) DEFINITION OF STATE.—Subsection (l) of such section is amended by striking out paragraph (2) and inserting in lieu thereof the following new paragraph:

"(2) The term 'State' includes the Commonwealth of Puerto Rico, the territories (as defined in section 101(1) of title 32, United States Code), and the District of Columbia.".

(c) PROGRAM AGREEMENTS.—Subsection (d)(3) of such section is amended by striking out "reimburse" and inserting in lieu thereof "provide funds to".

SEC. 1037. SENSE OF CONGRESS CONCERNING MEETING OF INTERALLIED CONFEDERATION OF RESERVE OFFICERS.

(a) FINDINGS.—The Congress finds that—

(1) the Interallied Confederation of Reserve Officers (CIOR), an association of reserve officers from thirteen of the nations comprising the North Atlantic Treaty Organization, will hold its XLIV Congress at Washington, District of Columbia, during the period August 1 through 6, 1993; and

(2) the United States, through the Department of Defense, will conduct military competitions in conjunction with and as a constituent part of that Congress of that organization.

(b) EXTENSION OF WELCOME.—The Congress—

(1) extends to the Interallied Confederation of Reserve Officers (CIOR) a cordial welcome to the United States on the occasion of the XLVI Congress of that organization to be held in Washington, District of Columbia, during the period August 1 through 6, 1993;

(2) commends the joint effort of the Department of Defense and the Reserve Officers Association of the United States in hosting the XLVI Congress of that organization; and

(3) urges all departments and agencies of the Federal Government to cooperate with and assist the XLVI Congress of that organization in carrying out its activities and programs during that period.

SEC. 1038. SEMIANNUAL REPORT ON EFFORTS TO SEEK COMPENSATION FROM GOVERNMENT OF PERU FOR DEATH AND WOUNDING OF CERTAIN UNITED STATES SERVICEMEN.

(a) FINDINGS.—The Congress finds that—

(1) the United States Government has not made adequate efforts to seek the payment of compensation by the Government of Peru for the death and injuries to United States military personnel resulting from the attack by aircraft of the military forces of Peru on April 24, 1992, against a United States Air Force C–130 aircraft operating off the coast of Peru; and

(2) in failing to make such efforts adequately, the United States Government has failed in its obligation to support the servicemen and their families involved in the incident and generally to support members of the Armed Forces carrying out missions on behalf of the United States.

(b) SEMIANNUAL REPORT.—Not later than December 1 and June 1 of each year, the Secretary of Defense shall submit to the Committees on Armed Services and Foreign Affairs of the House of Representatives and the Committees on Armed Services and Foreign Relations of the Senate a report on the efforts made by the Government of the United States during the preceding six-month period to seek the payment of fair and equitable compensation by the Government of Peru (1) to the survivors of Master Sergeant Joseph Beard, Jr., United States Air Force, who was killed in the attack described in subsection (a), and (2) to the other crew members who were wounded in the attack and survived.

(c) TERMINATION OF REPORT REQUIREMENT.—The requirement in subsection (b) shall terminate upon certification by the Secretary of Defense to Congress that the Government of Peru has paid fair and equitable compensation as described in subsection (b).

SEC. 1039. BASING FOR C–130 AIRCRAFT.

The Secretary of the Air Force shall determine the unit assignment and basing location for any C–130 aircraft procured for the Air Force Reserve from funds appropriated for National Guard and Reserve Equipment procurement for fiscal year 1992 or 1993 in such manner as the Secretary determines to be in the best interest of the Air Force.

SEC. 1040. MEMORIAL TO U.S.S. INDIANAPOLIS.

The memorial to the U.S.S. Indianapolis (CA–35) to be located on the east bank of the Indianapolis water canal in downtown Indianapolis, Indiana, is hereby designated as the national memorial to the U.S.S. Indianapolis and her final crew.

SEC. 1041. CONGRESSIONAL NOTIFICATION WHEN UNITED STATES FORCES ARE PLACED UNDER OPERATIONAL CONTROL OF A FOREIGN NATION.

(a) NOTICE REQUIREMENT.—(1) Whenever the President places elements of the Armed Forces under the operational control of a foreign national acting on behalf of the United Nations,

the Secretary of Defense shall submit to Congress a report described in subsection (b).

(2) Except as provided in paragraph (3), a report under paragraph (1) shall be submitted not less than 30 days before the date on which such operational control becomes effective.

(3) A report under paragraph (1) may be submitted less than 30 days before the date on which such operational control becomes effective (or after such date) if the President certifies to Congress that the requirement for the commitment of forces for such purpose is of such an emergency nature that delaying such commitment in order to provide such 30 days prior notice is not possible. Any such certification shall be submitted promptly upon the commitment of such forces.

(b) CONTENTS OF REPORT.—A report under subsection (a) shall set forth the following:

(1) The mission of the United States forces involved.

(2) The expected size and composition of the United States forces involved.

(3) The incremental cost to the United States associated with the proposed operation.

(4) The precise command and control relationship between the United States forces involved and the international organization.

(5) The precise command and control relationship between the United States forces involved and the commander of the United States unified command for the region in which the operation is proposed.

(6) The extent to which the United States forces involved will rely on non-United States forces for security and self-defense and an assessment on the ability of those non-United States forces to provide adequate security to the United States forces involved.

(7) The conditions under which the United States forces involved can and would be withdrawn.

(8) The timetable for complete withdrawal of the United States forces involved.

(c) CLASSIFICATION OF REPORT.—A report required by this section shall be submitted in both classified and unclassified form, if necessary.

(d) EXCEPTION FOR SMALL FORCES.—This section does not apply in the case of elements of the Armed Forces involving fewer than 100 members of the Armed Forces.

(e) INTERPRETATION.—Nothing in this section may be construed as authority for the President to use United States Armed Forces in any operation.

SEC. 1042. IDENTIFICATION OF SERVICE IN VIETNAM IN THE COMPUTERIZED INDEX OF THE NATIONAL PERSONNEL RECORDS CENTER.

The Secretary of Defense shall include in the computerized index of the National Personnel Records Center in St. Louis, Missouri, an indicator to allow for searches or selection of military records of military personnel based upon service in the Southeast Asia theater of operations during the Vietnam conflict (as defined in section 1035(g)(2) of title 10, United States Code).

TITLE XI—CHEMICAL AND BIOLOGICAL WEAPONS DEFENSE

SEC. 1101. DESIGNATION OF ARMY AS EXECUTIVE AGENT FOR CHEMICAL AND BIOLOGICAL WARFARE DEFENSE PROGRAMS.

(a) DESIGNATION.—The Secretary of Defense shall designate the Army as executive agent for the Department of Defense for the chemical and biological warfare defense programs of the Department of Defense, including (1) research, development, test, and evaluation, and (2) procurement.

(b) OVERSIGHT.—It is the sense of Congress that the Defense Acquisition Board should exercise oversight over the chemical and biological warfare defense program.

SEC. 1102. REQUIREMENT FOR SINGLE OVERSIGHT OFFICE FOR CHEMICAL-BIOLOGICAL DEFENSE PROGRAMS WITHIN THE OFFICE OF THE SECRETARY OF DEFENSE.

The Secretary of Defense shall assign responsibility for overall defense policy coordination and integration of the chemical and biological defense program and the chemical and biological medical defense program to a single office within the Office of the Secretary of Defense.

SEC. 1103. CONSOLIDATION OF CHEMICAL AND BIOLOGICAL DEFENSE TRAINING ACTIVITIES.

The Secretary of Defense shall consolidate all chemical and biological warfare defense training activities of the Department of Defense at the United States Army Chemical School.

SEC. 1104. ANNUAL REPORT ON CHEMICAL AND BIOLOGICAL WARFARE DEFENSE.

(a) REPORT REQUIRED.—The Secretary of Defense shall include in the annual report of the Secretary under section 113 of title 10, United States Code, a report on chemical and biological warfare defense. The report shall assess (1) the overall readiness of the Armed Forces to fight in a chemical-biological warfare environment and shall describe steps taken and planned to be taken to improve such readiness, and (2) requirements for the chemical and biological warfare defense program, including requirements for training, detection, and protective equipment, for medical prophylaxis, and for treatment of casualties resulting from use of chemical or biological weapons.

(b) MATTERS TO BE INCLUDED.—The report shall include information on the following:

(1) The quantities, characteristics, and capabilities of fielded chemical and biological defense equipment to meet wartime and peacetime requirements for support of the Armed Forces, including individual protective items.

(2) The status of research and development programs, and acquisition programs, for required improvements in chemical and biological defense equipment and medical treatment, including an assessment of the ability of the Department of Defense and the industrial base to meet those requirements.

(3) Measures taken to ensure the integration of requirements for chemical and biological defense equipment and material among the Armed Forces.

(4) The status of nuclear, biological, and chemical (NBC) warfare defense training and readiness among the Armed Forces and measures being taken to include realistic nuclear, biological, and chemical warfare simulations in war games, battle simulations, and training exercises.

(5) Measures taken to improve overall management and coordination of the chemical and biological defense program.

(6) Problems encountered in the chemical and biological warfare defense program during the past year and recommended solutions to those problems for which additional resources or actions by the Congress are required.

SEC. 1105. PREPARATIONS FOR IMPLEMENTATION OF THE CHEMICAL WEAPONS CONVENTION.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the President should—

(1) seek early ratification of the 1993 Chemical Weapons Convention and establish a coordinated and authoritative interagency program to develop measures for implementation of the convention, including improvements in appropriate export controls, the training of international inspectors and other members of Chemical Weapons Convention inspection and verification teams, and plans for assistance to states requesting assistance under article X of the convention; and

(2) develop a policy that addresses the manner in which the United States provides support under the 1993 Chemical Weapons Convention to protect signatories of that convention against chemical warfare.

(b) SUPPORT FOR PREPARATORY COMMISSION.—It is the sense of Congress that the United States should provide full funding and support for the United States portion of the expenses of the Chemical Weapons Convention Preparatory Commission created under the 1993 Chemical Weapons Convention.

(c) REPORT.—Not later than February 1, 1994, the Secretary of Defense shall submit to Congress a report on preparations for implementation of the 1993 Chemical Weapons Convention. The report shall include (1) a description of the chemical warfare defense preparations that have been and are being undertaken by the Department of Defense to address needs which may arise under article X of the Chemical Weapons Convention, and (2) a summary of other preparations undertaken by the Department of Defense to prepare for and to assist in the implementation of the convention, including activities such as training for inspectors, preparation of defense installations for inspections under the convention, provision of chemical weapons detection equipment, and assistance in the safe transportation, storage, and destruction of chemical weapons in other signatory nations to the convention.

SEC. 1106. SENSE OF CONGRESS CONCERNING RESPONSE TO TERRORIST THREATS.

It is the sense of Congress that the President should strengthen emergency planning by the Federal Emergency Management Agency, in coordination with other appropriate Federal and State agencies, for development of early detection and warning capability of and response to (1) potential terrorist use of chemical or biological agents or weapons, and (2) natural disasters involving industrial chemicals or the widespread outbreak of naturally occurring disease.

SEC. 1107. SENSE OF CONGRESS CONCERNING OTHER CHEMICAL AND BIOLOGICAL DEFENSE MATTERS.

It is the sense of Congress that—

(1) the President should establish appropriate strategies (A) to integrate chemical-related intelligence and biological-related intelligence, (B) to integrate chemical-related arms control agreements and biological-related arms control agreements, and (C) to integrate chemical-related research and development and biological-related research and development programs;

(2) the President should strengthen United States capabilities for intelligence collection and analysis concerning the chemical warfare threat, the biological warfare threat, and the biological terrorist threat; and

(3) the President should seek to strengthen the 1972 Biological Weapons Convention by seeking international adoption of a regime designed to raise the economic and political costs to any nation that pursues a biological warfare program.

SEC. 1108. INTERNATIONAL COOPERATION PROGRAM.

(a) PROGRAM.—The Secretary of Defense shall establish a program to promote greater international cooperation for research and development and training for chemical and biological weapons defense.

(b) FUNDING.—Of the amounts authorized to be appropriated by section 201, $10,000,000 shall be available for the establishment of the program under subsection (a).

SEC. 1109. AGREEMENTS TO PROVIDE SUPPORT TO VACCINATION PROGRAMS OF DEPARTMENT OF HEALTH AND HUMAN SERVICES.

The Secretary of the Army may enter into agreements with the Secretary of Health and Human Services to provide support for vaccination programs of the Secretary of Health and Human Services in the United States through

use of the excess peacetime biological weapons defense capability of the Department of Defense.

TITLE XII—COOPERATIVE THREAT REDUCTION WITH STATES OF FORMER SOVIET UNION

SEC. 1201. SHORT TITLE.

This title may be cited as the "Cooperative Threat Reduction Act of 1993".

SEC. 1202. FINDINGS ON COOPERATIVE THREAT REDUCTION.

The Congress finds that it is in the national security interest of the United States for the United States to do the following:

(1) Facilitate, on a priority basis, the transportation, storage, safeguarding, and elimination of nuclear and other weapons of the independent states of the former Soviet Union, including (A) the safe and secure storage of fissile materials derived from the elimination of nuclear weapons, (B) the dismantlement of (i) intercontinental ballistic missiles and launchers for such missiles, (ii) submarine-launched ballistic missiles and launchers for such missiles, and (iii) heavy bombers, and (C) the elimination of chemical, biological and other weapons capabilities.

(2) Facilitate, on a priority basis, the prevention of proliferation of weapons of mass destruction and their components and destabilizing conventional weapons of the independent states of the former Soviet Union, and the establishment of verifiable safeguards against the proliferation of such weapons.

(3) Facilitate, on a priority basis, the prevention of diversion of weapons-related scientific expertise of the independent states of the former Soviet Union to terrorist groups or third countries.

(4) Support (A) the demilitarization of the defense-related industry and equipment of the independent states of the former Soviet Union, and (B) the conversion of such industry and equipment to civilian purposes and uses.

(5) Expand military-to-military and defense contacts between the United States and the independent states of the former Soviet Union.

SEC. 1203. AUTHORITY FOR PROGRAMS TO FACILITATE COOPERATIVE THREAT REDUCTION.

(a) IN GENERAL.—Notwithstanding any other provision of law, the President may conduct programs described in subsection (b) to assist the independent states of the former Soviet Union in the demilitarization of the former Soviet Union. Any such program may be carried out only to the extent that the President determines that the program will directly contribute to the national security interests of the United States.

(b) AUTHORIZED PROGRAMS.—The programs referred to in subsection (a) are the following:

(1) Programs to facilitate the elimination, and the safe and secure transportation and storage, of nuclear, chemical, and other weapons and their delivery vehicles.

(2) Programs to facilitate the safe and secure storage of fissile materials derived from the elimination of nuclear weapons.

(3) Programs to prevent the proliferation of weapons, weapons components, and weapons-related technology and expertise.

(4) Programs to expand military-to-military and defense contacts.

(5) Programs to facilitate the demilitarization of defense industries and the conversion of military technologies and capabilities into civilian activities.

(6) Other programs as described in section 212(b) of the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102–228) and section 1412(b) of the Former Soviet Union Demilitarization Act of 1992 (title XIV of Public Law 102–484).

(c) UNITED STATES PARTICIPATION.—The programs described in subsection (b) should, to the extent feasible, draw upon United States technology and expertise, especially from the United States private sector.

(d) RESTRICTIONS.—Assistance authorized by subsection (a) may not be provided for any year to any country which is an independent state of the former Soviet Union unless the President certifies to Congress for that year that the proposed recipient country is committed to each of the following:

(1) Making substantial investment of its resources for dismantling or destroying such weapons of mass destruction, if such country has an obligation under a treaty or other agreement to destroy or dismantle any such weapons.

(2) Foregoing any military modernization program that exceeds legitimate defense requirements and foregoing the replacement of destroyed weapons of mass destruction.

(3) Foregoing any use in new nuclear weapons of fissionable or other components of destroyed nuclear weapons.

(4) Facilitating United States verification of any weapons destruction carried out under this section, section 1412(b) of the Former Soviet Union Demilitarization Act of 1992 (title XIV of Public Law 102–484), or section 212(b) of the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102–228).

(5) Complying with all relevant arms control agreements.

(6) Observing internationally recognized human rights, including the protection of minorities.

SEC. 1204. FUNDING FOR FISCAL YEAR 1994.

(a) AUTHORIZATION OF NEW APPROPRIATIONS.—There is hereby authorized to be appropriated for fiscal year 1994 for the purposes authorized in section 1203 the sum of $400,000,000.

(b) AUTHORIZATION OF EXTENSION OF AVAILABILITY OF PRIOR YEAR FUNDS.—To the extent provided in appropriations Acts, the authority to transfer funds of the Department of Defense provided in section 9110(a) of the Department of Defense Appropriations Act, 1993 (Public Law 102–396; 106 Stat. 1928), and in section 108 of Public Law 102–229; 105 Stat. 1708) shall continue to be in effect during fiscal year 1994.

SEC. 1205. PRIOR NOTICE TO CONGRESS OF OBLIGATION OF FUNDS.

(a) NOTICE OF PROPOSED OBLIGATION.—Not less than 15 days before obligation of any funds under section 1203, the President shall transmit to the appropriate congressional committees (as defined in section 1208) a report on the proposed obligation. Each such report shall specify—

(1) the activities and forms of assistance for which the President plans to obligate such funds,

(2) the amount of the proposed obligation, and

(3) the projected involvement of the United States Government departments and agencies and the United States private sector.

(b) INDUSTRIAL DEMILITARIZATION.—Any report under subsection (a) that covers proposed industrial demilitarization projects shall contain additional information to assist the Congress in determining the merits of the proposed projects. Such information shall include descriptions of—

(1) the facilities to be demilitarized;

(2) the types of activities conducted at those facilities and of the types of nonmilitary activities planned for those facilities;

(3) the forms of assistance to be provided by the United States Government and by the United States private sector;

(4) the extent to which military production capability will consequently be eliminated at those facilities; and

(5) the mechanisms to be established for monitoring progress on those projects.

SEC. 1206. AUTHORIZATION FOR ADDITIONAL FISCAL YEAR 1993 ASSISTANCE TO THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for fiscal year 1993 for the account "Operation and Maintenance, Defense Agencies", the additional sum of $979,000,000, to be available for the purposes of providing assistance to the independent states of the former Soviet Union.

(b) AUTHORIZATION OF TRANSFER OF FUNDS.—The Secretary of Defense may, to the extent provided in appropriations Acts, transfer from the account "Operation and Maintenance, Defense Agencies" for fiscal year 1993 a sum not to exceed the amount appropriated pursuant to the authorization in subsection (a) to—

(1) other accounts of the Department of Defense for the purpose of providing assistance to the independent states of the former Soviet Union; or

(2) appropriations available to the Department of State and other agencies of the United States Government for the purpose of providing assistance to the independent states of the former Soviet Union for programs that the President determines will increase the national security of the United States.

(c) ADMINISTRATIVE PROVISIONS.—(1) Amounts transferred under subsection (b) shall be available subject to the same terms and conditions as the appropriations to which transferred.

(2) The authority to make transfers pursuant to this section is in addition to any other transfer authority of the Department of Defense.

(d) COORDINATION OF PROGRAMS.—The President shall coordinate the programs described in subsection (b) with those authorized in the other provisions of this title and in the provisions of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (Public Law 102–511) so as to optimize the contribution such programs make to the national interests of the United States.

SEC. 1207. SEMIANNUAL REPORT.

Not later than April 30, 1994, and not later than October 30, 1994, the President shall transmit to the appropriate congressional committees a report on the activities carried out under section 1203. Each such report shall set forth, for the preceding six-month period and cumulatively, the following:

(1) The amounts obligated and expended for such activities and the purposes for which they were obligated and expended.

(2) A description of the participation of all United States Government departments and agencies in such activities.

(3) A description of the activities carried out and the forms of assistance provided, and a description of the extent to which the United States private sector has participated in the activities for which amounts were obligated and expended under section 1203.

(4) Such other information as the President considers appropriate to fully inform the Congress concerning the operation of the programs and activities carried out under section 1203, including, with respect to proposed industrial demilitarization projects, additional information on the progress toward demilitarization of facilities and the conversion of the demilitarized facilities to civilian activities.

SEC. 1208. DEFINITION.

As used in this title, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate.

TITLE XIII—DEFENSE CONVERSION, REINVESTMENT, AND TRANSITION ASSISTANCE

SEC. 1301. SHORT TITLE.

This title may be cited as the "Defense Conversion, Reinvestment, and Transition Assistance Amendments of 1993".

SEC. 1302. FUNDING OF DEFENSE CONVERSION, REINVESTMENT, AND TRANSITION ASSISTANCE PROGRAMS FOR FISCAL YEAR 1994.

(a) FUNDING.—Of the amounts authorized to be appropriated pursuant to this Act for the Department of Defense for fiscal year 1994, the sum of $2,735,000,000 shall be available from the sources and in the amounts specified in subsection (b) for defense conversion, reinvestment, and transition assistance programs. Amounts made available pursuant to this subsection shall remain available until expended.

(b) SOURCES OF FUNDS.—The amounts and sources referred to in subsection (a) are as follows:

(1) $200,000,000 of the amounts authorized to be appropriated pursuant to section 109 to carry out subtitle E.

(2) $2,200,000,000 of the amounts authorized to be appropriated pursuant to title II.

(3) $335,000,000 of the amounts authorized to be appropriated pursuant to title III.

(c) DEFINITION.—For purposes of this section, the term "defense conversion, reinvestment, and transition assistance programs" includes the following activities of the Department of Defense:

(1) The activities authorized by the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102–484; 106 Stat. 2658) and the amendments made by that Act.

(2) The activities authorized by this title and the amendments made by this title.

SEC. 1303. ANNUAL REPORT ON DEFENSE CONVERSION, REINVESTMENT, AND TRANSITION ASSISTANCE PROGRAMS.

(a) REPORT REQUIRED.—The Secretary of Defense shall prepare an annual report that assesses the effectiveness of all defense conversion, reinvestment, and transition assistance programs (as defined in section 1302) during the preceding fiscal year.

(b) CONTENTS OF REPORT.—Each report required under subsection (a) shall include a consideration of the following:

(1) For each of the conversion programs, the status of obligation of appropriated funds.

(2) For each defense technology reinvestment project (or other technology project conducted as part of a defense conversion, reinvestment, and transition assistance program)—

(A) the extent to which the project meets the objectives set forth in subsections (a) and (b) of section 2501 of title 10, United States Code;

(B) the technology benefits of the project to the defense technology and industrial base;

(C) any increased affordability of defense programs linked to the project;

(D) any evidence of commercialization of technology due to the project;

(E) any employment created as a result of the project;

(F) the number and name of defense firms participating in the project;

(G) the number of defense firms that have been able to expand or retain their business base as a result of the project;

(H) in the case of a project requiring matching funds, whether or not the matching requirements were met in cash;

(I) the extent to which the project has met agreed-upon milestones, and financial and technical requirements; and

(J) the extent to which it was determined whether or not the project duplicates or parallels technology programs in other agencies;

(3) For each personnel assistance program—

(A) the extent to which the program meets objectives set forth in section 2501(b) of title 10, United States Code;

(B) the number of individuals eligible for program participation;

(C) the number of individuals directly participating in the program (actual and projected);

(D) in the case of a training and jobs program, the number of individuals who have secured permanent employment as a result of program participation, and

(E) the extent to which it was determined whether or not the program duplicates programs conducted by other agencies.

(4) For each community assistance program—

(A) the extent to which the program meets objectives laid out in section 2501(b) of title 10, United States Code; and

(B) the number of short- and long-term jobs created in a community receiving adjustment and diversification assistance under section 2391(b) of title 10, United States Code.

(c) SUBMISSION OF REPORT.—The report required by this section for a particular year shall be submitted to Congress at the same time that the Secretary of Defense submits the report required under section 113(c) of title 10, United States Code, for that year.

Subtitle A—Defense Technology Reinvestment Projects

SEC. 1311. FUNDING OF DEFENSE TECHNOLOGY REINVESTMENT PROJECTS FOR FISCAL YEAR 1994.

Of the amount made available pursuant to section 1302(a), $575,000,000 shall be available for activities of the Department of Defense under chapter 148 of title 10, United States Code, and section 2197 of such title, of which—

(1) $105,000,000 shall be available for defense dual-use critical technology partnerships under section 2511 of such title;

(2) $35,000,000 shall be available for commercial-military integration partnerships under section 2512 of such title;

(3) $85,000,000 shall be available for defense regional technology alliances under section 2513 of such title;

(4) $30,000,000 shall be available for defense advanced manufacturing technology partnerships under section 2522 of such title;

(5) $50,000,000 shall be available for support of manufacturing extension programs under section 2523 of such title;

(6) $50,000,000 shall be available for the defense dual-use extension program under section 2524 of such title, of which—

(A) not less than 30 percent of such amount shall be available for assistance pursuant to subsection (c)(3) of such section; and

(B) not less than 30 percent of such amount shall be available for loan guarantees pursuant to subsection (b)(3) of such section; and

(7) $20,000,000 shall be available to conduct the program established pursuant to section 2197 of such title to support the activities of manufacturing experts at institutions of higher education.

SEC. 1312. REPEAL AND AMENDMENT OF CERTAIN PROVISIONS RELATING TO DEFENSE TECHNOLOGY AND INDUSTRIAL BASE, REINVESTMENT, AND CONVERSION.

(a) REPEALS.—The following sections of title 10, United States Code, are repealed: sections 2502, 2503, 2504, 2506, 2515, and 2518.

(b) AMENDMENT.—Section 2505 of such title is amended—

(1) in subsection (a), by striking out "National Defense Technology and Industrial Base Council" and inserting in lieu thereof "Secretary of Defense"; and

(2) in subsection (c), by striking out "Council" and inserting in lieu thereof "Secretary".

(c) CONFORMING REPEALS.—The following sections of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484) are repealed: sections 4218, 4219, and 4220.

(d) CLERICAL AMENDMENTS.—(1) The table of sections at the beginning of subchapter II of chapter 148 of such title is amended by striking out the items relating to sections 2502, 2503, 2504, and 2506.

(2) The table of sections at the beginning of subchapter III of chapter 148 of such title is amended by striking out the items relating to sections 2515 and 2518.

SEC. 1313. EXPANSION OF OBJECTIVES OF DEFENSE TECHNOLOGY REINVESTMENT PROJECTS.

(a) RESTATEMENT OF EXISTING PROVISION IN TERMS OF OBJECTIVES.—Section 2501(b) of title 10, United States Code, is amended by striking out "defense resources that" and all that follows through the period and inserting in lieu thereof "defense resources capable of meeting the following objectives:

"(1) Promoting economic growth in high-wage, high-technology industries and preserving the industrial and technical skill base.

"(2) Promoting economic growth through further reduction of the Federal budget deficit that, by reducing the public sector demand for capital, increases the amount of capital available for private investment and job creation in the civilian sector.

"(3) Bolstering the national technology base, including supporting and exploiting critical technologies with both military and civilian application.

"(4) Supporting retraining of separated military, defense civilian, and defense industrial personnel for jobs in activities important to national economic growth and security.

"(5) Assisting those activities being undertaken at the State and local levels to support defense economic reinvestment, conversion, adjustment, and diversification activities.

"(6) Assisting small businesses adversely affected by reductions in defense expenditures.".

(b) CONSIDERATION OF DEFENSE REINVESTMENT, DIVERSIFICATION, AND CONVERSION OBJECTIVES.—Chapter 148 of title 10, United States Code, is amended—

(1) in sections 2505(a), 2505(b), 2511(a), 2511(f)(1), 2512(a), 2512(e)(1), 2513(a), 2516(b), 2522(a), and 2523(b)(1), by striking out "national security objectives set forth in section 2501(a)" each place it appears and inserting in lieu thereof "objectives set forth in subsections (a) and (b) of section 2501";

(2) in section 2505(b)(1), by striking out "section 2501(a)" and inserting in lieu thereof "section 2501"; and

(3) in section 2514(a), by striking out "section 2501(a)" and inserting in lieu thereof "subsections (a) and (b) of section 2501".

SEC. 1314. DEFENSE TECHNOLOGY REINVESTMENT PROJECTS FOR FISCAL YEAR 1994.

(a) PROJECTS FOR FISCAL YEAR 1994.—Using funds made available pursuant to section 1302(a), the Secretary of Defense shall carry out during fiscal year 1994 defense technology reinvestment projects in cooperation with partnerships and other cooperative arrangements established pursuant to chapter 148 of title 10, United States Code, in the technology focus areas described in subsection (b) or involving technologies that otherwise meet the objectives set forth in section 2501 of this title. Nothing in this section shall be construed to preclude continued support for defense technology reinvestment projects in technology focus areas identified during the solicitation conducted during fiscal year 1993.

(b) DESCRIPTION OF TECHNOLOGY FOCUS AREAS.—The technology focus areas referred to in subsection (a) are the following:

(1) Ocean thermal energy conversion.

(2) Advanced antenna technology.

(3) Noncooled, pyroelectric thermal imaging systems.

(4) Advanced wind power systems.

(5) Parallel processing technologies.

(6) Photovoltaic energy storage systems.

(7) Direct satellite radio broadcasting.

(8) Solar furnace environmental remediation technologies.

(9) Robotic excavation and tunnelling technologies.

(10) Marine biotechnology.

(11) Automated manufacturing technology for composites.

(12) Earthquake-resistant bridge composites.

(13) Advanced automatic train control systems technologies.

(14) Statewide defense conversion economic development networks for transition services, retraining, and business diversification.

(15) Other technology areas that would further the objectives set forth in section 2501 of title 10, United States Code.

(c) CONSULTATION.—In carrying out defense technology reinvestment projects during fiscal year 1994, the Secretary of Defense shall consult with the heads of other Federal agencies conducting similar projects in the technology focus areas described in subsection (b).

(d) MADE-IN-AMERICA REQUIREMENT.—The Secretary of Defense shall ensure that each partnership or other cooperative arrangement established pursuant to chapter 148 of title 10, United States Code, to carry out a defense technology reinvestment project during fiscal year 1994 includes an agreement that any manufacturing resulting from the project shall occur in the United States and benefit workers in the United States.

(e) ACCEPTABLE STANDARDS OF QUALITY.—If the Secretary of Defense determines that the proposals received as a result of a solicitation for defense technology reinvestment projects in a technology focus area described in subsection (b) do not meet an acceptable standard of quality established by the Secretary, nothing in this section shall be construed to require the Secretary to carry out projects in that technology focus area. The Secretary shall make a determination under this subsection after consultation with the Defense Technology Conversion Council. The Secretary shall promptly notify Congress of each determination not to carry out projects in a particular technology focus area.

(f) USE OF COMPETITIVE SELECTION PROCEDURES.—Funds authorized to be made available for defense technology reinvestment projects selected as a result of the authority provided by subsection (a) shall be made available to those projects only if a competitive selection process was used to select the projects.

SEC. 1315. EXPANSION OF PURPOSES OF DEFENSE ADVANCED MANUFACTURING TECHNOLOGY PARTNERSHIPS.

Section 2522 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking out "research and development" and inserting in lieu thereof "research, development, or deployment"; and

(B) by adding at the end the following new sentence: "The cooperative arrangements authorized by this section may include a cooperative arrangement with an industry-led, large-scale research and development consortium to establish and administer long-term partnerships under this section."; and

(2) in subsection (d)—

(A) by redesignating paragraph (3) as paragraph (4); and

(B) by inserting after paragraph (2) the following new paragraph:

"(3) The extent to which the partnerships provide for the large-scale deployment of advanced manufacturing technologies.".

SEC. 1316. DEFENSE DUAL-USE ASSISTANCE EXTENSION PROGRAM.

(a) EXPANSION OF BUSINESSES ELIGIBLE FOR LOAN GUARANTEES.—Subsection (b)(3) of section 2524 of title 10, United States Code, is amended—

(1) by striking out "small businesses" and inserting in lieu thereof "small- and medium-sized business concerns"; and

(2) by inserting "subsection (e) and" before "other applicable law".

(b) SPECIAL RULES FOR LOAN GUARANTEES.—Subsection (e) of such section is amended to read as follows:

"(e) TERMS AND CONDITIONS FOR LOAN GUARANTEES.—(1) The Secretary shall carry out subsection (b)(3) through the Under Secretary of Defense for Acquisition and Technology, who may consult with and seek technical assistance from other Federal agencies in order to effectively issue loan guarantees under such subsection. Such loan guarantees shall be issued for the purpose of assisting small- and medium-sized business concerns that are economically dependent on defense expenditures to secure financing for projects—

"(A) to achieve the final development and commercialization of defense-oriented technologies for nonmilitary use by the business concern; and

"(B) to diversify the operations of the business concern toward greater emphasis on production or services for nonmilitary use.

"(2) A business concern shall be considered to be a small- or medium-sized business concern for purposes of this subsection and subsection (b)(3) if the business concern has not more than 2,500 full-time employees or their equivalent. A business concern shall be considered to be economically dependent on defense expenditures for purposes of this subsection and subsection (b)(3) if the business concern—

"(A) has a substantial prior history of conducting much of its sales and business with Department of Defense over the life, or a substantial portion of the life, of the business concern; and

"(B) can reasonably demonstrate that it, in at least two of the last seven years immediately preceding the application for a loan guarantee—

"(i) obtained at least 50 percent of its gross income from contracts or subcontracts to provide material or services to the Department of Defense; or

"(ii) incurred a significant reduction in its gross income as a result the termination or completion of contracts or subcontracts to provide material or services to the Department of Defense.

"(3) The maximum amount of loan principal that the Secretary may guarantee under subsection (b)(3) with respect to any loan may not exceed $10,000,000. The maximum percentage of the loan principal that the Secretary may guarantee with respect to any loan shall be established by the Secretary, except that the percentage established may not exceed 85 percent of the principal.

"(4) Loan guarantees shall be issued under subsection (b)(3) on a competitive basis after consideration of the following criteria:

"(A) Whether credit is not otherwise commercially available under reasonable terms and conditions.

"(B) The applicability of the program to be funded by the loan to the technology areas outlined in the Technology Reinvestment Project proposed by the President on March 10, 1993.

"(C) The ability of the program to preserve or enhance critical technology and national technology and industrial base skills.

"(D) The market potential of any product or technology to be developed using the loan.

"(E) The importance of the program to future United States economic competitiveness and the economic strength of United States.

"(F) The economic viability and perceived ability of the business concern to repay the loan.

"(G) The technical soundness of the proposal.

"(H) The selection criteria specified in subsection (f).

"(5) The Secretary shall give a preference in issuing loan guarantees under subsection (b)(3) to an application by a business concern to carry out a program to commercialize a product or technology that is already developed or proven at the time the application is submitted over programs to carry out solely research and development activities.

"(6) The provisions of law relating to default on loans guaranteed by the Administrator of the Small Business Administration under the Small Business Act (15 U.S.C. 631 et seq.) shall apply if the United States is obligated to make reimbursing payments to a commercial creditor under a loan guarantee issued to a business concern under subsection (b)(3). In addition, the President shall prohibit the business concern involved in the default, and any successor of the business concern, from bidding on or receiving for a 3-year period any contract or subcontract to provide material or services to the Federal Government.".

(c) CONFORMING AMENDMENT.—Subsection (f) of such section is amended by inserting after "SELECTION CRITERIA.—" the following new sentence: "Competitive procedures shall be used in the selection of programs to receive assistance under this section.".

SEC. 1317. CONSISTENCY IN FINANCIAL COMMITMENT REQUIREMENTS OF NON-FEDERAL GOVERNMENT PARTICIPANTS IN TECHNOLOGY REINVESTMENT PROJECTS.

(a) DEFENSE DUAL-USE CRITICAL TECHNOLOGY PARTNERSHIPS.—Section 2511(c) of title 10, United States Code, is amended to read as follows:

"(c) FINANCIAL COMMITMENT OF NON-FEDERAL GOVERNMENT PARTICIPANTS.—(1) Except as provided in paragraph (2), the Secretary of Defense shall ensure that the amount of funds provided by the Secretary to a partnership does not exceed 50 percent of the total cost of partnership activities.

"(2) The Secretary may increase the Federal share of the costs of partnership activities to not more than 70 percent of such costs in the case of a partnership in which the entity proposing the partnership and a majority of the non-Government participants are small business concerns.

"(3) The Secretary shall prescribe regulations to provide for consideration of in-kind contributions by non-Federal Government participants in a partnership for the purpose of calculating the share of the partnership costs that has been or is being undertaken by such participants. A participant that is a small business concern may use funds received under the Small Business Innovation Research Program or the Small Business Technology Transfer Program to help pay the costs of partnership activities, and any such funds so used shall be included in calculating the non-Federal Government share of such costs.".

(b) COMMERCIAL-MILITARY INTEGRATION PARTNERSHIPS.—Section 2512(c) of such title is amended to read as follows:

"(c) FINANCIAL COMMITMENT OF NON-FEDERAL GOVERNMENT PARTICIPANTS.—(1) Except as provided in paragraph (2), the Secretary shall ensure that the amount of funds provided by the Secretary to a partnership does not exceed 50 percent of the total cost of partnership activities.

"(2) The Secretary may increase the Federal share of the costs of partnership activities to not more than 70 percent of such costs in the case of

a partnership in which the entity proposing the partnership and a majority of the non-Government participants are small business concerns.

"(3) The Secretary shall prescribe regulations to provide for consideration of in-kind contributions by non-Federal Government participants in a partnership for the purpose of calculating the share of the partnership costs that has been or is being undertaken by such participants. A participant that is a small business concern may use funds received under the Small Business Innovation Research Program or the Small Business Technology Transfer Program to help pay the costs of partnership activities, and any such funds so used shall be included in calculating the non-Federal Government share of such costs.".

(c) REGIONAL TECHNOLOGY ALLIANCES ASSISTANCE PROGRAM.—Section 2513 of such title is amended—

(1) by adding at the end of subsection (d) the following new paragraph:

"(4) The Secretary may increase the amount of assistance provided under paragraph (1) up to an amount not exceeding 70 percent of the cost of the activities of a regional technology alliance in the case of a regional technology alliance in which the entity proposing the alliance and a majority of the non-Government participants are small business concerns."; and

(2) in subsection (e)—

(A) by inserting after "50 percent" the following: "(or 30 percent if additional assistance is provided under subsection (d)(4))"; and

(B) by adding at the end the following new paragraph:

"(3) The Secretary shall prescribe regulations to provide for consideration of in-kind contributions by non-Federal Government participants in a regional technology alliance for the purpose of calculating the share of the costs that has been or is being undertaken by such participants. A participant that is a small business concern may use funds received under the Small Business Innovation Research Program or the Small Business Technology Transfer Program to help pay the costs of a regional technology alliance, and any such funds so used shall be included in calculating the non-Federal Government share of such costs.".

(d) MANUFACTURING EXTENSION PROGRAMS.—Section 2523(b)(3) of such title is amended—

(1) by striking out subparagraph (A) and inserting in lieu thereof the following new subparagraph:

"(A) The amount of financial assistance furnished to a manufacturing extension program under this subsection may not exceed 50 percent of the total cost of the program, except that the Secretary may increase the Federal share to not more than 70 percent of such costs in the case of a program in which the entity proposing the program and a majority of the non-Government participants are small business concerns. Financial assistance shall be provided to a recipient program for a period of five years unless such financial assistance is earlier terminated for good cause. Recipients of such financial assistance shall be required to report to the Secretary annually beginning one year after the date that such financial assistance is initiated. Such report shall include a description of the progress of the recipient program in meeting the objectives set out in paragraph (1).."; and

(2) by adding at the end the following new subparagraph:

"(D) The Secretary shall prescribe regulations to provide for consideration of in-kind contributions by non-Federal Government participants in a manufacturing extension program for the purpose of calculating the share of the costs that has been or is being undertaken by such participants. A participant that is a small business concern may use funds received under the Small Business Innovation Research Program or the Small Business Technology Transfer Program to help pay the costs of the program, and any such funds so used shall be included in calculating the non-Federal Government share of such costs.".

(e) DEFENSE DUAL-USE ASSISTANCE EXTENSION PROGRAM.—Section 2524(d) of such title is amended to read as follows:

"(d) FINANCIAL COMMITMENT OF NON-FEDERAL GOVERNMENT PARTICIPANTS.—(1) Except as provided in paragraph (2), the Secretary shall ensure that the amount of funds provided by the Secretary to a program under this section does not exceed 50 percent of the total cost of the program.

"(2) The Secretary may increase the Federal share of the costs of a program under this section to not more than 70 percent of such costs in the case of a program in which the entity proposing the program and a majority of the non-Government participants are small business concerns.

"(3) The Secretary shall prescribe regulations to provide for consideration of in-kind contributions by non-Federal Government participants in a program under this section for the purpose of calculating the share of the costs that has been or is being undertaken by such participants. A participant that is a small business concern may use funds received under the Small Business Innovation Research Program or the Small Business Technology Transfer Program to help pay the costs of the program, and any such funds so used shall be included in calculating the non-Federal Government share of such costs.".

(f) DEFINITIONS.—Section 2491 of such title is amended by adding at the end the following new paragraphs:

"(13) The term 'Small Business Innovation Research Program' means the program established under the following provisions of section 9 of the Small Business Act (15 U.S.C. 638):

"(A) Paragraphs (4) through (7) of subsection (b).

"(B) Subsections (e) through (k).

"(14) The term 'Small Business Technology Transfer Program' means the program established under the following provisions of such section:

"(A) Paragraphs (4) through (7) of subsection (b).

"(B) Subsections (e) and (n) through (p).".

Subtitle B—Community Adjustment and Assistance Programs

SEC. 1321. ADJUSTMENT AND DIVERSIFICATION ASSISTANCE FOR STATES AND LOCAL GOVERNMENTS FROM THE OFFICE OF ECONOMIC ADJUSTMENT.

(a) FUNDING FOR FISCAL YEAR 1994.—Of the amount made available pursuant to section 1302(a), $69,000,000 shall be available as community adjustment and economic diversification assistance under section 2391(b) of title 10, United States Code.

(b) PREPARATION ASSISTANCE.—The Secretary of Defense may use up to five percent of the amount specified in subsection (a) for the purpose of providing preparation assistance to those States intending to establish the types of programs for which assistance is authorized under section 2391(b) of title 10, United States Code.

SEC. 1322. ASSISTANCE FOR COMMUNITIES ADVERSELY AFFECTED BY CATASTROPHIC OR MULTIPLE BASE CLOSURES OR REALIGNMENTS.

(a) ASSISTANCE.—Section 2391 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(f) EMPHASIS ON COMMUNITIES WITH CATASTROPHIC OR MULTIPLE BASE CLOSURES OR REALIGNMENTS.—(1) Not less than 50 percent of the funds made available for a fiscal year to carry out subsection (b) shall be used by the Secretary of Defense under paragraphs (1) and (4) of such subsection to make grants, conclude cooperative agreements, and supplement funds available under other Federal programs in order to assist State and local governments in planning and carrying out community adjustments and economic diversification in any community determined by the Secretary—

"(A) to be likely to experience a loss of not less than five percent of the total number of civilian jobs in the community as a result of the realignment or closure of a military installation under the base closure laws; or

"(B) to be adversely affected by the realignment or closure of more than one military installation under the base closure laws.

"(2) To the extent practicable, the amount of assistance provided under subsection (b) in a fiscal year to assist a community described in paragraph (1) that is selected to receive such assistance in that fiscal year should be not less than—

"(A) $1,000,000 to plan community adjustments and economic diversification; and

"(B) $5,000,000 to carry out a community adjustments and economic diversification program.".

(b) TIME FOR CONSIDERATION OF APPLICATIONS.—Subsection (b) of such section is amended by adding at the end the following new paragraphs:

"(6) To the extent practicable, the Secretary of Defense shall inform a State or local government applying for assistance under this subsection of the approval or rejection by the Secretary of the application for such assistance before the end of—

"(A) the 7-day period beginning on the date on which the Secretary receives the application, in the case of an application for a planning grant; and

"(B) the 30-day period beginning on such date, in the case of an application for assistance to carry out a community adjustments and economic diversification program.

"(7) In attempting to complete consideration of applications within the time periods specified in paragraph (6), the Secretary shall give priority to those applications requesting assistance for a community described in subsection (f)(1). If an application is rejected by the Secretary, the Secretary shall promptly inform the State or local government of the reasons for the rejection of the application.".

(c) DEFINITION.—Subsection (d) of such section is amended by adding at the end the following new paragraph:

"(3) The term 'base closure laws' means—

"(A) the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note);

"(B) title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note);

"(C) section 2687 of this title; and

"(D) any other similar law enacted after October 1, 1993.".

SEC. 1323. CONTINUATION OF PILOT PROJECT TO IMPROVE ECONOMIC ADJUSTMENT PLANNING.

(a) CONTINUATION OF PROGRAM.—Subsection (a) of section 4302 of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102–484; 10 U.S.C. 1091 note) is amended by striking out "fiscal year 1993" and inserting in lieu thereof "fiscal years 1993 and 1994".

(b) FUNDING FOR FISCAL YEAR 1994.—Of the amount made available pursuant to section 1302(a), $1,000,000 shall be made available to continue the pilot project required under section 4302 of the Defense Conversion, Reinvestment,

and Transition Assistance Act of 1992 (division D of Public Law 102–484; 10 U.S.C. 1091 note) with respect to those projects involving relieving the adverse effects upon a community from a combination of the closure or realignment of a military installation and changes in the mission of a national laboratory.

SEC. 1324. CONSIDERATION OF LOCAL AND REGIONAL ECONOMIC NEEDS AS PART OF THE DISPOSITION OF REAL PROPERTY AND FACILITIES UNDER BASE CLOSURE LAWS.

(a) CONSIDERATION OF ECONOMIC NEEDS.—In order to maximize local and regional benefit from the reuse of military installations that are closed or realigned, or selected for closure or realignment, pursuant to the operation of a base closure law, the Secretary of Defense shall incorporate locally and regionally delineated economic development needs and priorities into the disposition process by which the Secretary disposes of real property and facilities as part of the closure or realignment of a military installation under a base closure law. In determining such needs and priorities, the Secretary shall use the community base reuse plan developed for the military installation involved.

(b) COOPERATION.—The Secretary shall cooperate with the State in which a military installation referred to in subsection (a) is located, with the entity established to develop a community base reuse plan for the installation, and with local governments and other interested persons in communities located near the installation to implement the entire disposition process of real property and facilities at the installation.

(c) ECONOMIC DEVELOPMENT CRITERIA.—In evaluating the highest and best reuse options for real property and facilities at a military installation referred to in subsection (a), the Secretary shall employ the following economic development criteria:

(1) The creation of jobs, including manufacturing and other primary labor market jobs.

(2) A significant economic multiplier effect on the local and regional economies.

(3) A significant direct economic impact on the local and regional economies through future contracting for goods and services, and construction activities.

(4) New tax revenue generated to the State and locality.

(5) The creation, rehabilitation, operation, and maintenance of local infrastructure.

(6) The incorporation of local and regional economic development needs and priorities into the reuse plan.

(7) The economic viability of the proposed development.

(8) The timely economic impact of the proposed development.

(9) Need for public financial assistance to acquire or develop the property.

(d) PRIORITIES.—The criteria specified in subsection (d) shall be prioritized at the local and regional level for each military installation referred to in subsection (a) to establish a site specific weighting system for individual objectives. These criteria shall be considered to be costs or benefits depending upon the degree to which priorities are met. The highest and best use for real property and facilities at the installation shall be considered to be the reuse option that produces the greatest benefit according to these criteria.

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

(1) The term "base closure law" means each of the following:

(A) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

(B) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).

(C) Section 2687 of title 10, United States Code.

(D) Any other similar law enacted after the date of the enactment of this Act.

(2) the term "disposition process" includes scheduling, planning, economic, environmental, and infrastructure assessments, market research, marketing programs, permit procedures, and transfers of real and personal property carried out as part of the disposition of real property and facilities at a military installation closed or realigned under a base closure law.

SEC. 1325. SHIPYARD CONVERSION AND REUSE STUDIES.

(a) STUDIES REQUIRED.—The Secretary of Defense shall make community adjustment and diversification assistance available under section 2391(b) of title 10, United States Code, for the purpose of conducting studies regarding the feasibility of converting and reutilizing the following military shipyards as facilities primarily oriented toward commercial use:

(1) Charleston Naval Shipyard, South Carolina.

(2) Mare Island Naval Shipyard, California.

(b) FUNDING.—Of the amount made available pursuant to section 1302(a), $500,000 shall be available to carry out each of the studies required by subsection (a).

Subtitle C—Personnel Adjustment, Education, and Training Programs

SEC. 1331. CONTINUATION OF TEACHER AND TEACHER'S AIDE PLACEMENT PROGRAMS.

(a) PLACEMENT PROGRAMS REQUIRED.—(1) Section 1151 of title 10, United States Code, is amended—

(A) in subsection (a), by striking out "may" in the matter preceding paragraph (1) and inserting in lieu thereof "shall" and;

(B) in subsections (b), (c)(1), (e)(1), and (f), by striking out "program authorized" each place it appears and inserting in lieu thereof "program required".

(2) Section 1598 of such title is amended—

(A) in subsection (a), by striking out "may" in the matter preceding paragraph (1) and inserting in lieu thereof "shall"; and

(B) in subsections (b)(1) and (f), by striking out "program authorized" both places it appears and inserting in lieu thereof "program required".

(3) Section 2410j of such title is amended—

(A) in subsection (a), by striking out "may" in the matter preceding paragraph (1) and inserting in lieu thereof "shall offer to"; and

(B) in subsection (b)(1), by striking out "agreement authorized" and inserting in lieu thereof "agreement entered into".

(b) COVERAGE OF CERTAIN MEMBERS INADVERTENTLY EXCLUDED.—Section 1151(e)(1) of such title, as amended by subsection (a)(1)(B), is further amended by inserting before the period at the end of the first sentence the following: "or within one year after the date of the discharge or release".

(c) EXTENSION OF PERIOD OF REQUIRED SERVICE.—(1) Section 1151 of such title, as amended by subsection (a)(1), is further amended—

(A) in subsection (f)(2), by striking out "two school years" both places it appears and inserting in lieu thereof "five school years";

(B) in subsection (h)(3)(A), by striking out "two consecutive school years" and inserting in lieu thereof "five consecutive school years";

(C) in subsection (h)(5), by striking out "two years" both places it appears and inserting in lieu thereof "five years"; and

(D) in subsection (i)(1), by striking out "two years" both places it appears and inserting in lieu thereof "five years".

(2) Section 1598(d)(2) of such title is amended by striking out "two school years" both places it appears and inserting in lieu thereof "five school years".

(3) Section 2410j(f)(2) of such title is amended by striking out "two school years" both places it appears and inserting in lieu thereof "five school years".

(d) GRANT PAYMENTS.—Section 1151(h)(3)(B) of such title is amended by striking out "equal to the lesser of—" and all that follows through "$50,000." and inserting in lieu thereof the following: "based upon the basic salary paid by the local educational agency to the participant as a teacher or teacher's aide. The rate of payment by the Secretary shall be as follows:

"(i) For the first school year of employment, 50 percent of the basic salary, except that the payment may not exceed $25,000.

"(ii) For the second school year of employment, 40 percent of the basic salary, except that the payment may not exceed $10,000.

"(iii) For the third school year of employment, 30 percent of the basic salary, except that the payment may not exceed $7,500.

"(iv) For the fourth school year of employment, 20 percent of the basic salary, except that the payment may not exceed $5,000.

"(v) For the fifth year of employment, 10 percent of the basic salary, except that the payment may not exceed $2,500.".

(e) INCREASED FLEXIBILITY IN PROVIDING STIPENDS AND PLACEMENT GRANTS.—Section 1151(h)(1) of such is amended by striking out "shall" and inserting in lieu thereof "may".

(f) APPLICATION OF CERTAIN AMENDMENTS.—The amendments made by subsections (c) and (d) shall not apply with respect to—

(1) persons selected by the Secretary of Defense before the date of the enactment of this Act to participate in the teacher and teacher's aide placement programs required by sections 1151, 1598, and 2410j of title 10, United States Code, or

(2) agreements entered into by the Secretary before such date with local educational agencies under such sections.

SEC. 1332. PROGRAMS TO PLACE SEPARATED MEMBERS OF THE ARMED FORCES IN EMPLOYMENT POSITIONS WITH LAW ENFORCEMENT AGENCIES AND HEALTH CARE PROVIDERS.

(a) PLACEMENT PROGRAM WITH LAW ENFORCEMENT AGENCIES.—Chapter 58 of title 10, United States Code, is amended by adding at the end the following new section:

"§1152. Assistance to separated members to obtain employment with law enforcement agencies

"(a) PLACEMENT PROGRAM.—The Secretary of Defense shall establish a program to assist eligible members of the armed forces to obtain employment by State and local law enforcement agencies upon their discharge or release from active duty.

"(b) ELIGIBLE MEMBERS.—(1) Except as provided in paragraph (2), a member of the armed forces may apply to participate in the program established under subsection (a) if the member—

"(A) is selected for involuntary separation, is approved for separation under section 1174a or 1175 of this title, or is given early retirement under section 4403 of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102–484; 10 U.S.C. 1293 note) during the four-year period beginning on October 1, 1993;

"(B) has a military occupational specialty, training, or experience related to law enforcement, such as service as a member of the military police; and

"(C) satisfies such other criteria for selection as the Secretary of Defense may prescribe.

"(2) A member who is discharged or released from service under other than honorable conditions shall not be eligible to participate in the program.

"(c) SELECTION OF PARTICIPANTS.—(1) The Secretary of Defense shall select members to participate in the program established under subsection (a) on the basis of applications submitted to the Secretary before the date of the discharge or release of the members from active duty. An application shall be in such form and contain such information as the Secretary may require.

"(2) The Secretary may not select a member to participate in the program unless the Secretary has sufficient appropriations for the placement program available at the time of the selection to satisfy the obligations to be incurred by the United States under subsection (d) with respect to that member.

"(d) GRANTS TO FACILITATE EMPLOYMENT.—(1) The Secretary of Defense may enter into agreements with State and local law enforcement agencies to assist eligible members selected under subsection (c) to obtain suitable employment with these agencies. Under the agreement, the law enforcement agency shall agree to employ a participant in the program on a full-time basis for at least a five-year period.

"(2) Under an agreement referred to in paragraph (1), the Secretary shall agree to pay to the law enforcement agency involved an amount based upon the basic salary paid by the law enforcement agency to the participant as a law enforcement officer. The rate of payment by the Secretary shall be as follows:

"(A) For the first year of employment, 50 percent of the basic salary, except that the payment may not exceed $25,000.

"(B) For the second year of employment, 40 percent of the basic salary, except that the payment may not exceed $10,000.

"(C) For the third year of employment, 30 percent of the basic salary, except that the payment may not exceed $7,500.

"(D) For the fourth year of employment, 20 percent of the basic salary, except that the payment may not exceed $5,000.

"(E) For the fifth year of employment, 10 percent of the basic salary, except that the payment may not exceed $2,500.

"(3) Payments required under paragraph (2) may be made by the Secretary in such installments as the Secretary may determine.

"(4) If a participant who is placed under this program leaves the employment of the law enforcement agency before the end of the five years of required employment service, the agency shall reimburse the Secretary in an amount that bears the same ratio to the total amount already paid under the agreement as the unserved portion bears to the five years of required service.

"(5) The Secretary may not make a grant under this subsection to a law enforcement agency if the Secretary determines that the law enforcement agency terminated the employment of another employee in order to fill the vacancy so created with a participant in this program.".

(b) PLACEMENT PROGRAM WITH HEALTH CARE PROVIDERS.—Chapter 58 of title 10, United States Code, is amended by adding after section 1152, as added by subsection (a), the following new section:

"§1153. Assistance to separated members to obtain employment with health care providers

"(a) PLACEMENT PROGRAM.—The Secretary of Defense shall establish a program to assist eligible members of the armed forces to obtain employment by health care providers upon their discharge or release from active duty.

"(b) ELIGIBLE MEMBERS.—(1) Except as provided in paragraph (2), a member shall be eligible for selection by the Secretary of Defense to participate in the program established under subsection (a) if the member—

"(A) is selected for involuntary separation, is approved for separation under section 1174a or 1175 of this title, or is given early retirement under section 4403 of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102–484; 10 U.S.C. 1293 note) during the four-year period beginning on October 1, 1993;

"(B) has received an associate degree, baccalaureate, or advanced degree from an accredited institution of higher education or a junior or community college;

"(C) has a military occupational specialty, training, or experience related to health care or is likely to be able to obtain such training in a short period of time, as determined by the Secretary; and

"(D) satisfies such other criteria for selection as the Secretary may prescribe.

"(2) A member who is discharged or released from service under other than honorable conditions shall not be eligible to participate in the program.

"(c) SELECTION OF PARTICIPANTS.—(1) The Secretary of Defense shall select members to participate in the program established under subsection (a) on the basis of applications submitted to the Secretary before the date of the discharge or release of the members from active duty. An application shall be in such form and contain such information as the Secretary may require.

"(2) The Secretary may not select a member to participate in the program unless the Secretary has sufficient appropriations for the placement program available at the time of the selection to satisfy the obligations to be incurred by the United States under subsection (d) with respect to that member.

"(d) GRANTS TO FACILITATE EMPLOYMENT.—(1) The Secretary of Defense may enter into an agreement with a health care provider to assist eligible members selected under subsection (c) to obtain suitable employment with the health care provider. Under the agreement, the provider shall agree to employ a participant in the program on a full-time basis for at least a five-year period.

"(2) Under an agreement referred to in paragraph (1), the Secretary shall agree to pay to the health care provider involved an amount based upon the basic salary paid by the health care provider to the participant. The rate of payment by the Secretary shall be as follows:

"(A) For the first year of employment, 50 percent of the basic salary, except that the payment may not exceed $25,000.

"(B) For the second year of employment, 40 percent of the basic salary, except that the payment may not exceed $10,000.

"(C) For the third year of employment, 30 percent of the basic salary, except that the payment may not exceed $7,500.

"(D) For the fourth year of employment, 20 percent of the basic salary, except that the payment may not exceed $5,000.

"(E) For the fifth year of employment, 10 percent of the basic salary, except that the payment may not exceed $2,500.

"(3) Payments required under paragraph (2) may be made by the Secretary in such installments as the Secretary may determine.

"(4) If a participant who is placed under this program leaves the employment of the health care provider before the end of the five years of required employment service, the provider shall reimburse the Secretary in an amount that bears the same ratio to the total amount already paid under the agreement as the unserved portion bears to the five years of required service.

"(5) The Secretary may not make a grant under this subsection to a health care provider if the Secretary determines that the provider terminated the employment of another employee in order to fill the vacancy so created with a participant in this program.".

(c) PRESEPARATION COUNSELING.—Section 1142(b)(4) of title 10, United States Code, is amended by striking out "program established under section 1151 of this title to assist members to obtain employment as elementary or secondary school teachers or teachers' aides." and inserting in lieu thereof "programs established under sections 1151, 1152, and 1153 of this title.".

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

"1152. Assistance to separated members to obtain employment with law enforcement agencies.

"1153. Assistance to separated members to obtain employment with health care providers.".

SEC. 1333. GRANTS TO INSTITUTIONS OF HIGHER EDUCATION TO PROVIDE EDUCATION AND TRAINING IN ENVIRONMENTAL RESTORATION TO DISLOCATED DEFENSE WORKERS AND YOUNG ADULTS.

(a) GRANT PROGRAM REQUIRED.—(1) The Secretary of Defense shall establish a program to provide demonstration grants to institutions of higher education to assist such institutions in providing education and training in environmental restoration and hazardous waste management to eligible dislocated defense workers and young adults described in subsection (d). The Secretary shall award the grants pursuant to a merit-based selection process.

(2) A grant provided under this subsection may cover a period of not more than three fiscal years, except that the payments under the grant for the second and third fiscal year shall be subject to the approval of the Secretary and to the availability of appropriations to carry out this section in that fiscal year.

(b) APPLICATION.—To be eligible for a grant under subsection (a), an institution of higher education shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require. The application shall include the following:

(1) An assurance by the institution of higher education that it will use the grant to supplement and not supplant non-Federal funds that would otherwise be available for the education and training activities funded by the grant.

(2) A proposal by the institution of higher education to provide expertise, training, and education in hazardous materials and waste management and other environmental fields applicable to defense manufacturing sites and Department of Defense and Department of Energy defense facilities.

(c) USE OF GRANT FUNDS.—(1) An institution of higher education receiving a grant under subsection (a) shall use the grant to establish a consortium consisting of the institution and one or more of each of the entities described in paragraph (2) for the purpose of establishing and conducting a program to provide education and training in environmental restoration and waste management to eligible individuals described in subsection (d). To the extent practicable, the Secretary shall authorize the consortium to use a military installation closed or selected to be closed under a base closure law in providing on-site basic skills training to participants in the program.

(2) The entities referred to in paragraph (1) are the following:

(A) Representatives of appropriate State and local agencies.

(B) Private industry councils (as described in section 102 of the Job Training Partnership Act (29 U.S.C. 1512)).

(C) Community-based organizations (as defined in section 4(5) of such Act (29 U.S.C. 103(5)).

(D) Businesses.

(E) Organized labor.

(F) Other appropriate educational institutions.

(d) ELIGIBLE INDIVIDUALS.—A program established or conducted using funds provided under subsection (a) may provide education and training in environmental restoration and waste management to—

(1) individuals who have been terminated or laid off from employment (or have received notice of termination or lay off) as a consequence of reductions in expenditures by the United States for defense, the cancellation, termination, or completion of a defense contract, or the closure or realignment of a military installation under a base closure law, as determined in accordance with regulations prescribed by the Secretary; or

(2) individuals who have attained the age of 16 but not the age of 25.

(e) ELEMENTS OF EDUCATION AND TRAINING PROGRAM.—In establishing or conducting an education and training program using funds provided under subsection (a), the institution of higher education shall meet the following requirements:

(1) The institution of higher education shall establish and provide a work-based learning system consisting of education and training in environmental restoration—

(A) which may include basic educational courses, on-site basic skills training, and mentor assistance to individuals described in subsection (d) who are participating in the program; and

(B) which may lead to the awarding of a certificate or degree at the institution of higher education.

(2) The institution of higher education shall undertake outreach and recruitment efforts to encourage participation by eligible individuals in the education and training program.

(3) The institution of higher education shall select participants for the education and training program from among eligible individuals described in paragraph (1) or (2) of subsection (d).

(4) To the extent practicable, in the selection of young adults described in subsection (d)(2) to participate in the education and training program, the institution of higher education shall give priority to those young adults who—

(A) have not attended and are otherwise unlikely to be able to attend an institution of higher education; or

(B) have, or are members of families who have, received a total family income that, in relation to family size, is not in excess of the higher of—

(i) the official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902(2)); or

(ii) 70 percent of the lower living standard income level.

(5) To the extent practicable, the institution of higher education shall select instructors for the education and training program from institutions of higher education, appropriate community programs, and industry and labor.

(6) To the extent practicable, the institution of higher education shall consult with appropriate Federal, State, and local agencies carrying out environmental restoration programs for the purpose of achieving coordination between such programs and the education and training program conducted by the consortium.

(f) SELECTION OF GRANT RECIPIENTS.—To the extent practicable, the Secretary shall provide grants to institutions of higher education under subsection (a) in a manner which will equitably distribute such grants among the various regions of the United States.

(g) LIMITATION ON AMOUNT OF GRANT TO A SINGLE RECIPIENT.—The amount of a grant under subsection (a) that may be made to a single institution of higher education in a fiscal year may not exceed ⅓ of the amount made available to provide grants under such subsection for that fiscal year.

(h) REPORTING REQUIREMENTS.—(1) The Secretary may provide a grant to an institution of higher education under subsection (a) only if the institution agrees to submit to the Secretary, in each fiscal year in which the Secretary makes payments under the grant to the institution, a report containing—

(A) a description and evaluation of the education and training program established by the consortium formed by the institution under subsection (c); and

(B) such other information as the Secretary may reasonably require.

(2) Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to the President and Congress an interim report containing—

(A) a compilation of the information contained in the reports received by the Secretary from each institution of higher education under paragraph (1); and

(B) an evaluation of the effectiveness of the demonstration grant program authorized by this section.

(3) Not later than January 1, 1997, the Secretary shall submit to the President and Congress a final report containing—

(A) a compilation of the information described in the interim report; and

(B) a final evaluation of the effectiveness of the demonstration grant program authorized by this section, including a recommendation as to the feasibility of continuing the program.

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

(1) BASE CLOSURE LAW.—The term "base closure law" means the following:

(A) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 104 Stat. 1808; 10 U.S.C. 2687 note).

(B) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 102 Stat. 2627; 10 U.S.C. 2687 note).

(C) Section 2687 of title 10, United States Code.

(D) Any other similar law enacted after the date of the enactment of this Act.

(2) ENVIRONMENTAL RESTORATION.—The term "environmental restoration" means actions taken consistent with a permanent remedy to prevent or minimize the release of hazardous substances into the environment so that such substances do not migrate to cause substantial danger to present or future public health or welfare or the environment.

(3) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given such term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

(4) SECRETARY.—The term "Secretary" means the Secretary of Defense.

(j) CONFORMING REPEAL.—Section 4452 of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102–484; 10 U.S.C. 2701 note) is repealed.

SEC. 1334. REVISION TO IMPROVEMENTS TO EMPLOYMENT AND TRAINING ASSISTANCE FOR DISLOCATED WORKERS.

The matter inserted by the amendment made by section 4467(f)(1) of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102–484; 106 Stat. 2751) is amended to read as follows:

"(s)(1) Notwithstanding title II of the Federal Property and Administrative Services Act of 1949 and any other provision of law, the Secretary and the Secretary of Education shall receive priority by the Secretary of Defense for the direct transfer, on a nonreimbursable basis, of the property described in paragraph (2) for use in carrying out programs under this Act or under any other Act.

"(2) The property described in this paragraph is both real and personal property under the control of the Department of Defense that is not used by such Department, including property that the Secretary of Defense determines is in excess of current and projected requirements of such Department.".

SEC. 1335. DEMONSTRATION PROGRAM FOR THE TRAINING OF RECENTLY DISCHARGED VETERANS FOR EMPLOYMENT IN CONSTRUCTION AND IN HAZARDOUS WASTE REMEDIATION.

(a) ESTABLISHMENT.—The Secretary of Defense shall establish a demonstration program to promote the training and employment of veterans in the construction and hazardous waste remediation industries. Using funds made available to carry out this section the Secretary shall make grants under the demonstration program to organizations that meet the eligibility criteria specified in subsection (b).

(b) GRANT ELIGIBILITY CRITERIA.—An organization is eligible to receive a grant from the Secretary under subsection (a) if it—

(1) demonstrates, to the satisfaction of the Secretary, an ability to recruit and counsel veterans for participation in the demonstration program under this section;

(2) has entered into an agreement with a joint labor-management training fund established pursuant to section 8(f) of the National Labor Relations Act (29 U.S.C. 158(f)) to implement and operate a training and employment program for veterans;

(3) agrees under the agreement referred to in paragraph (2) to use grant funds to carry out a program that will provide eligible veterans with training for employment in the construction and hazardous waste remediation industries;

(4) provides such training for eligible veterans during a period that does not exceed 18 months;

(5) demonstrates actual experience in providing training for veterans under an agreement referred to in paragraph (2);

(6) agrees to make, along with all subgrantees, a substantial in-kind contribution (as determined by the Secretary of Defense) from non-Federal sources to the demonstration program under this section; and

(7) gives its assurances, to the satisfaction of the Secretary, that full time, permanent jobs will be available for individuals successfully completing the training program, with a special emphasis on jobs with employers in construction and hazardous waste remediation on Department of Defense facilities.

(c) ELIGIBLE VETERANS.—An individual is an eligible veteran for the purposes of subsection (b)(3) if the individual—

(1)(A) served in the active military, naval, or air service for a period of at least two years;

(B) was discharged or released from active duty because of a service-connected disability; or

(C) is entitled to compensation (or who but for the receipt of military retired pay would be entitled to compensation) under the laws administered by the Secretary of Veterans Affairs for a disability rated at 30 percent or more; and

(2) was discharged or released on or after August 2, 1990, under conditions other than dishonorable.

(d) PREFERENCE.—In carrying out the demonstration program under this section, the Secretary shall ensure that a preference is given to eligible veterans whose primary or secondary occupational specialty in the Armed Forces is (as determined under regulations prescribed by the Secretary and in effect before the date of such separation) not readily transferable to the civilian work force.

(e) HAZARDOUS WASTE OPERATIONS TRAINING GOAL.—It is the sense of Congress that at least 20 percent of the total number of veterans completing training under the demonstration program under this section should complete the training required—

(1) for certification under section 126 of the Superfund Amendments and Reauthorization Act of 1986 (29 U.S.C. 655 note), and

(2) under any other Federal law which requires certification for employees engaged in hazardous waste operations.

(f) USE OF FUNDS.—Funds made available to carry out this section may only be used for tuition and stipends to cover the living and travel expenses of participants, except that the Secretary may provide that not more than a total of 4 percent of all the funds made available under this section may be used for administrative expenses of grantees and subgrantees.

(g) LIMITATION ON TUITION CHARGED.—The amount of tuition charged with respect to veterans participating in the demonstration program under this section may not exceed the amount of tuition charged to nonveterans participating in programs substantially similar to such demonstration program.

(h) CAP ON EXPENDITURES PER PARTICIPANT.—Of the funds made available to carry out this section—

(1) not more than $1,000 may be expended with respect to each veteran participating in the construction phase of the demonstration program, and

(2) not more than an additional $1,000 may be expended with respect to each veteran participating in the hazardous waste remediation phase of the demonstration program, except that the Secretary may authorize an additional $300 for the training of a veteran participating in such phase if the Secretary determines that such additional amount is necessary because of the type of training needed for the particular kind of hazardous waste remediation involved.

(i) REPORTS.—(1) Not later than November 1, 1994, the Secretary shall submit an interim report to the Congress describing the manner in which the demonstration program is being carried out under this section, including a detailed description of the number of grants made, the number of veterans involved, the kinds of training received, and any job placements that have occurred or that are anticipated.

(2) Not later than December 31, 1995, the Secretary shall submit a final report to the Congress containing a description of the results of the demonstration program with a detailed description of the number of grants made, the number of veterans involved, the number of veterans who completed the program, the number of veterans who were placed in jobs, the number of veterans who failed to complete the program along with the reasons for such failure, and any recommendations the Secretary deems appropriate.

(j) TERMINATION.—Not later than October 1, 1994, the Secretary shall obligate, in accordance with the provisions of this section, the funds made available to carry out the demonstration program under this section.

SEC. 1336. SERVICE MEMBERS OCCUPATIONAL CONVERSION AND TRAINING.

(a) AUTHORIZATION FOR FISCAL YEAR 1994.—(1) Section 4495(a)(1) of the Service Members Occupational Conversion and Training Act of 1992 (subtitle G of title XLIV of Public Law 102–484; 106 Stat. 2768) is amended by inserting after the first sentence the following: "Of the amounts made available pursuant to section 1302(a) of the National Defense Authorization Act for Fiscal Year 1994, $25,000,000 shall be made available for the purpose of making payments to employers under this subtitle.".

(2) Section 4496 of such Act (106 Stat. 2769) is amended—

(A) in paragraph (1), by striking "September 30, 1995" and inserting "September 30, 1996"; and

(B) in paragraph (2), by striking "March 31, 1996" and inserting "March 31, 1997".

(b) PROVISION OF TRAINING THROUGH EDUCATIONAL INSTITUTIONS.—Section 4489 of such Act (106 Stat. 2764) is amended by inserting "or any other institution offering a program of job training, as approved by the Secretary of Veterans Affairs," after "United States Code,".

Subtitle D—Other Matters

SEC. 1341. ENCOURAGEMENT OF INDUSTRIAL DIVERSIFICATION PLANNING FOR CERTAIN DEFENSE CONTRACTORS.

(a) DIVERSIFICATION PLANNING.—As part of each major defense contract entered into by the Secretary of Defense, the Secretary shall encourage that the contractor prepare an industrial diversification plan for the defense-related operations of the contractor.

(b) REGULATIONS.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall prescribe regulations to carry out this section. With respect to major defense contracts, the regulations required by this subsection shall supersede any regulations prescribed by the Secretary pursuant to section 4239 of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102–484; 10 U.S.C. 2501 note).

(c) MAJOR DEFENSE CONTRACTOR DEFINED.—For purposes of this section, the term "major defense contract" means any contract for goods or services for the Department of Defense in an amount equal to or greater than $5,000,000.

(d) APPLICATION OF PLANNING REQUIREMENTS.—Subsection (a) shall apply with respect to major defense contract entered into by the Secretary on or after the date of the enactment of this Act.

(e) STUDIES REGARDING DEFENSE CONVERSION MARKET CREATION.—(1) To assist the defense diversification planning undertaken pursuant to subsection (a), the Secretary shall sponsor not more than five studies to identify economic sectors and strategies that will best facilitate the process of defense conversion, diversification, and reinvestment. The studies shall be conducted by nongovernmental entities selected pursuant to a contract with the Secretary. An entity selected to conduct a study under this subsection shall consult with representatives of both management and employees of defense contractors participating in industrial diversification planning pursuant to subsection (a).

(2) Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report describing the results of the studies conducted pursuant to this subsection.

SEC. 1342. ENCOURAGEMENT FOR THE PURCHASE OR LEASE OF VEHICLES PRODUCING ZERO OR VERY LOW EXHAUST EMISSIONS.

From funds authorized to be appropriated in subtitle A of title I and section 301 for the purchase or lease of non-tactical administrative vehicles (such as automobiles, utility trucks, buses, and vans), the Secretary of Defense is encouraged to expend not less than 10 percent of such funds for the purchase or lease of vehicles producing zero or very low exhaust emissions.

SEC. 1343. REVISION TO REQUIREMENTS FOR NOTICE TO CONTRACTORS UPON PROPOSED OR ACTUAL TERMINATION OF DEFENSE PROGRAMS.

Section 4471 of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (106 Stat. 2753; 10 U.S.C. 2501 note) is amended to read as follows:

"SEC. 4471. NOTICE TO CONTRACTORS AND EMPLOYEES UPON PROPOSED AND ACTUAL TERMINATION OR SUBSTANTIAL REDUCTION IN MAJOR DEFENSE PROGRAMS.

"(a) NOTICE REQUIREMENT AFTER SUBMISSION OF PRESIDENT'S BUDGET TO CONGRESS.—Each year, in conjunction with the preparation of the President's budget for the next fiscal year, the Secretary of Defense and the Secretary of Energy shall each assess which major defense programs (if any) under their respective jurisdictions are proposed to be terminated or substantially reduced under the budget of the President for the next fiscal year. As soon as reasonably practicable after the date on which that budget is submitted to Congress pursuant to section 1105 of title 31, United States Code, and not more than 180 days after such date, each such Secretary, in accordance with regulations prescribed by that Secretary, shall provide notice of the proposed termination of, or substantial reduction in, each such program—

"(1) directly to each prime contractor under that program; and

"(2) by general notice through publication in the Federal Register.

"(b) NOTICE REQUIREMENT AFTER ENACTMENT OF APPROPRIATIONS ACT.—

"(1) DEPARTMENT OF DEFENSE.—As soon as reasonably practicable after the enactment of an Act appropriating funds for the military functions of the Department of Defense, and not more than 180 days after such date, the Secretary of Defense, in accordance with regulations prescribed by the Secretary—

"(A) shall determine which major defense programs (if any) of the Department of Defense that were not previously identified under subsection (a) are likely to be terminated or substantially reduced as a result of the funding levels provided in that Act; and

"(B) shall provide notice of the anticipated termination of, or substantial reduction in, that program—

"(i) directly to each prime contractor under that program;

"(ii) directly to the Secretary of Labor; and

"(iii) by general notice through publication in the Federal Register.

"(2) DEPARTMENT OF ENERGY.—As soon as reasonably practicable after the enactment of an Act appropriating funds for national defense programs of the Department of Energy, and not more than 180 days after such date, the Secretary of Energy, in accordance with regulations prescribed by the Secretary—

"(A) shall determine which major defense programs (if any) of the Department of Energy that were not previously identified under subsection (a) are likely to be terminated or substantially reduced as a result of the funding levels provided in that Act; and

"(B) shall provide notice of the anticipated termination of, or substantial reduction in, that program—

"(i) directly to each prime contractor under that program;

"(ii) directly to the Secretary of Labor; and

"(iii) by general notice through publication in the Federal Register.

"(c) NOTICE TO SUBCONTRACTORS.—As soon as reasonably practicable after the date on which the prime contractor for a major defense program receives notice under subsection (a) or (b) of the termination of, or substantial reduction in, that program, and not more than 45 days after such date, the prime contractor shall—

"(1) provide notice of that termination or substantial reduction to each person that is a first-tier subcontractor under a contract in an amount not less than $500,000 for the program; and

"(2) require that each such subcontractor (A) provide such notice to each of its subcontractors

in an amount in excess of $100,000 under the contract, and (B) impose a similar notice and pass through requirement to subcontractors in an amount in excess of $100,000 at all tiers.

"(d) SIX-MONTH CONTRACTOR NOTICE TO EMPLOYEES AND LOCAL GOVERNMENT BEFORE LAYOFFS.—A prime contractor receiving notice under subsection (a) or (b) or a subcontractor receiving notice under subsection (c) relating to a major defense program may not terminate the employment of an individual as a result of the actual termination or substantial reduction of that program until six months after the date on which the contractor or subcontractor provides notice in writing of such contractor or subcontractor's intent to terminate the employment of such individual—

"(1) to that employee and, if there is a labor representative of that employee, to that labor representative;

"(2) to the State dislocated worker unit or office described in section 311(b)(2) of the Job Training Partnership Act (29 U.S.C. 1661(b)(2)) for the State within which that individual resides; and

"(3) to the chief elected official of the unit of general local government within which that individual resides.

"(e) CONSTRUCTIVE NOTICE.—The notice of termination of, or substantial reduction in, a major defense program provided under subsection (d)(1) to an employee of a contractor or subcontractor shall have the same effect as a notice of termination to such employee for the purposes of determining whether such employee is eligible for training, adjustment assistance, and employment services under section 325 or 325A of the Job Training Partnership Act, except where the employer has specified that the termination of, or reduction in, the program is not likely to result in plant closure or mass layoff. Any employee considered to have received such notice under the preceding sentence shall only be eligible to receive services under section 314(b) of such Act and under paragraphs (1) through (14), (16), and (18) of section 314(c) of such Act.

"(f) WITHDRAWAL OF NOTIFICATION UPON SUFFICIENT FUNDING FOR PROGRAM TO CONTINUE.—

"(1) NOTICE TO PRIME CONTRACTOR.—In any case in which—

"(A) the Secretary of Defense or Secretary of Energy has provided a notification under subsection (a) with respect to a major defense program based upon the budget of the President for any fiscal year; and

"(B) that Secretary determines, upon enactment of an Act appropriating funds for the military functions of the Department of Defense or for national defense programs of the Department of Energy for that fiscal year, as the case may be, that due to a sufficient level of funding for the program having been provided in that Act there will not be a termination of, or substantial reduction in, that program,

that Secretary shall provide notice of withdrawal of the notification provided under subsection (a) to each prime contractor that received that notice under subsection (a). Any such notice of withdrawal shall be provided as soon as reasonably practicable after the date of the enactment of the appropriations Act concerned. In any such case, the Secretary shall at the same time provide general notice of such withdrawal by publication in the Federal Register.

"(2) NOTICE TO SUBCONTRACTORS.—As soon as reasonably practicable after the date on which the prime contractor for a major defense program receives notice under paragraph (1) of the withdrawal of a notification previously provided to the contractor under subsection (a), and not more than 45 days after that date, the prime contractor shall provide notice of such withdrawal to each person that is a first-tier subcontractor under a contract in an amount not less than $500,000 for the program and shall require that each such subcontractor provide such notice to each subcontractor in an amount not less than $100,000 at any tier in a contract.

"(3) NOTICE TO EMPLOYEES.—As soon as reasonably practicable after the date on which a prime contractor receives notice of withdrawal under paragraph (1) or a subcontractor receives such notice under paragraph (2), and not more than two weeks after that date, the contractor or subcontractor shall provide notice of such withdrawal—

"(A) to each representative of employees whose work is directly related to the defense contract under the program and who are employed by the contractor or subcontractor or, if there is no such representative at that time, each such employee;

"(B) to the State dislocated worker unit or office described in section 311(b)(2) of the Job Training Partnership Act (29 U.S.C. 1661(b)(2)) and the chief elected official of the unit of general local government within which the adverse effect may occur; and

"(C) to each grantee under section 325(a) or 325A(a) of the Job Training Partnership Act providing training, adjustment assistance, and employment services to an employee described in this paragraph.

"(4) LOSS OF ELIGIBILITY.—An employee who receives notice of withdrawal under paragraph (2) shall not be eligible for training, adjustment assistance, and employment services under section 325 or 325A of the Job Training Partnership Act beginning on the date on which the employee receives the notice.

"(g) TERMINATION AND OTHER REMEDIES FOR FAILURE TO GIVE REQUIRED NOTICE.—A contractor that willfully fails to provide notice as required by any provision of this section may be subject to termination for default of the instant contract, suspension, or debarment, or other remedies as determined by the Secretary of Defense or Secretary of Energy, as appropriate.

"(h) DEFINITIONS.—For purposes of this section:

"(1) MAJOR DEFENSE PROGRAM.—The term 'major defense program' means—

"(A) in the case of the Department of Defense, a program that is carried out to produce or acquire a major system (as defined in section 2302(5) of title 10, United States Code); and

"(B) in the case of the Department of Energy, a program that meets the dollar threshold criteria for treatment of a Department of Defense program as a major system.

"(2) SUBSTANTIAL REDUCTION.—The term 'substantial reduction', with respect to a major defense program, means a reduction of 25 percent or more in the total dollar value of contracts under the program.".

Subtitle E—National Shipbuilding Initiative

SEC. 1351. SHORT TITLE.

This subtitle may be cited as the "National Shipbuilding and Shipyard Conversion Act of 1993".

SEC. 1352. NATIONAL SHIPBUILDING INITIATIVE.

(a) ESTABLISHMENT OF PROGRAM.—There shall be a National Shipbuilding Initiative program, to be carried out to support the industrial base for national security objectives by assisting in the reestablishment of the United States shipbuilding industry as a self-sufficient, internationally competitive industry.

(b) ADMINISTERING DEPARTMENTS.—The program shall be carried out—

(1) by the Secretary of Defense, with respect to programs under the jurisdiction of the Secretary of Defense; and

(2) by the Secretary of Transportation, with respect to programs under the jurisdiction of the Secretary of Transportation.

(c) PROGRAM ELEMENTS.—The National Shipbuilding Initiative shall consist of the following program elements:

(1) FINANCIAL INCENTIVES PROGRAM.—A financial incentives program to provide loan guarantees to initiate commercial ship construction for domestic and export sales, encourage shipyard modernization, and support increased productivity, as provided in title XI of the Merchant Marine Act, 1936 (as amended by this subtitle).

(2) TECHNOLOGY DEVELOPMENT PROGRAM.—A technology development program, to be carried out within the Department of Defense by the Advanced Research Projects Agency, to improve the technology base for advanced shipbuilding technologies and related dual-use technologies through activities including a development program for innovative commercial ship design and production processes and technologies.

(3) NAVY'S AFFORDABILITY THROUGH COMMONALITY PROGRAM.—Enhanced support by the Secretary of Defense for the shipbuilding program of the Department of the Navy known as the Affordability Through Commonality (ATC) program, to include enhanced support (A) for the development of common modules for military and commercial ships, and (B) to foster civil-military integration into the next generation of Naval surface combatants.

(4) NAVY'S MANUFACTURING TECHNOLOGY AND TECHNOLOGY BASE PROGRAMS.—Enhanced support by the Secretary of Defense for, and strengthened funding for, that portion of the Manufacturing Technology program of the Navy, and that portion of the Technology Base program of the Navy, that are in the areas of shipbuilding technologies and ship repair technologies.

SEC. 1353. DEPARTMENT OF DEFENSE PROGRAM MANAGEMENT THROUGH ADVANCED RESEARCH PROJECTS AGENCY.

The Secretary of Defense shall designate the Advanced Research Projects Agency of the Department of Defense as the lead agency of the Department of Defense for activities of the Department of Defense which are part of the National Shipbuilding Initiative program. Those activities shall be carried out as part of defense conversion activities of the Department of Defense.

SEC. 1354. ADVANCED RESEARCH PROJECTS AGENCY FUNCTIONS.

The Secretary of Defense, acting through the Director of the Advanced Research Projects Agency, shall carry out the following functions with respect to the National Shipbuilding Initiative program:

(1) Consultation with the Maritime Administration, the Office of Economic Adjustment, the National Economic Council, the National Shipbuilding Research Project, the Coast Guard, the National Oceanic and Atmospheric Administration, appropriate naval commands and activities, and other appropriate Federal agencies on—

(A) development and transfer to the private sector of dual-use shipbuilding technologies, ship repair technologies, and shipbuilding management technologies;

(B) assessments of potential markets for maritime products; and

(C) recommendation of industrial entities, partnerships, joint ventures, or consortia for short- and long-term manufacturing technology investment strategies.

(2) Funding and program management activities to develop innovative design and production processes and the technologies required to implement those processes.

(3) Facilitation of industry and Government technology development and technology transfer activities (including education and training, market assessments, simulations, hardware models and prototypes, and national and regional industrial base studies).

(4) Integration of promising technology advances made in the Technology Reinvestment Program of the Advanced Research Projects Agency into the National Shipbuilding Initiative to effect full defense conversion potential.

SEC. 1355. ELIGIBLE SHIPYARDS.

To be eligible to receive any assistance or otherwise to participate in any program carried out under the National Shipbuilding Initiative, a shipyard must be a private shipyard located in the United States.

SEC. 1356. LOAN GUARANTEES FOR EXPORT VESSELS.

Title XI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1271 et seq.) is amended as follows:

(1) ELIGIBLE EXPORT VESSEL DEFINED.—Section 1101 is amended by adding at the end the following new subsection:

"(o) The term 'eligible export vessel' means a vessel constructed, reconstructed, or reconditioned in the United States for use in worldwide trade which will, upon delivery or redelivery, be placed under or continued to be documented under the laws of a country other than the United States.".

(2) LIMITATIONS ON GUARANTEE OBLIGATIONS.—Section 1103 is amended—

(A) by amending the first sentence of subsection (f) to read as follows: "The aggregate unpaid principal amount of the obligations guaranteed under this section and outstanding at any one time shall not exceed $12,000,000,000, of which (1) $850,000,000 shall be limited to obligations pertaining to guarantees of obligations for fishing vessels and fishery facilities made under this title, and (2) $3,000,000,000 shall be limited to obligations pertaining to guarantees of obligations for eligible export vessels."; and

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

"(g)(1) The Secretary may not issue a commitment to guarantee obligations for an eligible export vessel unless, after considering—

"(A) the status of pending applications for commitments to guarantee obligations for vessels documented under the laws of the United States and operating or to be operated in the domestic or foreign commerce of the United States,

"(B) the economic soundness of the applications referred to in subparagraph (A), and

"(C) the amount of guarantee authority available,

the Secretary determines, in the sole discretion of the Secretary, that the issuance of a commitment to guarantee obligations for an eligible export vessel will not result in the denial of an economically sound application to issue a commitment to guarantee obligations for vessels documented under the laws of the United States operating in the domestic or foreign commerce of the United States.

"(2) The Secretary may not issue commitments to guarantee obligations for eligible export vessels under this section after the later of—

"(A) the 5th anniversary of the date on which the Secretary publishes final regulations setting forth the application procedures for the issuance of commitments to guarantee obligations for eligible export vessels,

"(B) the last day of any 5-year period in which funding and guarantee authority for obligations for eligible export vessels have been continuously available, or

"(C) the last date on which those commitments may be issued under any treaty, convention, or other international agreement entered into after the date of the enactment of the Shipbuilding Conversion Act of 1993 that prohibits guarantee of those obligations.".

(3) AUTHORITY TO GUARANTEE OBLIGATIONS FOR ELIGIBLE EXPORT VESSELS.—Section 1104A is amended—

(A) by amending so much of subsection (a)(1) as precedes the proviso to read as follows:

"(1) financing, including reimbursement of an obligor for expenditures previously made for, construction, reconstruction, or reconditioning of a vessel (including an eligible export vessel), which is designed principally for research, or for commercial use (A) in the coastwise or intercoastal trade; (B) on the Great Lakes, or on bays, sounds, rivers, harbors, or inland lakes of the United States; (C) in foreign trade as defined in section 905 of this Act for purposes of title V of this Act; or (D) as an ocean thermal energy conversion facility or plantship; (E) with respect to floating drydocks in the construction, reconstruction, reconditioning, or repair of vessels; or (F) with respect to an eligible export vessel, in world-wide trade;";

(B) by amending subsection (b)(2)—

(i) by striking "subject to the provisions of paragraph (1) of subsection (c) of this section," and inserting "subject to the provisions of subsection (c)(1) and subsection (i),", and

(ii) by inserting before the semicolon at the end the following: ": Provided, further That in the case of an eligible export vessel, such obligations may be in an aggregate principal amount which does not exceed 87½ of the actual cost or depreciated actual cost of the eligible export vessel";

(C) by amending subsection (b)(6) by inserting after "United States Coast Guard" the following: "or, in the case of an eligible export vessel, of the appropriate national flag authorities under a treaty, convention, or other international agreement to which the United States is a party";

(D) in subsection (d), by adding at the end the following new paragraph:

"(3) No commitment to guarantee, or guarantee of an obligation may be made by the Secretary under this title for the construction, reconstruction or reconditioning of an eligible export vessel unless—

"(A) the Secretary finds that the construction, reconstruction, or reconditioning of such eligible export vessel will aid in the transition of United States shipyards to commercial activities or will preserve shipbuilding assets that would be essential in time of war or national emergency, and

"(B) the owner of the eligible export vessel agrees with the Secretary that the vessel shall not be transferred to any country designated by the Secretary as a country whose interests are hostile to the interests of the United States.";

and

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

"(i) The Secretary may not, with respect to—

"(1) the general 75 percent or less limitation in subsection (b)(2);

"(2) the 87½ percent or less limitation in the 1st, 2nd, 4th, or 5th proviso to subsection (b)(2) or section 1111(b); or

"(3) the 80 percent or less limitation in the 3rd proviso to such subsection;

establish by rule, regulation, or procedure any percentage within any such limitation that is, or is intended to be, applied uniformly to all guarantees or commitments to guarantee made under this section that are subject to the limitation.".

(4) LIMITATION ON AUTHORITY TO ESTABLISH UNIFORM PERCENTAGE LIMITATION.—Section 1104B is amended by adding at the end of subsection (b) the following flush sentence:

"The Secretary may not by rule, regulation, or procedure establish any percentage within the 87½ percent or less limitation in paragraph (2) that is, or is intended to be, applied uniformly to all guarantees or commitments to guarantee made under this section.".

(5) CONFORMING AMENDMENT.—Section 1103(a) is amended in the first sentence by striking ", upon application by a citizen of the United States,".

SEC. 1357. LOAN GUARANTEES FOR SHIPYARD MODERNIZATION AND IMPROVEMENT.

(a) IN GENERAL.—Title XI of the Merchant Marine Act, 1936, is further amended by adding at the end the following new section:

"SEC. 1111. (a) The Secretary, under section 1103(a) and subject to the terms the Secretary shall prescribe, may guarantee or make a commitment to guarantee the payment of the principal of, and the interest on, an obligation for advanced shipbuilding technology and modern shipbuilding technology of a general shipyard facility located in the United States.

"(b) Guarantees or commitments to guarantee under this section are subject to the extent applicable to all the laws requirements, regulations, and procedures that apply to guarantees or commitments to guarantee made under this title, except that guarantees or commitments to guarantee made under this section may be in the aggregate principal amount that does not exceed 87½ percent of the actual cost of the advanced shipbuilding technology or modern shipbuilding technology.

"(c) The Secretary may accept the transfer of funds from any other department, agency, or instrumentality of the United States Government and may use those funds to cover the cost (as defined in section 502 of the Federal Credit Reform Act of 1990) of making guarantees or commitments to guarantee loans entered into under this section.

"(d) For purposes of this section:

"(1) The term 'advanced shipbuilding technology' includes—

"(A) numerically controlled machine tools, robots, automated process control equipment, computerized flexible manufacturing systems, associated computer software, and other technology for improving shipbuilding and related industrial production which advance the state-of-the-art; and

"(B) novel techniques and processes designed to improve shipbuilding quality, productivity, and practice, and to promote sustainable development, including engineering design, quality assurance, concurrent engineering, continuous process production technology, energy efficiency, waste minimization, design for recyclability or parts reuse, inventory management, upgraded worker skills, and communications with customers and suppliers.

"(2) The term 'modern shipbuilding technology' means the best available proven technology, techniques, and processes appropriate to enhancing the productivity of shipyards.

"(3) The term 'general shipyard facility' means—

"(A) for operations on land—

"(i) any structure or appurtenance thereto designed for the construction, repair, rehabilitation, refurbishment or rebuilding of any vessel (as defined in title 1, United States Code) and including graving docks, building ways, ship lifts, wharves, and pier cranes;

"(ii) the land necessary for any structure or appurtenance described in clause (i); and

"(iii) equipment that is for the use in connection with any structure or appurtenance and that is necessary for the performance of any function referred to in subparagraph (A);

"(B) for operations other than on land, any vessel, floating drydock or barge built in the United States and used for, equipped to be used for, or of a type that is normally used for activities referred to in subparagraph (A)(i) of this paragraph.".

(b) CONFORMING AMENDMENT.—Section 1101(n) of that Act (46 App. U.S.C. 1271(n)) is amended by striking "vessels." and inserting "vessels and general shipyard facilities (as defined in section 1111(d)(3)).".

SEC. 1358. FUNDING FOR CERTAIN LOAN GUARANTEE COMMITMENTS FOR FISCAL YEAR 1994.

(a) FUNDING.—Amounts appropriated to the Secretary of Defense pursuant to the authorization of appropriations in section 109 shall be available only for transfer to the Secretary of Transportation. Of such amounts—

(1) $175,000,000 shall be available only for costs (as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) of new loan guarantee commitments under section 1104A(a)(1) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1274(a)(1)), as amended by section 1356, for vessels of at least 10,000 gross tons that are commercially marketable on the international market (including eligible export vessels); and

(2) $25,000,000 shall be available only for costs (as defined in section 502 of the Federal Credit Reform Act of 1990) of new loan guarantee commitments under section 1111 of the Merchant Marine Act, 1936, as added by section 1357.

(b) TRANSFER TO SECRETARY OF TRANSPORTATION.—Subject to the provisions of appropriations Acts, amounts made available under subsection (a) shall be transferred to the Secretary of Transportation for use as described in that subsection. Any such transfer shall be made not later than 90 days after the date of the enactment of an Act appropriating the funds to be transferred.

SEC. 1359. AUTHORIZATIONS OF APPROPRIATIONS.

(a) AUTHORIZATIONS FOR DEPARTMENT OF TRANSPORTATION.—There is authorized to be appropriated to the Secretary of Transportation for fiscal year 1994 the sum of $10,000,000 to pay administrative costs related to new loan guarantee commitments described in subsection (a) of section 1358, of which—

(1) $8,000,000 shall be for administrative costs related to new loan guarantee commitments described in paragraph (1) of that subsection; and

(2) $2,000,000 shall be for administrative costs related to new loan guarantee commitments described in paragraph (2) of that subsection.

(b) AVAILABILITY OF AMOUNTS.—Amounts appropriated under the authority of this section shall remain available until expended.

TITLE XIV—NATIONAL COMMISSION ON ROLES AND MISSIONS OF THE ARMED FORCES

SEC. 1401. SHORT TITLE.

This title may be cited as the "National Commission on Roles and Missions of the Armed Forces Act".

SEC. 1402. FINDINGS.

Congress makes the following findings:

(1) The current allocation of roles and missions among the Armed Forces evolved from the practice during World War II to meet the Cold War threat and may no longer be appropriate for the post-Cold War era.

(2) Many analysts believe that a realignment of those roles and mission is essential for the efficiency and effectiveness of the Armed Forces, particularly in light of lower budgetary resources that will be available to the Department of Defense in the future.

(3) The existing process of a triennial review of roles and missions by the Chairman of the Joint Chiefs of Staff pursuant to provisions of law enacted by the Goldwater-Nichols Department of Defense Reauthorization Act of 1986 has not produced the comprehensive review envisioned by Congress.

(4) It is difficult for any organization, and may be particularly difficult for the Department of Defense, to reform itself without the benefit and authority provided by external perspectives and analysis.

SEC. 1403. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is hereby established in the executive branch of the Government a commission to be known as the National Commission on Roles and Missions of the Armed Forces (hereinafter in this title referred to as the "Commission").

(b) COMPOSITION AND QUALIFICATIONS.—

(1) The Commission shall be composed of seven members. Members of the Commission shall be appointed by the President.

(2) The Commission shall be appointed from among private United States citizens with appropriate and diverse military, organizational, and management experiences and historical perspectives.

(3) The President shall designate one of the members as chairman of the Commission.

(c) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) INITIAL ORGANIZATIONAL REQUIREMENTS.—

(1) The President shall make all appointments to the Commission within 45 days after the date of the enactment of this Act.

(2) The Commission shall convene its first meeting within 30 days after the first date on which all members of the Commission have been appointed. At that meeting, the Commission shall develop an agenda and a schedule for carrying out its duties.

SEC. 1404. DUTIES OF COMMISSION.

(a) IN GENERAL.—Over the period of fiscal years 1994 through 1998, the Commission shall—

(1) review the efficacy and appropriateness for the post-Cold War era of the current allocations among the Armed Forces of roles, missions, and functions;

(2) evaluate and report on alternative assignments of those roles, missions and functions; and

(3) make recommendations for changes in the current definition and distribution of those roles, functions, and missions.

(b) REVIEW OF POTENTIAL MILITARY OPERATIONS.—The Commission shall review the types of military operations that may be required in the post-Cold War era, taking into account the requirements for success in various types of operations. As part of such review, the Commission shall take into consideration the official strategic planning of the Department of Defense. The types of operations to be considered by the Commission as part of such review shall include the following:

(1) Defense of the United States.

(2) Warfare against other national military forces.

(3) Limited military action for political effect.

(4) Action against nuclear, chemical, and biological weapons capabilities in hostile hands.

(5) Support of law enforcement.

(6) Other types of operations as specified by the chairman of the Commission.

(c) DEFINITION OF BROAD MISSION AREAS AND KEY SUPPORT REQUIREMENTS.—As a result of the review under subsection (b), the Commission shall define broad mission areas and key support requirements for the United States military establishment as a whole.

(d) DEVELOPMENT OF CONCEPTUAL FRAMEWORK FOR ORGANIZATIONAL ALLOCATIONS.—The Commission shall determine a conceptual framework for the review of the organizational allocation among the Armed Forces of military roles, missions, and functions. In developing that framework, the Commission shall consider—

(1) static efficiency (such as duplicative overhead and economies of scale);

(2) dynamic effectiveness (including the benefits of competition and the effect on innovation);

(3) interoperability, responsiveness, and other aspects of military effectiveness in the field;

(4) gaps in mission coverage and so-called orphan missions that are inadequately served by existing organizational entities;

(5) division of responsibility on the battlefield;

(6) exploitation of new technology and operational concepts;

(7) civilian control of the military;

(8) the degree of disruption that a change in roles and missions would entail; and

(9) the experience of other nations.

The Commission shall evaluate the costs and benefits of unifying the Armed Forces into a single military service as a baseline for assessing the maximum benefits that may be achieved from less sweeping reforms.

(e) RECOMMENDATIONS CONCERNING MILITARY ROLES AND MISSIONS.—Using the conceptual framework developed under subsection (d) to evaluate possible changes to the existing allocation among the Armed Forces of military roles, missions, and functions, the Commission shall recommend (1) the functions for which each military department should organize, train, and equip forces, (2) the missions of combatant commands, and (3) the roles that Congress should assign to the various military elements of the Department of Defense.

(f) RECOMMENDATIONS CONCERNING CIVILIAN ELEMENTS OF DEPARTMENT OF DEFENSE.—The Commission may address the roles, missions, and functions of civilian portions of the Department of Defense and other national security agencies to the extent that changes in these areas are collateral to changes considered in military roles, functions, and mission.

(g) RECOMMENDATIONS CONCERNING PROCESS FOR FUTURE CHANGES.—The Commission shall also recommend a process for maintaining roles, missions, and functions in congruence with the strategic environment as it changes in the future.

SEC. 1405. REPORTS.

(a) IMPLEMENTATION PLAN.—Not later than three months after the date on which the Commission is established, the Commission shall transmit to the Committees on Armed Services of the Senate and House of Representatives a report setting forth a multiyear plan for the work of the Commission, including the subjects to be addressed in the program of the Commission for each year of its existence. The plan shall be developed following discussions with the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and the chairmen of those committees.

(b) ANNUAL REPORT.—The Commission shall, not later than March 1 of each year from 1995 through 1999, submit to the committees named in subsection (a) a report setting forth the activities of the Commission during the preceding year and any recommendations for legislation that the Commission considers advisable. The Commission shall submit a preliminary version of each such annual report to the Secretary of Defense and Chairman of the Joint Chiefs of Staff not later than December 25 of the preceding year, and the Secretary and Chairman shall submit comments thereon to the Commission not later than the following February 1.

(c) ASSESSMENT OF IMPLEMENTATION.—In each report under subsection (b) after the first, the Commission shall include its assessment of the performance of the Department of Defense to that date in carrying out any recommendations made by the Commission in any previous reports under this section.

(d) COORDINATION WITH TRIENNIAL JCS ROLES AND MISSIONS REPORT.—Any report of the Chairman of the Joint Chiefs of Staff under section 153(b) of title 10, United States Code, that is submitted to the Secretary of Defense during the period of the existence of the Commission shall also be submitted to the Commission. In its next report under subsection (b) after receiving any such report of the Chairman of the Joint Chiefs of Staff, the Commission shall provide its assessment of the Chairman's report.

SEC. 1406. POWERS.

(a) HEARINGS.—The Commission or, at its direction, any panel or member of the Commission, may, for the purpose of carrying out the provisions of this title, hold hearings, sit and act at times and places, take testimony, receive evidence, and administer oaths to the extent that the Commission or any panel or member considers advisable.

(b) INFORMATION.—The Commission may secure directly from the Department of Defense and any other Federal department or agency any information that the Commission considers necessary to enable the Commission to carry out its responsibilities under this subpart. Upon request of the chairman of the Commission, the head of such department or agency shall furnish such information expeditiously to the Commission.

SEC. 1407. COMMISSION PROCEDURES.

(a) MEETINGS.—The Commission shall meet at the call of the chairman.

(b) QUORUM.—

(1) Four members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(2) The Commission shall act by resolution agreed to by a majority of the members of the Commission.

(c) PANELS.—The Commission may establish panels composed of less than the full membership of the Commission for the purpose of carrying out the Commission's duties. The actions of each such panel shall be subject to the review and control of the Commission. Any findings and determinations made by such a panel shall not be considered the findings and determinations of the Commission unless approved by the Commission.

(d) AUTHORITY OF INDIVIDUALS TO ACT FOR COMMISSION.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take under this title.

SEC. 1408. PERSONNEL MATTERS.

(a) PAY OF MEMBERS.—Each member of the Commission shall be paid at a rate equal to the daily equivalent of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without pay in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—(1) The chairman of the Commission may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, appoint a staff director and such additional personnel as may be necessary to enable the Commission to perform its duties. The appointment of a staff director shall be subject to the approval of the Commission.

(2) The chairman of the Commission may fix the pay of the staff director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay fixed under this paragraph for the staff director may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title and the rate of pay for other personnel may not exceed the maximum rate payable for grade GS-15 of the General Schedule.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the chairman of the Commission, the head of any Federal department or agency may detail, on a nonreimbursable basis, any personnel of that department or agency to the Commission to assist it in carrying out its duties.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of such title.

SEC. 1409. MISCELLANEOUS ADMINISTRATIVE PROVISIONS.

(a) POSTAL AND PRINTING SERVICES.—The Commission may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(b) MISCELLANEOUS ADMINISTRATIVE AND SUPPORT SERVICES.—The Secretary of Defense shall furnish the Commission, on a reimbursable basis, any administrative and support services requested by the Commission.

(c) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(d) TRAVEL.—To the maximum extent practicable, the members and employees of the Commission shall travel on military aircraft, military ships, military vehicles, or other military conveyances when travel is necessary in the performance of a responsibility of the Commission, except that no such aircraft, ship, vehicle, or other conveyance may be scheduled primarily for the transportation of any such member or employee when the cost of commercial transportation is less expensive.

SEC. 1410. PAYMENT OF COMMISSION EXPENSES.

The compensation, travel expenses, and per diem allowances of members and employees of the Commission shall be paid out of funds available to the Department of Defense for the payment of compensation, travel allowances, and per diem allowances, respectively, of civilian employees of the Department of Defense. The other expenses of the Commission shall be paid out of funds available to the Department of Defense for the payment of similar expenses incurred by that Department.

SEC. 1411. TERMINATION OF THE COMMISSION.

The Commission shall terminate 90 days after the date on which it submits its final report under section 1405.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the "Military Construction Authorization Act for Fiscal Year 1994".

TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or location	Amount
Alabama	Fort Rucker	$42,650,000
Arizona	Fort Huachuca	$8,850,000
California	Fort Irwin	$5,900,000
Colorado	Fort Carson	$4,050,000
	Fitzsimons Medical Center	$10,000,000
Georgia	Fort Benning	$37,650,000
	Fort Stewart	$18,800,000
Hawaii	Schofield Barracks	$18,600,000
Kentucky	Fort Campbell	$40,300,000
	Fort Knox	$41,350,000
Maryland	Aberdeen Proving Ground	$21,700,000
	Fort Detrick	$2,000,000
Missouri	Fort Leonard Wood	$1,000,000
Nevada	Hawthorne Army Ammunition Plant	$7,000,000
New Jersey	Fort Monmouth	$7,500,000
	Picatinny Arsenal	$11,050,000
New Mexico	White Sands Missile Range	$3,300,000
New York	Fort Drum	$4,500,000
	United States Military Academy, West Point	$13,800,000
North Carolina	Fort Bragg	$118,690,000
Oklahoma	Fort Sill	$27,200,000
Pennsylvania	Tobyhanna Army Depot	$750,000
South Carolina	Fort Jackson	$2,700,000
Texas	Fort Bliss	$29,600,000
	Fort Hood	$56,500,000
	Fort Sam Houston	$5,651,000
Utah	Dugway Proving Ground	$16,500,000
	Tooele Army Depot	$1,500,000
Virginia	Fort Belvoir	$860,000

Army: Inside the United States—Continued

State	Installation or location	Amount
	Fort Lee	$32,600,000
	Fort Myer	$6,800,000
Washington	Fort Lewis	$14,200,000
CONUS Various	Classified Locations	$1,852,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or location	Amount
Johnston Island	Johnston Island	$1,700,000
Kwajalein Atoll	Kwajalein	$21,200,000
OCONUS Classified	Classified Locations	$3,600,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Army: Family Housing

State	Installation	Purpose	Amount
California	Fort Irwin	220 units	$25,000,000
Hawaii	Schofield Barracks	348 units	$52,000,000
Maryland	Fort Meade	275 units	$26,000,000
Nevada	Hawthorne Army Ammunition Plant	Demolition	$500,000
New York	U.S. Military Academy, West Point	100 units	$15,000,000
North Carolina	Fort Bragg	224 units	$18,000,000
Wisconsin	Fort McCoy	16 units	$2,950,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $11,805,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may improve existing military family housing in an amount not to exceed $69,630,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1993, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $2,402,338,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $615,403,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $26,500,000.

(3) For the construction of the Ammunition Demilitarization Facility, Anniston Army Depot, Alabama, authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101–510; 104 Stat. 1758), section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1508), and section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2586), $110,900,000.

(4) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $12,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $115,161,000.

(6) For military family housing functions:

(A) For construction and acquisition of military family housing and facilities, $220,885,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $1,150,089,000 of which not more than $268,139,000 may be obligated or expended for the leasing of military family housing worldwide.

(7) For the Homeowners Assistance Program as authorized by section 2832 of title 10, United States Code, $151,400,000, to remain available until expended.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or location	Amount
California	Alameda Naval Air Station	$4,700,000
	Barstow Marine Corps Logistics Base	$8,690,000
	Camp Pendleton Marine Corps Air Station	$3,850,000
	Camp Pendleton Marine Corps Base	$11,130,000
	El Toro Marine Corps Air Station	$1,950,000
	Fallbrook Naval Weapons Station Annex	$4,630,000
	Lemoore Naval Air Station	$1,930,000
	Oakland Naval Supply Center	$10,000,000
	San Diego Naval Hospital	$2,700,000
	San Diego Fleet Industrial Supply Center	$2,270,000
	San Diego Marine Corps Recruit Depot	$1,130,000
	San Diego Naval Training Center	$700,000
	Twentynine Palms, Marine Corps Air-Ground Combat Center	$7,900,000
Connecticut	New London Naval Submarine Base	$40,940,000
District of Columbia	Washington COMNAVDIST	$3,110,000
	Washington NRL	$2,380,000

Navy: Inside the United States—Continued

State	Installation or location	Amount
Florida	Cecil Field, Naval Air Station	$1,500,000
	Jacksonville Naval Air Station	$14,420,000
	Mayport Naval Station	$3,260,000
	Pensacola Naval Air Station	$6,420,000
Georgia	Albany Marine Corps Logistics Base	$940,000
	Kings Bay Naval Submarine Base	$10,920,000
	Kings Bay Tri-Training Facility	$3,870,000
Hawaii	Barbers Point Naval Air Station	$4,050,000
	Honolulu NCTAMS EPAC	$9,120,000
	Pearl Harbor NISMF	$2,620,000
	Pearl Harbor Naval Submarine Base	$54,140,000
	Pearl Harbor Public Works Center	$27,540,000
Indiana	Crane Naval Surface Warfare Center	$9,600,000
Maine	Kittery Portsmouth Naval Shipyard	$4,780,000
Maryland	Bethesda National Naval Medical Center	$3,090,000
	Indian Head Naval Surface Warfare Center	$3,400,000
	Patuxent River Naval Air Warfare Center	$9,300,000
New Jersey	Earle Naval Weapons Station	$2,580,000
Nevada	Fallon Naval Air Station	$1,600,000
North Carolina	Camp Lejeune Marine Corps Base	$41,290,000
	Camp Lejeune Naval Hospital	$2,370,000
	Cherry Point Marine Corps Air Station	$7,500,000
Pennsylvania	Philadelphia ASO	$1,900,000
	Philadelphia NISMF	$8,660,000
	Philadelphia Naval Shipyard	$13,500,000
Rhode Island	Newport Naval Education and Training Center	$18,300,000
South Carolina	Beaufort Marine Corps Air Station	$10,900,000
	Charleston Naval Weapons Station	$580,000
Tennessee	Memphis Naval Air Station	$2,050,000
Texas	Corpus Christi Naval Air Station	$1,670,000
Virginia	Chesapeake MCSFBN NW	$5,380,000
	Craney Island FISC Annex	$11,740,000
	Norfolk Armed Forces College	$8,800,000
	Norfolk COMOPTEVFOR	$8,100,000
	Norfolk NADEP	$17,800,000
	Norfolk Naval Air Station	$12,270,000
	Norfolk Naval Station	$3,000,000
	Norfolk Public Works Center	$5,330,000
	Oceana Naval Air Station	$7,100,000
	Portsmouth Norfolk Naval Shipyard	$13,420,000
	Quantico MCCOMBDEV CMD	$7,450,000
	Wallops Island NSURFWPN CND	$10,170,000
Washington	Bangor Naval Submarine Base	$3,100,000
	Everett Naval Station	$34,000,000
	Keyport NUWC Division	$8,980,000
Various Locations	Wastewater Collection and Treatment Facilities	$3,260,000
	Land Acquisition	$540,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or location	Amount
Guam	Naval Hospital	$2,460,000
	MSCO	$2,170,000
	Anderson Air Force Base NAF	$7,310,000
	Naval Magazine	$3,750,000
	Naval Ocean Communication Center	$690,000
	Naval Station	$14,520,000
	Fleet/Industrial Supply Center	$22,440,000
	Public Works Center	$20,680,000
Italy	Naples NSA	$11,740,000
	Sigonella Naval Air Station	$13,760,000
Spain	Rota Naval Station	$2,670,000
Various Locations	Host Nation Infrastructure Support	$2,960,000
	Land Acquisition	$800,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Navy: Family Housing

State	Installation	Purpose	Amount
California	San Diego Navy Public Works Center	318 units	$36,571,000
District of Columbia	Washington Navy Public Works Center	188 units	$21,556,000
Florida	Pensacola Navy Public Works Center	Housing Self Help/Warehouse	$300,000
Georgia	Kings Bay NSB	Housing Office/Self Help/Warehouse	$790,000
Maine	Brunswick NAS	Mobile Home Spaces	$490,000
Virginia	Norfolk PWC/NAB Little Creek	392 units	$50,674,000
	Oceana NAS	Community Center	$860,000
Washington	Bangor NAVSUBASE	290 units	$27,438,000
United Kingdom	London NAVACTS	81 units	$15,470,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $22,924,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may improve existing military family housing units in the amount of $190,696,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1993, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $1,978,167,000 as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $550,320,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $105,950,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $5,500,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $78,573,000.

(5) For military family housing functions:

(A) For construction and acquisition of military family housing and facilities, $367,769,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $860,055,000, of which not more than $113,308,000 may be obligated or expended for the leasing of military family housing units worldwide.

(6) For the construction of the large anachoic chamber facility at the Patuxent River Naval Warfare Center, Aircraft Division, Maryland, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 1993 (Public Law 102-484, 106 Stat. 2590), $10,000,000.

(b) LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

TITLE XXIII—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or location	Amount
Alabama	Gunter Air Force Base Annex	$4,680,000
	Maxwell Air Force Base	$16,170,000
Alaska	Eielson Air Force Base	$7,800,000
	Elmendorf Air Force Base	$30,805,000
Arizona	Davis Monthan Air Force Base	$7,350,000
	Luke Air Force Base	$12,750,000
	Navajo Army Depot	$7,250,000
Arkansas	Little Rock Air Force Base	$4,500,000
California	Beale Air Force Base	$3,150,000
	Edwards Air Force Base	$11,300,000
	McClellan Air Force Base	$10,200,000
	Travis Air Force Base	$19,140,000
	Vandenberg Air Force Base	$20,728,000
Colorado	Buckley Air National Guard Base	$21,500,000
	Cheyenne Mountain Air Force Base	$4,450,000
	Peterson Air Force Base	$21,030,000
	United States Air Force Academy	$11,680,000
Delaware	Dover Air Force Base	$7,760,000
District of Columbia	Bolling Air Force Base	$2,000,000
Florida	Cape Canaveral Air Force Station	$19,200,000
	Eglin Air Force Base	$12,050,000
	Eglin Auxiliary Field No. 9	$7,829,000
	Patrick Air Force Base	$3,850,000
	Tyndall Air Force Base	$2,600,000
Georgia	Moody Air Force Base	$13,700,000
	Robins Air Force Base	$40,370,000
Hawaii	Hickam Air Force Base	$10,250,000
	Kaena Point	$7,350,000
Illinois	Scott Air Force Base	$7,450,000
Kansas	McConnell Air Force Base	$1,900,000
Louisiana	Barksdale Air Force Base	$2,560,000
Maryland	Andrews Air Force Base	$17,990,000
Mississippi	Columbus Air Force Base	$2,900,000
	Keesler Air Force Base	$8,710,000
Missouri	Whiteman Air Force Base	$36,388,000
Montana	Malmstrom Air Force Base	$7,700,000
Nebraska	Offutt Air Force Base	$11,000,000
Nevada	Nellis Air Force Base	$10,100,000
New Jersey	McGuire Air Force Base	$4,000,000
New Mexico	Cannon Air Force Base	$11,915,000
	Holloman Air Force Base	$9,200,000
	Kirtland Air Force Base	$11,944,000
New York	Plattsburg Air Force Base	$5,100,000
North Carolina	Pope Air Force Base	$8,600,000
	Seymour Johnson Air Force Base	$5,380,000
North Dakota	Grand Forks Air Force Base	$5,850,000
	Minot Air Force Base	$2,000,000
Ohio	Wright-Patterson Air Force Base	$27,650,000
Oklahoma	Altus Air Force Base	$7,710,000
	Tinker Air Force Base	$20,749,000
	Vance Air Force Base	$11,000,000
South Carolina	Charleston Air Force Base	$1,100,000
	Shaw Air Force Base	$5,870,000
South Dakota	Ellsworth Air Force Base	$6,830,000
Tennessee	Arnold Air Force Base	$1,500,000

Air Force: Inside the United States—Continued

State	Installation or location	Amount
	Memphis Naval Air Station	$6,200,000
Texas	Brooks Air Force Base	$8,400,000
	Dyess Air Force Base	$15,590,000
	Goodfellow Air Force Base	$3,700,000
	Kelly Air Force Base	$27,481,000
	Lackland Air Force Base	$30,093,000
	Laughlin Air Force Base	$8,650,000
	Randolph Air Force Base	$5,300,000
	Reese Air Force Base	$900,000
	Sheppard Air Force Base	$18,030,000
Utah	Hill Air Force Base	$27,980,000
Virginia	Langley Air Force Base	$12,450,000
Washington	Fairchild Air Force Base	$3,500,000
	McChord Air Force Base	$10,900,000
Wyoming	F.E. Warren Air Force Base	$12,640,000
Various Locations	Classified	$8,140,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and may carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or location	Amount
Antigua Island	Antigua Air Station	$1,000,000
Ascension Island	Ascension Auxiliary Air Field	$3,400,000
Germany	Ramstein Air Base	$3,100,000
Greenland	Thule Air Base	$5,492,000
Guam	Andersen Air Force Base	$4,100,000
Indian Ocean	Diego Garcia Air Base	$2,260,000
Oman	Thumrait Air Base	$1,800,000
Turkey	Incirlik Air Base	$2,400,000
United Kingdom	RAF Mildenhall	$4,800,000
Classified	Classified Location	$5,500,000

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(7)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Air Force: Family Housing

State or Country	Installation	Purpose	Amount
Alabama	Maxwell Air Force Base	55 units	$4,080,000
Arkansas	Little Rock Air Force Base	Housing Office/Maintenance Facility	$980,000
California	Vandenberg Air Force Base	166 units	$21,907,000
Florida	Patrick Air Force Base	155 units	$15,388,000
	Tyndall Air Force Base	Infrastructure	$5,732,000
Georgia	Robins Air Force Base	117 units	$7,424,000
Louisiana	Barksdale Air Force Base	118 units	$8,578,000
Massachusetts	Hanscom Air Force Base	48 units	$5,135,000
Montana	Malmstrom Air Force Base	Housing Office	$581,000
Texas	Dyess Air Force Base	Housing Maintenance Facility	$281,000
	Lackland Air Force Base	111 units	$8,770,000
Virginia	Langley Air Force Base	Housing Office	$452,000
Washington	Fairchild Air Force Base	1 unit	$184,000
Wyoming	F.E. Warren Air Force Base	104 units	$10,572,000
Italy	Comiso Air Base	460 units	$20,200,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(7)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $11,901,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(7)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $61,181,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1993, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $2,031,428,000 as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $794,492,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $33,852,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $11,844,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $63,882,000.

(5) For advances to the Secretary of Transportation for construction of Defense Access Roads under section 210 of title 23, United States Code, $7,150,000.

(6) For the balance of the amount authorized under section 2301(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2594) for the construction of the climatic test chamber at Eglin Air Force Base, Florida, $57,000,000.

(7) For military family housing functions:

(A) For construction and acquisition of military family housing and facilities, $183,346,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $869,862,000 of which not more than $118,266,000 may be obligated or expended for leasing of military family housing units worldwide.

(8) For phase II of the relocation and construction of up to 1,068 family housing units at

Scott Air Force Base, Illinois, authorized by section 2302(a) of the Military Construction Authorization Act for Fiscal Year 1993 (Public Law 102–484, 106 Stat. 2590), $10,000,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

SEC. 2305. RELOCATION OF AIR FORCE ACTIVITIES FROM SIERRA ARMY DEPOT, CALIFORNIA, TO BEALE AIR FORCE BASE, CALIFORNIA.

(a) STUDENT DORMITORY.—Section 2301(a) of the National Defense Authorization Act for Fiscal Year 1991 (division B of Public Law 101–510; 104 Stat. 1769) is amended in the matter under the heading "CALIFORNIA"—

(1) by striking out "Sierra Army Depot, $3,650,000."; and

(2) by striking out "Beale Air Force Base, $6,300,000." and inserting in lieu thereof the following: "Beale Air Force Base, $9,950,000.".

(b) MUNITION MAINTENANCE FACILITY.—Section 2301(a) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1521) is amended in the matter under the heading "CALIFORNIA"—

(1) by striking out "Sierra Army Depot, $2,700,000."; and

(2) by striking out "Beale Air Force Base, $2,250,000." and inserting in lieu thereof the following: "Beale Air Force Base, $4,950,000.".

SEC. 2306. COMBAT ARMS TRAINING AND MAINTENANCE FACILITY RELOCATION FROM WHEELER AIR FORCE BASE, HAWAII, TO UNITED STATES ARMY SCHOFIELD BARRACKS OPEN RANGE, HAWAII.

Section 2301(a) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101–510; 104 Stat. 1770) is amended in the matter under the heading "HAWAII"—

(1) by striking out "Wheeler Air Force Base, $3,500,000." and inserting in lieu thereof the following: "Wheeler Air Force Base, $2,100,000."; and

(2) by inserting after the item relating to Hickam Air Force Base the following new item: "United States Army Schofield Barracks Open Range, $1,400,000.".

SEC. 2307. AUTHORITY TO TRANSFER FUNDS AS PART OF THE IMPROVEMENT OF DYSART CHANNEL, LUKE AIR FORCE BASE, ARIZONA.

(a) TRANSFER AUTHORITY.—Subject to subsections (b) and (c), the Secretary of Air Force may transfer to Maricopa County, Arizona (in this section referred to as the "County"), funds appropriated for fiscal years beginning after September 30, 1993, for a project, authorized in section 2301(a) of this Act, to widen and make other improvements to the Dysart Channel that are needed to prevent flooding of Luke Air Force Base, Arizona.

(b) USE OF FUNDS.—All funds transferred pursuant to subsection (a) shall be used by the County only for the purpose of conducting the project described in such subsection.

(c) CONDITIONS ON TRANSFER.—Funds may not be transferred pursuant to subsection (a) until after the date on which the Secretary and the County enter into an agreement that addresses cost sharing for the widening and other improvements to be made to the Dysart Channel and such other matters associated with the project as the Secretary considers to be appropriate.

(d) LIMITATION ON AIR FORCE COST SHARE.—The Air Force share of the costs of the project described in subsection (a) may not exceed the lesser of—

(1) 50 percent of the total project cost; or

(2) $6,000,000.

(e) ACQUISITION OF REAL PROPERTY.—Any acquisition of real property for the project described in subsection (a) by the County on behalf of the Air Force shall require the approval of the Secretary of the Air Force. Upon completion of the project, all right, title, and interest in real property contiguous to the existing right-of-way so acquired shall be transferred to the United States.

SEC. 2308. AUTHORITY TO TRANSFER FUNDS FOR SCHOOL CONSTRUCTION FOR LACKLAND AIR FORCE BASE, TEXAS.

(a) TRANSFER AUTHORITY.—Subject to subsection (b), the Secretary of the Air Force may transfer to the Lackland Independent School District, Texas, not more than $8,000,000 of the funds appropriated by the Military Construction Appropriations Act, 1993 (Public Law 102–380; 106 Stat. 1366), pursuant to the authorization of appropriations in section 2304(a)(1) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2596) for military construction relating to Lackland Air Force Base, Texas, as authorized in section 2301(a) of such Act.

(b) USE OF FUNDS.—All funds transferred pursuant to subsection (a) shall be used by the Lackland Independent School District to pay for the design and construction of a new high school, the renovation of an elementary school, and the design and construction of a new kindergarten and special education facility.

SEC. 2309. AUTHORITY TO TRANSFER FUNDS AS PART OF THE REPLACEMENT FAMILY HOUSING PROJECT AT SCOTT AIR FORCE BASE, ILLINOIS.

(a) TRANSFER AUTHORITY.—Subject to subsection (b), the Secretary of the Air Force may transfer to the County of St. Clair, Illinois (in this section referred to as the "County"), funds appropriated for the construction of 1,068 units of military family housing at Scott Air Force Base, Illinois, as authorized in section 2302(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2595).

(b) USE OF FUNDS.—All funds transferred pursuant to subsection (a) shall be used by the County to pay for the construction of a replacement family housing complex for Scott Air Force Base at a location acceptable to the Secretary of the Air Force.

TITLE XXIV—DEFENSE AGENCIES

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

Agency	Installation or location	Amount
Defense Logistics Agency	Defense Reutilization and Marketing Office, Fairbanks, Alaska	$6,500,000
	Defense Reutilization and Marketing Office, March Air Force Base, California	$630,000
	Defense Fuel Support Point, Pearl Harbor, Hawaii	$2,250,000
	Defense Construction Supply Center, Columbia, Ohio	$3,100,000
	Defense Electronic Supply Center, Dayton, Ohio	$6,000,000
	Defense Reutilization and Marketing Office, Hill Air Force Base, Utah	$1,700,000
	Defense General Supply Center, Richmond, Virginia	$17,000,000
	Fort Belvoir, Virginia	$5,200,000
	Marine Corps Air Station, Yuma, Arizona	$6,000,000
Defense Medical Facility Office	Cannon Air Force Base, New Mexico	$13,600,000
	Edwards Air Force Base, California	$1,700,000
	Ellsworth Air Force Base, South Dakota	$1,400,000
	Fairchild Air Force Base, Washington	$8,250,000
	Fort Detrick, Maryland	$4,300,000
	Fort Eustis, Virginia	$3,650,000
	Fort Sam Houston, Texas	$4,800,000
	Grand Forks Air Force Base, North Dakota	$860,000
	Naval Education Training Center, Rhode Island	$4,000,000
	Offutt Air Force Base, Nebraska	$1,100,000
National Security Agency	Fort Meade, Maryland	$53,630,000
Office Secretary of Defense	Various Locations, Special Activities, Air Force	$16,355,000
Section 6 Schools	Camp Lejeune, North Carolina	$1,793,000
	Fort Bragg, North Carolina	$8,838,000
	Fort Campbell, Kentucky	$13,182,000
	Fort Knox, Kentucky	$7,707,000
	Fort McClellan, Alabama	$2,798,000
	Quantico Marine Corps Base, Virginia	$422,000
	Robins Air Force Base, Georgia	$3,160,000
Special Operations Force	Eglin Auxiliary Field No. 9, Florida	$19,582,000
	Fort Campbell, Kentucky	$4,300,000
	Fort Bragg, North Carolina	$38,450,000
	Little Creek Naval Amphibious Base, Virginia	$7,500,000

Defense Agencies: Inside the United States—Continued

Agency	Installation or location	Amount
	Olmstead Field, Pennsylvania	$1,300,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Outside the United States

Agency	Installation or location	Amount
Defense Logistics Agency	Diego Garcia	$9,558,000
	Roosevelt Roads, Puerto Rico	$5,800,000

SEC. 2402. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(12), the Secretary of Defense may carry out energy conservation projects under section 2865 of title 10, United States Code.

SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1993, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of $4,198,684,000 as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $271,057,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $15,358,000.

(3) For military construction projects at Fort Sam Houston, Texas, hospital replacement, authorized by section 2401(a) of the Military Construction Authorization Act, 1987 (division B of Public Law 99-661; 100 Stat. 4035), $75,000,000.

(4) For military construction projects at Portsmouth Naval Hospital, Virginia, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101-189; 103 Stat. 1640), $20,000,000.

(5) For military construction projects at Walter Reed Institute of Research, Maryland, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2599), $48,140,000.

(6) For military construction projects at Elmendorf Air Force Base, Alaska, hospital replacement, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2599), $37,000,000.

(7) For military construction projects at Fort Bragg, North Carolina, hospital replacement, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2599), $35,000,000.

(8) For military construction projects at Millington Naval Air Station, Tennessee, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2599), $5,000,000.

(9) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $21,658,000.

(10) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $12,200,000.

(11) For architectural and engineering services and for construction design under section 2807 of title 10, United States Code, $42,405,000.

(12) For energy conservation projects authorized by section 2402, $60,000,000.

(13) For base closure and realignment activities as authorized by title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note), $127,870,000.

(14) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note):

(A) For military installations selected for closure or realignment in 1991, $2,200,500,000.

(B) For military installations selected for closure or realignment in 1993, $1,306,000,000.

(15) For military family housing functions (including functions described in section 2833 of title 10, United States Code), $27,496,000, of which not more than $22,882,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a) and subsection (b).

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Infrastructure Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1993, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Infrastructure Program as authorized by section 2501, in the amount of $240,000,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

There are authorized to be appropriated for fiscal years beginning after September 30, 1993, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 133 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $229,023,000; and

(B) for the Army Reserve, $88,433,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, $20,591,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $218,114,000; and

(B) for the Air Force Reserve, $84,004,000.

SEC. 2602. TERMINATION OF AUTHORITY TO CARRY OUT LAND ACQUISITION FOR ARMY NATIONAL GUARD TRAINING AREA IN MUSKINGUM COUNTY, OHIO.

(a) REDUCTION IN FISCAL YEAR 1991 AUTHORIZATION.—Section 2601(1)(A) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1781), as amended by section 2602(a)(1) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 105 Stat. 1535), is further amended by striking out "$314,887,000" and inserting in lieu thereof "$309,217,000".

(b) PURPOSE OF REDUCTION.—The amount of the reduction in the amount authorized to be appropriated for the Army National Guard of the United States under section 2601(1)(A) of the National Defense Authorization Act for Fiscal Year 1991 corresponds to the amount authorized to be appropriated by such section for land acquisition to establish an Army National Guard Training Area in Muskingum County, Ohio, and the authority of the Secretary of Defense or the Secretary of the Army to carry out such land acquisition is hereby terminated.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Infrastructure program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 1996; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 1997.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the

North Atlantic Treaty Organization Infrastructure program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 1996; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 1997 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Infrastructure program.

SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1991 PROJECTS.

(a) EXTENSIONS.—Notwithstanding section 2701(b) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101–510, 104 Stat. 1758), authorizations for the projects set forth in the tables in subsection (b), as provided in section 2101, 2301, or 2401 of that Act and extended by section 2702(a) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1535), shall remain in effect until October 1, 1994, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1995, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Army: Extension of 1991 Project Authorizations

State	Installation or location	Project	Amount
Maryland	Aberdeen Proving Ground	Toxicology Research Facility	$33,000,000
Missouri	Fort Leonard Wood	Child Development Center	$3,050,000
Virginia	Fort Myer	Child Development Center	$2,150,000

Air Force: Extension of 1991 Project Authorizations

State	Installation or location	Project	Amount
Alaska	Clear Air Force Station	Alter Dormitory (Phase II)	$5,000,000
California	Sierra Army Depot	Dormitory	$3,650,000
Colorado	Buckley Air National Guard Base	Child Development Center	$4,550,000
	United States Air Force Academy	Consolidated Education & Training Facility	$15,000,000
Hawaii	Hickam Air Force Base	Dormitory	$6,100,000
	Wheeler Air Force Base	Combat Arms Training & Maintenance Facility	$1,400,000
Oklahoma	Tinker Air Force Base	AWACS Aircraft Fire Protection	$2,750,000
Texas	Dyess Air Force Base	Corrosion Control Facility	$4,100,000
Utah	Hill Air Force Base	Depot Warehouse	$16,000,000

Defense Agencies: Extension of 1991 Project Authorizations

State	Installation or location	Project	Amount
Maryland	DLA, Defense Reutilization and Marketing Office, Fort Meade	Covered Storage	$9,500,000

SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1990 PROJECTS.

(a) EXTENSIONS.—Notwithstanding section 2701(b) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101–189, 103 Stat. 1645), authorizations for the projects set forth in the table in subsection (b), as provided in section 2301 of that Act (103 Stat. 1631) and extended by section 2702(b) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1535) and section 2702 of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2604), shall remain in effect until October 1, 1994, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1995, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Air Force: Extension of 1990 Project Authorizations

State	Installation	Project	Amount
Colorado	Lowry Air Force Base	Computer operations facility	$15,500,000
		Logistics support facility	$3,500,000

SEC. 2704. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI shall take effect on the later of—

(1) October 1, 1993; and

(2) the date of the enactment of this Act.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. INCREASE IN THE MAXIMUM AMOUNT AUTHORIZED TO BE OBLIGATED FOR EMERGENCY CONSTRUCTION IN A FISCAL YEAR.

Section 2803(c)(1) of title 10, United States Code, is amended by striking out "$30,000,000" and inserting in lieu thereof "$50,000,000".

SEC. 2802. MILITARY FAMILY HOUSING LEASING PROGRAMS.

(a) LEASES IN UNITED STATES, PUERTO RICO, OR GUAM.—Subsection (b) of section 2828 of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(4) The maximum rental amount under paragraphs (2) and (3) shall be adjusted annually at the beginning of each fiscal year by an amount which corresponds to the change in the Consumer Price Index for all Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor, for the previous one-year period ending on September 30.".

(b) LEASES IN FOREIGN COUNTRIES.—Subsection (e) of such section is amended—

(1) in the first sentence of paragraph (1), by striking out "as adjusted for foreign currency fluctuation from October 1, 1987." and inserting in lieu thereof ", except that 300 units may be leased for not more than $25,000 per unit per year."; and

(2) by adding at the end the following new paragraph:

"(3) The dollar limitations contained in paragraph (1) shall be adjusted—

"(A) for foreign currency fluctuation from October 1, 1987; and

"(B) annually at the beginning of each fiscal year by an amount which corresponds to the change in the Consumer Price Index for all Urban Consumers, published by the Bureau of Labor Statistics for the Department of Labor, for the previous one-year period ending on September 30.".

SEC. 2803. SALE OF ELECTRICITY FROM ALTERNATE ENERGY AND COGENERATION PRODUCTION FACILITIES.

Section 2483 of title 10, United States Code, is amended—

(1) in subsection (b), by inserting before the period the following: "and may be used, subject to the availability of appropriations for this purpose, to carry out energy-related military construction projects as authorized in sections 2805(a)(1) and 2865(a)(3) of this title"; and

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

"(c) When a decision is made to carry out an energy-related military construction project under section 2805(a)(1) or 2865(a)(3) of this title using proceeds from sales under subsection (a), the Secretary concerned shall notify Congress in writing of that decision, of the justification for the project, and of the estimated cost of the project. The project may then be carried out only after the end of the 21-day period beginning on the date the notification is received by Congress.".

SEC. 2804. ENERGY SAVINGS AT MILITARY INSTALLATIONS.

(a) ENERGY EFFICIENT MAINTENANCE.—Subsection (a) of section 2865 of title 10, United States Code, is amended—

(1) in paragraph (3), by inserting ", including energy efficient maintenance," after "conservation measures"; and

(2) by adding at the end the following new paragraph:

"(4) For purposes of paragraph (3), the term 'energy efficient maintenance' includes—

"(A) the repair by replacement of equipment or systems with the best available technology to meet the same end needs, such as lighting, heating, cooling, or industrial process; and

"(B) improvements in the operation and maintenance process that result in energy cost savings, such as training or improved controls.".

(b) USE OF AMOUNTS FROM SALES OF ELECTRICITY.—Subsection (b)(2) of such section is amended by inserting "and pursuant to section 2483(b) of this title" after "under paragraph (1)".

SEC. 2805. AUTHORIZATION TO ACQUIRE EXISTING FACILITIES IN LIEU OF CARRYING OUT CONSTRUCTION AUTHORIZED BY LAW.

(a) ESTABLISHMENT OF AUTHORITY.—Subchapter I of chapter 169 of title 10, United States Code, is amended by adding at the end the following new section:

"SEC. 2813. ACQUISITION OF EXISTING FACILITIES IN LIEU OF CONSTRUCTION.

"(a) ACQUISITION AUTHORITY.—Subject to subsections (b) and (c), if the Secretary concerned determines that an existing facility at or near a military installation would satisfy the requirements of a military construction project authorized by law, the Secretary may acquire that facility, including real property, using the funds appropriated for the authorized construction project in lieu of carrying out the authorized construction project.

"(b) REQUIRED DETERMINATION.—The authority provided by this section may only be exercised if the Secretary concerned makes a determination that the acquisition of an existing facility in lieu of new construction is in the best interests of the Government.

"(c) NOTICE AND WAIT REQUIREMENTS.—A contract may not be entered into under this section until the end of the 21-day period beginning on the date the Secretary concerned notifies Congress in writing of the transaction proposed in the contract, the justification for the transaction, and the estimated cost of the transaction.".

(b) APPLICATION OF SECTION.—Section 2813 of title 10, United States Code, as added by subsection (a), shall apply with respect to—

(1) projects authorized on or after the date of the enactment of this Act; and

(2) projects authorized before that date for which construction contracts have not been awarded.

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

"2813. Acquisition of existing facilities in lieu of construction.".

SEC. 2806. CLARIFICATION OF PARTICIPATION IN DEPARTMENT OF STATE HOUSING POOLS.

Section 2834(b) of title 10, United States Code, is amended to read as follows:

"(b) The maximum lease amount specified in section 2828(e)(1) of this title for the rental of family housing in foreign countries shall not apply to housing made available to the Department of Defense under this section. To the extent that the lease amount for units of housing made available under this subsection exceeds such maximum lease amount, such units shall not be counted in applying the limitation contained in such section on the number of units of family housing for which the Secretary concerned may waive such maximum lease amount.".

SEC. 2807. NAVY HOUSING INVESTMENT AGREEMENTS AND HOUSING INVESTMENT BOARD.

(a) IN GENERAL.—Chapter 649 of title 10, United States Code, is amended by inserting after section 7573 the following new sections:

"§7574. Investment agreements with private developers of housing

"(a) INVESTMENT AGREEMENTS.—The Secretary of the Navy may enter into investment agreements with private developers to encourage the construction of housing and accessory structures within commuting distance of a military installation under the jurisdiction of the Secretary at which there is a shortage of suitable housing to meet the requirements of members of the naval service with or without dependents.

"(b) COLLATERAL INCENTIVE AGREEMENTS.—The Secretary may also enter into collateral incentive agreements with private developers who enter into an investment agreement under subsection (a) to ensure that, where appropriate—

"(1) members of the naval service will have priority for a fair share of any housing within the scope of the investment contract; or

"(2) rental rates or sale prices, as appropriate, for some or all of the units will be affordable for such members.

"(c) TRANSFER OF NAVY LANDS PROHIBITED.—Nothing in this section shall be construed to permit the Secretary, as part of an agreement entered into under this section, to transfer the right, title, or interest of the United States in any real property under the jurisdiction of the Secretary.

"(d) EXPIRATION OF AUTHORITY.—The authority of the Secretary to enter into an agreement under this section shall expire on September 30, 1998.

"§7575. Navy Housing Investment Board

"(a) ESTABLISHMENT.—The Secretary of the Navy may establish a board to be known as the 'Navy Housing Investment Board'.

"(b) MEMBERS.—(1) The Navy Housing Investment Board shall be composed of seven members appointed for a two-year term by the Secretary. The Secretary may appoint to the Board, without regard to the civil service laws, two persons from the private sector who have knowledge and experience in the financing and the construction of housing.

"(2) The Secretary shall designate one of the members as chairperson of the Board.

"(3) Members of the Board, other than those members regularly employed by the Federal Government, may be paid while attending meetings of the Board or otherwise serving at the request of the Secretary, compensation at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties vested in the Board. Members shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

"(c) DUTIES.—The Navy Housing Investment Board shall—

"(1) advise the Secretary regarding which proposed investment agreements under section 7574 of this title, if any, are financially and otherwise sound investments for meeting the objectives of such section; and

"(2) assist the Secretary in such other ways as the Secretary determines to be necessary and appropriate.

"(d) SELECTION OF INVESTMENT OPPORTUNITIES.—Any investment agreement under section 7574 of this title may be made through the use of publicly advertised, competitively bid or competitively negotiated, contracting procedures, as provided in chapter 137 of this title, or such other contracting procedures as the Secretary considers to be appropriate.

"(e) ACCOUNT.—(1) There is hereby established on the books of the Treasury an account to be known as the 'Navy Housing Investment Account', which shall be administered by the Navy Housing Investment Board.

"(2) There shall be deposited into the Account—

"(A) such funds as may be authorized for and appropriated to the Account; and

"(B) any proceeds received from the repayment of investments or profits on investments under section 7574 of this title.

"(3) The Account shall be available without fiscal year limitation for contracts, investments, and expenses necessary for the implementation of this section and section 7574 of this title.

"(f) REPORT.—Not later than 60 days after the end of each fiscal year in which the Secretary and Navy Housing Investment Board carry out activities under section 7574 of this title, the Secretary shall transmit a report to Congress specifying the amount and nature of the deposits into, and the expenditures from, the Account during such fiscal year and of the amount and nature of all other expenditures made pursuant to such section during such fiscal year.

"(g) TERMINATION OF BOARD.—The Navy Housing Investment Board shall terminate on November 30, 1998.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7573 the following new items:

"7574. Investment agreements with private developers of housing.

"7575. Navy Housing Investment Board.".

Subtitle B—Defense Base Closure and Realignment

SEC. 2811. BASE CLOSURE ACCOUNT MANAGEMENT FLEXIBILITY.

(a) BASE CLOSURES UNDER 1988 ACT.—Section 207(a) of the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100–526; 10 U.S.C. 2687 note) is amended by adding at the end the following new paragraph:

"(7) Proceeds received after September 30, 1995, from the transfer or disposal of any property at a military installation closed or realigned under this title shall be deposited directly into the Department of Defense Base Closure Account 1990, as established by section 2906(a) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).".

(b) BASE CLOSURES UNDER 1990 ACT.—Section 2906 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(1) in subsection (a)(2)—

(A) by striking out "and" at the end of subparagraph (B);

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

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

"(D) proceeds received after September 30, 1995, from the transfer or disposal of any property at a military installation closed or realigned under title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note)."; and

(2) in subsection (b), by striking out paragraph (1) and inserting in lieu thereof the following new paragraph:

"(1) The Secretary may use the funds in the Account only for the purposes described in section 2905 or, after September 30, 1995, for environmental restoration and property management and disposal at installations closed or realigned under title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).".

(c) TECHNICAL CORRECTION.—Paragraphs (2) and (3) of section 2906(c) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) are amended by striking out "after the termination of the Commission" and inserting in lieu thereof "after the termination of the authority of the Secretary to carry out a closure or realignment under this part".

SEC. 2812. AUTHORITY TO CONTRACT FOR CERTAIN FUNCTIONS AT INSTALLATIONS BEING CLOSED OR REALIGNED.

(a) BASE CLOSURES UNDER 1988 ACT.—(1) Section 204(b) of the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100-526; 10 U.S.C. 2687 note) is amended by adding at the end the following new paragraph:

"(5) The Secretary of Defense may contract with local governments for community services, including police and fire protection, at those military installations to be closed under this title if the Secretary determines that it is in the best interest of the Department to have these services provided by local governmental entities.".

(2) Section 205 of such Act is amended—

(A) by striking out "and" at the end of paragraph (1);

(B) by striking out the period at the end of paragraph (2) and inserting in lieu thereof "; and"; and

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

"(3) chapter 146 of title 10, United States Code.".

(b) BASE CLOSURES UNDER 1990 ACT.—(1) Subsection (b)(2) of section 2905 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended—

(A) by redesignating subparagraph (E) as subparagraph (F); and

(B) by inserting after subparagraph (D) the following new subparagraph:

"(E) The Secretary of Defense may contract with local governments for community services, including police and fire protection, at those military installations to be closed under this part if the Secretary determines that it is in the best interest of the Department to have these services provided by local governmental entities.".

(2) Subsection (d) of such section is amended—

(A) by striking out "and" at the end of paragraph (1);

(B) by striking out the period at the end of paragraph (2) and inserting in lieu thereof "; and"; and

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

"(3) chapter 146 of title 10, United States Code.".

SEC. 2813. INCREASED FUNDING SOURCES FOR ENVIRONMENTAL RESTORATION AT MILITARY INSTALLATIONS TO BE CLOSED.

(a) BASE CLOSURES UNDER 1988 ACT.—(1) Section 207 of the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100-526; 10 U.S.C. 2687 note) is amended by striking out subsection (b).

(b) BASE CLOSURES UNDER 1990 ACT.—(1) Section 2906 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended by striking out subsection (e).

(2) Section 2905(a)(1)(C) of such Act is amended by inserting after "the Account" the following: "and, in addition, may use for such purposes other funds appropriated to the Department of Defense and available for environmental restoration and mitigation".

SEC. 2814. TESTIMONY BEFORE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION.

(a) OATHS REQUIRED.—Section 2903(d)(1) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended by adding at the end the following new sentence: "All testimony before the Commission at a public hearing conducted under this paragraph shall be presented under oath.".

(b) APPLICATION OF AMENDMENT.—The amendment made by this section shall apply with respect to all public hearings conducted by the Defense Base Closure and Realignment Commission after the date of the enactment of this Act.

SEC. 2815. EXPANSION OF CONVEYANCE AUTHORITY REGARDING FINANCIAL FACILITIES ON CLOSED MILITARY INSTALLATIONS TO INCLUDE ALL DEPOSITORY INSTITUTIONS.

(a) INCLUSION OF OTHER DEPOSITORY INSTITUTIONS IN ADDITION TO CREDIT UNIONS.—Section 2825 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (10 U.S.C. 2687 note) is amended—

(1) by striking "credit union" each place it appears and inserting in lieu thereof "depository institution";

(2) in subsection (c), by striking "business"; and

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

"(e) DEPOSITORY INSTITUTION DEFINED.—For purposes of this section, the term 'depository institution' has the meaning given that term in section 19(b)(1)(A) of the Federal Reserve Act (12 U.S.C. 461(b)(1)(A)).".

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

"SEC. 2825. DISPOSITION OF FACILITIES OF DEPOSITORY INSTITUTIONS ON MILITARY INSTALLATIONS TO BE CLOSED.".

SEC. 2816. AUTHORITY TO TRANSFER PROPERTY AT MILITARY INSTALLATIONS TO BE CLOSED TO PERSONS PAYING THE COST OF ENVIRONMENTAL RESTORATION ACTIVITIES ON THE PROPERTY.

(a) BASE CLOSURES UNDER 1988 ACT.—Section 204 of the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100-526; 10 U.S.C. 2687 note) is amended by adding at the end the following new subsection:

"(d) TRANSFER AUTHORITY IN CONNECTION WITH PAYMENT OF ENVIRONMENTAL REMEDIATION COSTS.—

"(1) Subject to paragraph (2) and the requirements specified in section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)), the Secretary may enter into an agreement to transfer real property or facilities located at a military installation closed or to be closed under this title with any person who agrees to pay all costs in connection with all environmental restoration, waste management, and environmental compliance activities that—

"(A) are required for the property or facilities under Federal and State laws, administrative decisions, agreements, and concurrences; and

"(B) are known to be necessary on the date of the agreement, or reasonably could have been known or foreseen to be necessary as a result of Department of Defense activities at the military installation.

"(2) RELATION OF COSTS TO FAIR MARKET VALUE.—A transfer of real property or facilities may be made under paragraph (1) only if the Secretary certifies to Congress that—

"(A) the costs of all environmental restoration, waste management, and environmental compliance activities to be paid by the recipient of the property or facilities are equal to or greater than the fair market value of the property or facilities to be transferred, as determined by the Secretary; or

"(B) if such costs are lower than the fair market value of the property or facilities, the recipient of the property or facilities agrees to pay the difference between the fair market value and such costs.

"(3) DISCLOSURE.—As part of an agreement under paragraph (1), the Secretary shall disclose to the person to whom the property or facilities will be transferred any information of the Secretary regarding the environmental restoration, waste management, and environmental compliance activities described in paragraph (1) that relate to the property or facilities. The Secretary shall provide this information as soon as possible before entering into the agreement.

"(4) APPLICATION OF CERCLA.—Nothing in this subsection shall be construed to modify or remove the environmental restoration, waste management, and environmental compliance requirements imposed by section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).".

(b) BASE CLOSURES UNDER 1990 ACT.—Section 2905 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended by adding at the end the following new subsection:

"(e) TRANSFER AUTHORITY IN CONNECTION WITH PAYMENT OF ENVIRONMENTAL REMEDIATION COSTS.—

"(1) Subject to paragraph (2) and the requirements specified in section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)), the Secretary may enter into an agreement to transfer real property or facilities located at a military installation closed or to be closed under this title with any person who agrees to pay all costs in connection with all environmental restoration, waste management, and environmental compliance activities that—

"(A) are required for the property or facilities under Federal and State laws, administrative decisions, agreements, and concurrences; and

"(B) are known to be necessary on the date of the agreement, or reasonably could have been known or foreseen to be necessary as a result of Department of Defense activities at the military installation.

"(2) RELATION OF COSTS TO FAIR MARKET VALUE.—A transfer of real property or facilities may be made under paragraph (1) only if the Secretary certifies to Congress that—

"(A) the costs of all environmental restoration, waste management, and environmental compliance activities to be paid by the recipient of the property or facilities are equal to or greater than the fair market value of the property or facilities to be transferred, as determined by the Secretary; or

"(B) if such costs are lower than the fair market value of the property or facilities, the recipient of the property or facilities agrees to pay the difference between the fair market value and such costs.

"(3) DISCLOSURE.—As part of an agreement under paragraph (1), the Secretary shall disclose to the person to whom the property or facilities will be transferred any information of the Secretary regarding the environmental restoration, waste management, and environmental

compliance activities described in paragraph (1) that relate to the property or facilities. The Secretary shall provide this information as soon as possible before entering into the agreement.

"(4) APPLICATION OF CERCLA.—Nothing in this subsection shall be construed to modify or remove the environmental restoration, waste management, and environmental compliance requirements imposed by section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).".

SEC. 2817. AUTHORITY TO LEASE PROPERTY PENDING FINAL DISPOSITION.

(a) LEASE AUTHORITY.—Subsection (f) of section 2667 of title 10, United States Code, is amended to read as follows:

"(f)(1) Pending the final disposition of real property (and associated personal property) located at a military installation to be closed or realigned under a base closure law, the Secretary of the military department concerned may lease the property to public or private entities under this subsection if the Secretary determines that such a lease would facilitate State or local economic adjustment efforts.

"(2) Notwithstanding subsection (b)(4), in the case of a lease under this subsection to a State or local government, the Secretary concerned may accept consideration in an amount that is less than the fair market value of the lease interest if the Secretary concerned determines that there is a public benefit accruing as a result of the lease.

"(3) The limitation contained in subsection (a)(3) shall not apply in selecting real or personal property to be leased under this subsection.".

(b) DEFINITION.—Such section is further amended by adding at the end the following new subsection:

"(g) In this section, the term 'base closure law' means each of the following:

"(1) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

"(2) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).

"(3) Section 2687 of this title.".

SEC. 2818. ELECTRIC POWER ALLOCATION AND ECONOMIC DEVELOPMENT AT CERTAIN MILITARY INSTALLATIONS TO BE CLOSED IN THE STATE OF CALIFORNIA.

For a 10-year period beginning on the date of the enactment of this Act, the electric power allocations provided as of that date by the Western Area Power Administration from the Central Valley project to military installations in the State of California selected for closure pursuant to the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) shall be reserved for sale through long-term contracts to preference entities that agree to use such power to promote economic development at a military installation that is closed or selected for closure pursuant to that Act.

Subtitle C—Land Transactions

SEC. 2821. MODIFICATION OF LAND CONVEYANCE, NEW LONDON, CONNECTICUT.

(a) CONVEYANCE WITHOUT CONSIDERATION.—Subsection (a) of section 2841 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 102 Stat.1557) is amended by inserting after "convey" the following: ", without consideration,".

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

(1) in subsection (b), by striking out paragraph (4);

(2) by striking out subsection (c); and

(3) redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

SEC. 2822. LAND CONVEYANCE, BROWARD COUNTY, FLORIDA.

(a) LAND CONVEYANCE.—Subject to subsection (b), the Secretary of the Navy may convey to Broward County, Florida (in this section referred to as the "County"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 18.45 acres and comprising a portion of Fort Lauderdale-Hollywood International Airport, Florida.

(b) CONSIDERATION.—As consideration for the conveyance by the Secretary of the parcel of real property under subsection (a), the County shall elect either—

(1) to construct (or pay the costs of constructing) at a location selected by the Secretary within the County a suitable replacement facility for the improvements conveyed as part of such conveyance; or

(2) to pay to the United States an amount equal to the fair market value of the parcel conveyed under subsection (a), including improvements thereon.

(c) REPLACEMENT FACILITY.—If the County elects to pay the fair market value of the real property under subsection (b)(2), the Secretary shall use the amount paid by the County, subject to the availability of appropriations for this purpose, to construct a suitable facility to replace the improvements conveyed under subsection (a).

(d) DETERMINATION OF FAIR MARKET VALUE.—The Secretary shall determine the fair market value of the parcel of real property to be conveyed under subsection (a). Such determination shall be final.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcel of real property to be conveyed under subsection (a) shall be determined by surveys that are satisfactory to the Secretary. The cost of the surveys shall be borne by the County.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms and conditions in connection with the conveyance under subsection (a) that the Secretary considers appropriate to protect the interests of the United States.

SEC. 2823. LAND CONVEYANCE, NAVAL AIR STATION OCEANA, VIRGINIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to the City of Virginia Beach, Virginia (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property included on the real property inventory of Naval Air Station Oceana in Virginia Beach, Virginia, and consisting of approximately 3.5 acres. As part of the conveyance of such parcel, the Secretary shall grant the City an easement on such additional acreage as may be necessary to provide adequate ingress and egress to the parcel.

(b) CONSIDERATION.—As consideration for the conveyance and easement under subsection (a), the City shall pay to the United States an amount equal to the fair market value of the property to be conveyed and the fair market value of the easement to be granted. The Secretary shall determine fair market value, and such determination shall be final.

(c) CONDITION OF CONVEYANCE.—The conveyance authorized by subsection (a) shall be subject to the condition that the City may use the property conveyed only for the following purposes:

(1) The maintenance, repair, storage, and berthing of erosion control and beach replenishment equipment and materiel, including a dredge.

(2) The berthing of police boats.

(3) The provision of operational and administrative personnel space related to the purposes specified in paragraphs (1) and (2).

(d) REVERSION.—All right, title and interest in and to the property conveyed under subsection (a) (including any improvements thereon) and the easement granted under such subsection shall revert to the United States, and the United States shall have the right of immediate reentry on the property, if the Secretary determines—

(1) at any time, that the property conveyed under subsection (a) is not being used for the purposes specified in subsection (c); or

(2) at the end of the 10-year period beginning on the date of the conveyance, that no significant improvements associated with such purposes have been constructed on the property.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) and the easement to be granted under such subsection shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the City.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance and easement under subsection (a) as the Secretary determines are appropriate to protect the interests of the United States.

SEC. 2824. RELEASE OF REVERSIONARY INTEREST, OLD SPANISH TRAIL ARMORY, HARRIS COUNTY, TEXAS.

(a) AUTHORITY TO RELEASE.—The Secretary of the Army may release the reversionary interest of the United States in and to approximately 6.89 acres of real property, including improvements thereon, containing the Old Spanish Trail Armory in Harris County, Texas. The United States acquired the reversionary interest by virtue of a quitclaim deed dated June 18, 1936.

(b) CONDITION.—The Secretary may effectuate the release authorized in subsection (a) only after obtaining satisfactory assurances that the State of Texas shall obtain, in exchange for the real property referred to in subsection (a), a parcel of real property that—

(1) is at least equal in value to the real property referred to in subsection (a), and

(2) beginning on the date on which the State first obtains the new parcel of real property, is subject to the same restrictions and covenants with respect to the United States as are applicable on the date of the enactment of this Act to the real property referred to in subsection (a).

(c) LEGAL DESCRIPTION OF REAL PROPERTY.—The exact acreage and legal descriptions of the real property referred to in subsection (a) shall be determined by a survey satisfactory to the Secretary.

SEC. 2825. LEASE AND JOINT USE OF CERTAIN REAL PROPERTY, MARINE CORPS BASE, CAMP PENDLETON, CALIFORNIA.

(a) LEASE AUTHORIZED.—The Secretary of the Navy may lease to Tri-Cities Municipal Water District, a special governmental district of the State of California (in the section referred to as the "district"), such interests in real property located on, under, and within the northern portion of the Marine Corps Base, Camp Pendleton, California, as the Secretary determines to be necessary for the district to develop, operate, and maintain water extraction and distribution facilities for the mutual benefit of the district and the base. The lease may be for a period of up to 50 years, or such additional period as the Secretary determines to be in the interests of the United States.

(b) CONSIDERATION.—As consideration for the lease of real property under subsection (a), the district shall—

(1) construct, operate, and maintain such improvements as are necessary to fully develop the potential of the lower San Mateo Water Basin for sustained yield and storage of imported water for the joint benefit of the district and the base;

(2) assume operating and maintenance responsibilities for the existing water extraction, storage, distribution, and related infrastructure within the northern portion of the base; and

(3) pay to the United States, in the form of cash or additional required services, an amount equal to the amount, if any, by which the fair market value of the real property interests leased under subsection (a) exceeds the fair market value of the services provided under paragraphs (1) and (2).

(c) DETERMINATION OF FAIR MARKET VALUE.—The Secretary shall establish a system of accounts to establish the relative costs and benefits accruing to the district and the United States under the lease under subsection (a) and to ensure that the United States receives at least fair market value, as determined by an independent appraisal acceptable to the Secretary.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the lease under subsection (a) as the Secretary determines are appropriate to protect the interests of the United States.

SEC. 2826. LAND CONVEYANCE, CRANEY ISLAND FUEL DEPOT, NAVAL SUPPLY CENTER, VIRGINIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to the City of Portsmouth, Virginia, (in this section referred to as the "City") all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 135.7 acres, including improvements thereon, comprising a portion of the Craney Island Fuel Depot, Naval Supply Center, Norfolk, Virginia.

(b) CONDITIONS OF CONVEYANCE.—(1) Inasmuch as the City has used the real property referred to in subsection (a) as a landfill while the property has been in the ownership of the United States, the conveyance authorized by subsection (a) shall be subject to the condition that the City of Portsmouth accept the property as is, notwithstanding the requirements specified in section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9260(h)).

(2) Except as provided in paragraph (4), with respect to the real property to be conveyed under subsection (a), the United States shall not be subject to liability as a prior owner or operator under section 107(a)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607(a)(2)), section 7003 of the Solid Waste Disposal Act (42 U.S.C. 6973), or any similar State or local environmental liability law or regulation with respect to any release of hazardous substances or petroleum products from the landfill situated on such property or arising out of the City's use of the property to operate a landfill.

(3) Except as provided in paragraph (4), the indemnification provisions contained in the third proviso in the undesignated paragraph under the heading "ENVIRONMENTAL RESTORATION, DEFENSE" in title II of the Department of Defense Appropriations Act, 1993 (Public Law 102-396; 106 Stat. 1883) shall not apply with respect to the presence, release, or threatened release of hazardous substances, pollutants, or contaminants resulting from the use of the real property to be conveyed under subsection (a) by the City as a landfill.

(4) Nothing in paragraph (2) or (3) alters any liability of the United States with respect to—

(A) releases of hazardous substances or petroleum products from properties other than the real property to be conveyed under subsection (a); or

(B) sites 3 and 12 located within the real property to be conveyed under subsection (a).

(c) CONSIDERATION.—As consideration for the conveyance under subsection (a), the City shall pay to the United States an amount equal to the fair market value of the real property to be conveyed. The Secretary shall determine the fair market value of the property. Such determination shall be final.

(d) DEPOSIT OF PROCEEDS.—The Secretary shall deposit amounts received as consideration for the conveyance under subsection (a) in the special account established pursuant to section 204(h) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)).

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the City.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers to be necessary to protect the interests of the United States and are agreed to by the City.

SEC. 2827. LAND CONVEYANCE, PORTSMOUTH, VIRGINIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to Peck Iron and Metal Company, Inc. (in this section referred to as "Peck"), all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 1.45 acres, including improvements thereon, located in Portsmouth, Virginia, that, on the date of the enactment of this Act, is leased to Peck pursuant to Department of the Navy lease N62470-91-RP-00261, effective August 1, 1991.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), Peck shall pay to the United States an amount equal to the fair market value of the property to be conveyed, as determined by the Secretary.

(c) USE OF PROCEEDS.—The Secretary shall deposit the amount received from Peck under subsection (b) in the special account established pursuant to section 204(h) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)).

(d) CONDITIONS.—Inasmuch as Peck has been the only occupant of the property referred to in subsection (a) while the property has been in the ownership of the United States, the conveyance authorized by subsection (a) shall be subject to the conditions that—

(1) Peck accept the property as is, notwithstanding section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)); and

(2) Peck indemnify the United States against all liability in connection with any hazardous materials, substances, or conditions which may be found on the property.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by Peck.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary determines appropriate to protect the interests of the United States.

SEC. 2828. TRANSFER OF NATURAL GAS DISTRIBUTION SYSTEM AT FORT BELVOIR, VIRGINIA, TO THE WASHINGTON GAS COMPANY.

(a) CONVEYANCE.—Subject to subsection (b), the Secretary of the Army may convey to the Washington Gas Company, Virginia, all right, title, and interest of the United States in the following real property natural gas system:

(1) All Government-owned utility fixtures, structures, and improvements used to provide natural gas service to Fort Belvoir, Virginia, without the underlying fee (land).

(2) Transfer includes a natural gas distribution system consisting of approximately 15.6 miles of natural gas distribution lines and other improvements thereon and appurtenances thereto at Fort Belvoir, Virginia.

(3) A utility easement and right of way appurtenant which may be necessary or appropriate to provide for ingress and egress to and from the natural gas system and to satisfy any buffer zone requirements imposed by any Federal or State agency.

(b) CONSIDERATION.—In consideration for the conveyance authorized in subsection (a), the Washington Gas Company, shall—

(1) accept the natural gas system to be conveyed under this section in its existing condition;

(2) provide natural gas service to Fort Belvoir, Virginia, at a beneficial rate to the Government;

(3) comply with all applicable environmental laws and regulations including any permit or license requirements;

(4) not expand the existing on-post natural gas distribution system unless approved by the Installation Commander or his or her designee;

(5) take over the responsibility for ownership, maintenance, repair, safety inspections, and leak test surveys for the entire Fort Belvoir natural gas distribution system; and

(6) upgrade natural gas system at no cost to the Government based on anticipated fuel oil conversions to natural gas.

(c) TERMS.—Conveyance specified in subsection (a) shall be subject to negotiation by and approval of the Secretary of the Army as determined by him to be in the best interests of the United States.

(d) REVERSION.—If the Secretary of the Army determines at any time that the Washington Gas Company is not complying with the conditions specified in this section, all right, title, and interest in and to the natural gas system conveyed pursuant to subsection (a), including improvements to the natural gas system, shall revert to the United States and the United States shall have the right to access and operation of the natural gas system.

(e) DETERMINATION OF FAIR MARKET VALUE.—The aggregate value of this transfer (value defined as benefits to the Army), shall be certified by the Secretary to be of equal or greater value than the fair market value of the facility.

(f) DESCRIPTION OF PROPERTY.—The exact legal description of the equipment and facilities to be conveyed pursuant to this section shall be determined by surveys satisfactory to the Secretary. The cost of such surveys shall be borne by the Washington Gas Company.

(g) ENVIRONMENTAL COMPLIANCE.—The Washington Gas Company, Virginia, shall be responsible for owning, operating and installing natural gas distribution lines. The Secretary of the Army will be responsible for clean-up of any contaminated property prior to transfer pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

SEC. 2829. TRANSFER OF WATER DISTRIBUTION SYSTEM AT FORT LEE, VIRGINIA, TO THE AMERICAN WATER COMPANY.

(a) CONVEYANCE.—Subject to subsection (b), the Secretary of the Army may convey to the American Water Company, Virginia, all right, title, and interest of the United States in the following real property water system:

(1) All Government-owned utility fixtures, structures, and improvements used to provide water service and water distribution service to Fort Lee, Virginia, without the underlying fee (land).

(2) Water system includes approximately 7 miles of transmission mains, 85 miles of distribution and service lines, 416 fire hydrants, 3 elevated storage tanks, 2 pumping stations and other improvements thereon and appurtenances thereto at Fort Lee, Virginia.

(3) A utility easement and right-of-way appurtenant which may be necessary or appropriate to provide for ingress and egress to and from the water system and to satisfy any buffer zone requirements imposed by any Federal or State agency.

(b) CONSIDERATION.—In consideration for the conveyance authorized in subsection (a), the American Water Company shall—

(1) accept the water system to be conveyed under this section in its existing condition;

(2) provide water service to Fort Lee, Virginia, at a beneficial rate to the Government;

(3) comply with all applicable environmental laws and regulations including any permit or license requirements; and

(4) not expand the existing onpost water distribution system unless approved by the Installation Commander or his or her designee.

(c) TERMS.—Conveyance specified in subsection (a) shall be subject to negotiation by and approval of the Secretary of the Army as determined by him to be in the best interests of the United States.

(d) REVERSION.—If the Secretary of the Army determines at any time that the American Water Company is not complying with the conditions specified in this section, all right, title, and interest in and to the water system conveyed pursuant to subsection (a), including improvements to the water system, shall revert to the United States and the United States shall have the right of access and operation of the water system.

(e) DETERMINATION OF FAIR MARKET VALUE.—The aggregate value of this transfer (value defined as benefits to the Army), shall be certified by the Secretary to be of equal or greater value than the fair market value of the facility.

(f) DESCRIPTION OF PROPERTY.—The exact legal description of the equipment and facilities to be conveyed pursuant to this section shall be determined by surveys satisfactory to the Secretary. The cost of such surveys will be borne by the American Water Company.

(g) ENVIRONMENTAL COMPLIANCE.—The American Water Company will be responsible for compliance with all applicable environmental laws and regulations including any permit or license requirements. The American Water Company will be responsible for executing and constructing environmental betterments to the water system as required by applicable law. The United States Army, based on the availability of appropriated funding, will share future environmental compliance costs based on a pro rata share of the water distribution system as determined by the Secretary under subsection (c). The Army will be responsible for cleanup of any contaminated property prior to transfer pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

SEC. 2830. TRANSFER OF WASTE WATER TREATMENT FACILITY AT FORT PICKETT, VIRGINIA, TO BLACKSTONE, VIRGINIA.

(a) CONVEYANCE.—Subject to subsection (b), the Secretary of the Army may convey to the town of Blackstone, Virginia (in this section referred to as the "town"), all right, title, and interest of the United States in the following real property waste water treatment facility:

(1) A parcel of real property consisting of approximately 11.5 acres, including a waste water treatment facility and other improvements thereon and appurtenances thereto at Fort Pickett, Virginia.

(2) All utility easements and right-of-way appurtenant which may be necessary or appropriate to provide for ingress and egress to and from the facility and to satisfy any buffer zone requirements imposed by any Federal or State agency.

(b) CONSIDERATION.—In consideration for the conveyance authorized in subsection (a), the town shall—

(1) design and construct an environmental upgrade to the existing plant to meet environmental standards;

(2) provide waste water treatment service to Fort Pickett, Virginia, at a beneficial rate to the Government;

(3) comply with all applicable environmental laws and regulations, including any permit or license requirements;

(4) reserve 75 percent of the existing Fort Pickett, Virginia, waste water plant capacity for the Army's use at Fort Pickett, Virginia, should a future need arise due to force realignment and mission requirements; and

(5) become responsible for future environmental cleanup of the facility in accordance with the Comprehensive Environmental Response, Compensation and Liability Act resulting from customers other than the United States Army.

(c) TERMS.—Conveyance specified in subsection (a) shall be subject to negotiation by and approval of the Secretary of the Army as determined by him to be in the best interests of the United States.

(d) REVERSION.—If the Secretary of the Army determines at any time that the town is not complying with the conditions specified in this section, all right, title, and interest in and to the waste water treatment system conveyed pursuant to subsection (a), including improvements to the waste water treatment system, shall revert to the United States and the United States shall have the right of access and operation of the waste water treatment system.

(e) DETERMINATION OF FAIR MARKET VALUE.—The aggregate value of this transfer (value defined as benefits to the Army), shall be certified by the Secretary to be of equal or greater value than the fair market value of the facility.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed pursuant to this section shall be determined by surveys satisfactory to the Secretary. The cost of such surveys shall be borne by the town.

(g) ENVIRONMENTAL COMPLIANCE.—The town shall be responsible for compliance with all applicable environmental laws and regulations including any permit or license requirements. The town shall also be responsible for executing and constructing environmental betterments to the plan as required by applicable law. The United States Army based on the availability of appropriated funding and the town will share future environmental compliance costs based on a pro rata share of reserved plant capacity as determined by the Secretary under subsection (c). The Army will be responsible for cleanup of any contaminated property prior to transfer pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

SEC. 2831. TRANSFER OF WATER DISTRIBUTION SYSTEM AND RESERVOIR AT STEWART ARMY SUBPOST TO NEW WINDSOR, NEW YORK.

(a) CONVEYANCE.—Subject to subsection (b), the Secretary of the Army may convey to the town of New Windsor, New York (in this section referred to as the "town"), all right, title, and interest of the United States in the following real property water system:

(1) All Government-owned utility fixtures, structures, water reservoir, distribution plant, and improvements currently used to provide water service and water distribution service to Stewart Army Subpost, New York, and the surrounding area, to include the underlying fee (land) of the reservoir and the water treatment plant.

(2) Transfer also includes all water transmission mains, water distribution and service lines, fire hydrants, water pumping stations, and other improvements thereon and appurtenances thereto at Stewart Army Subpost, New York.

(3) A utility easement and right-of-way appurtenant which may be necessary or appropriate to provide for ingress and egress to and from the water system and to satisfy any buffer zone requirements imposed by any Federal or State agency.

(b) CONSIDERATION.—In consideration for the conveyance authorized in subsection (a), the town shall—

(1) accept the water system to be conveyed under this section in its existing conditions;

(2) provide water service to Stewart Army Subpost, New York, at a beneficial rate to the Government;

(3) comply with all applicable environmental laws and regulations including any permit or license requirements; and

(4) not expand the existing on-post water service system unless approved by the Installation Commander or his or her designee.

(c) TERMS.—Conveyance specified in subsection (a) shall be subject to negotiation by and approval of the Secretary of the Army as determined by him to be in the best interests of the United States.

(d) REVERSION.—If the Secretary of the Army determines at any time that the town is not complying with the conditions specified in this section, all right, title, and interest in and to the water system conveyed pursuant to subsection (a), including improvements to the water system, shall revert to the United States and the United States shall have the right of access and operation of the water system.

(e) DETERMINATION OF FAIR MARKET VALUE.—The aggregate value of this transfer (value defined as benefits to the Army), shall be certified by the Secretary to be of equal or greater value than the fair market value of the facility.

(f) DESCRIPTION OF PROPERTY.—The exact legal description of the equipment and facilities to be conveyed pursuant to this section shall be determined by surveys satisfactory to the Secretary. The cost of such surveys will be borne by the town.

(g) ENVIRONMENTAL COMPLIANCE.—The town will be responsible for compliance with all applicable environmental laws and regulations including any permit or license requirements. The town will be responsible for executing and constructing environmental betterments to the water system as required by applicable law. The United States Army, based on the availability of appropriated funding, will share future environmental compliance costs based on a pro rata share of the water distribution system as determined by the Secretary under subsection (c). The Army will be responsible for cleanup of any contaminated property prior to transfer pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

SEC. 2832. EXPANSION OF LAND TRANSACTION AUTHORITY INVOLVING HUNTERS POINT NAVAL SHIPYARD, SAN FRANCISCO, CALIFORNIA.

Section 2824(a) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101-510; 104 Stat. 1790) is amended by adding at the end the following new paragraph:

"(3) In lieu of entering into a lease under paragraph (1), the Secretary may convey the

property described in such paragraph to the City (or a local reuse organization approved by the City) for such consideration and under such terms as the Secretary considers to be appropriate.".

SEC. 2833. MODIFICATION OF LEASE AUTHORITY, NAVAL SUPPLY CENTER, OAKLAND, CALIFORNIA.

(a) EXPANSION OF NUMBER OF ACRES FOR LEASE.—Paragraph (1) of subsection (b) of section 2834 of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2614) is amended by striking out "195 acres of real property" and inserting in lieu thereof "300 acres of real property".

(b) DEMOLITION.—Paragraph (6) of such subsection is amended to read as follows:

"(6) Subject to the availability of appropriations for this purpose, the Secretary shall expend not more than $10,000,000 to demolish facilities and remediate environmental hazards within the area to be leased under this subsection. In addition, the Secretary may authorize the City or the Port (as the case may be) to demolish any additional facilities on the leased property and, consistent with the restrictions required by paragraph (2)(B), construct new facilities on the property for the use of the City or the Port.".

SEC. 2834. LAND CONVEYANCE, IOWA ARMY AMMUNITION PLANT, IOWA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the City of Middletown, Iowa (in this section referred to as the "City"), all right, title, and interest of the United States in and to a tract of real property (including improvements thereon) consisting of approximately 127 acres at the Iowa Army Ammunition Plant, Iowa. The conveyance shall be made at the request of the City.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the City shall pay to the United States an amount equal to the fair market value of the property to be conveyed. The Secretary shall determine fair market value, and such determination shall be final.

(c) LEGAL DESCRIPTION AND SURVEY.—The exact acreage and legal description of the property authorized to be conveyed under subsection (a) shall be determined by a survey that is satisfactory to the Secretary.

(d) OTHER TERMS AND CONDITIONS.—The Secretary may require such other terms and conditions with respect to the conveyance as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2835. TRANSFER OF ELECTRIC POWER DISTRIBUTION SYSTEM AT NAVAL AIR STATION, ALAMEDA, CALIFORNIA, TO THE CITY OF ALAMEDA BUREAU OF ELECTRICITY.

(a) CONVEYANCE.—The Secretary of the Navy may convey to the Bureau of Electricity of the City of Alameda, California (in this section referred to as the "Bureau"), all right, title, and interest of the United States in and to the electric power distribution system located at the Naval Air Station, Alameda, California, including such utility easements and right of ways as may be necessary or appropriate to provide for ingress and egress to and from the system.

(b) CONSIDERATION.—(1) As consideration for the conveyance authorized in subsection (a), the Bureau shall—

(A) accept the system to be conveyed under this section in its existing condition;

(B) provide electric power to the Naval Air Station at a beneficial rate to the Government;

(C) comply with all applicable environmental laws and regulations, including any permit or license requirements;

(D) not expand the existing system without the approval of the Secretary; and

(E) take over the responsibility for ownership, operation, maintenance, repair, and safety inspections for the system.

(c) TERMS.—Conveyance specified in subsection (a) shall be subject to negotiation by and approval of the Secretary.

(d) REVERSION.—If the Secretary determines at any time that the Bureau is not complying with the conditions specified in this section, all right, title, and interest in and to the system conveyed pursuant to subsection (a), including improvements to the system, shall revert to the United States and the United States shall have the right to access and operation of the system.

(e) DETERMINATION OF FAIR MARKET VALUE.—The aggregate value of this conveyance (value defined as benefits to the Navy), shall be certified by the Secretary to be of equal or greater value than the fair market value of the system.

(f) DESCRIPTION OF PROPERTY.—The exact legal description of the equipment and facilities to be conveyed under this section shall be determined by surveys satisfactory to the Secretary. The cost of such surveys shall be borne by the Bureau.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers to be necessary to protect the interests of the United States.

Subtitle D—Other Matters

SEC. 2841. FLOOD CONTROL PROJECT.

(a) COYOTE AND BERRYESSA CREEKS, SANTA CLARA COUNTY, CALIFORNIA.—The Secretary of the Army is directed to construct a flood control project for Coyote and Berryessa Creeks in Santa Clara County, California, using amounts appropriated for civil works activities of the Corps of Engineers for fiscal year 1994.

(b) MAXIMUM COST REQUIREMENT.—Section 902 of the Water Resources Development Act of 1986 (100 Stat. 4183) shall not apply with respect to the project described in subsection (a).

SEC. 2842. USE OF ARMY CORPS OF ENGINEERS TO MANAGE MILITARY CONSTRUCTION PROJECTS IN HAWAII.

All military construction and military family housing carried out in the State of Hawaii for the Armed Forces and Defense Agencies using funds appropriated pursuant to an authorization of appropriations contained in this division shall be designed and conducted through the use of the Army Corps of Engineers.

SEC. 2843. SPECIAL RULE FOR MILITARY CONSTRUCTION ON CERTAIN LANDS IN THE STATE OF HAWAII.

(a) CONSULTATION AND CONCURRENCE.—In the case of any military construction project in the State of Hawaii to be carried out at a military installation located on public lands that were ceded to the United States by the Republic of Hawaii under the joint resolution of annexation approved July 7, 1898 (30 Stat. 750), or that have been acquired in exchange for such lands, the Secretary concerned may not enter into any obligation or make any expenditure in connection with the project until the Secretary concerned has—

(1) consulted with the Governor of the State of Hawaii regarding the purpose and extent of the project; and

(2) obtained the written concurrence of the Governor to proceed with the project.

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

(1) The term "Secretary concerned" means—

(A) the Secretary of Defense, in the case of military construction functions (including military family housing functions) of the Department of Defense, other than the military departments; and

(B) the Secretary of a military department, in the case of military construction functions (including military family housing functions) of that department.

(2) The term "military installation" means any base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Department of Defense.

(3) The term "military construction" has the meaning given that term in section 2801(a) of title 10, United States Code.

(c) APPLICATION.—This section shall apply with respect to military construction projects described in subsection (a) for which appropriated funds are first obligated after the date of the enactment of this Act.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

SEC. 3101. WEAPONS ACTIVITIES.

(a) OPERATING EXPENSES.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for operating expenses incurred in carrying out weapons activities necessary for national security programs in the amount of $3,662,954,000, to be allocated as follows:

(1) For research and development, $1,119,325,000.

(2) For testing, $222,383,000.

(3) For stockpile support, $1,802,280,000.

(4) For program direction, $280,466,000.

(5) For complex reconfiguration, $138,500,000.

(6) For stockpile stewardship, $100,000,000.

(b) PLANT PROJECTS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto) in carrying out weapons activities necessary for national security programs as follows:

Project GPD-101, general plant projects, various locations, $11,500,000.

Project GPD-121, general plant projects, various locations, $7,700,000.

Project 94-D-102, nuclear weapons research, development, and testing facilities revitalization, Phase V, various locations, $11,110,000.

Project 94-D-124, hydrogen fluoride supply system, Oak Ridge Y-12 Plant, Oak Ridge, Tennessee, $5,000,000.

Project 94-D-125, upgrade life safety, Kansas City Plant, Kansas City, Missouri, $1,000,000.

Project 94-D-127, emergency notification system, Pantex Plant, Amarillo, Texas, $1,000,000.

Project 94-D-128, environmental safety and health analytical laboratory, Pantex Plant, Amarillo, Texas, $800,000.

Project 93-D-102, Nevada support facility, North Las Vegas, Nevada, $4,000,000.

Project 93-D-122, life safety upgrades, Y-12 Plant, Oak Ridge, Tennessee, $5,000,000.

Project 93-D-123, complex-21, various locations, $25,000,000.

Project 92-D-102, nuclear weapons research, development, and testing facilities revitalization, Phase IV, various locations, $27,479,000.

Project 92-D-126, replace emergency notification systems, various locations, $10,500,000.

Project 90-D-102, nuclear weapons research, development, and testing facilities revitalization, Phase III, various locations, $30,805,000.

Project 88-D-106, nuclear weapons research, development, and testing facilities revitalization, Phase II, various locations, $39,624,000.

Project 88-D-122, facilities capability assurance program, various locations, $27,100,000.

Project 88-D-123, security enhancements, Pantex Plant, Amarillo, Texas, $20,000,000.

(c) CAPITAL EQUIPMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for capital equipment not related to construction in carrying out weapons activities necessary for national security programs in the amount of $123,034,000, to be allocated as follows:

(1) For research and development, $82,879,000.

(2) For testing, $24,400,000.

(3) For stockpile support, $12,136,000.

(4) For program direction, $3,619,000.

(d) ADJUSTMENTS FOR SAVINGS.—The total amount authorized to be appropriated pursuant to this section is the sum of the amounts specified in subsections (a) through (c) reduced by $420,641,000 for use of prior year balances.

SEC. 3102. ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.

(a) OPERATING EXPENSES.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for operating expenses incurred in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $4,832,213,000, to be allocated as follows:

(1) For corrective activities, $2,170,000.

(2) For environmental restoration, $1,536,027,000.

(3) For waste management, $2,275,441,000.

(4) For technology development, $371,150,000.

(5) For transportation management, $19,730,000.

(6) For program direction, $82,427,000.

(7) For facility transition, $545,268,000.

(b) PLANT PROJECTS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto) in carrying out environmental restoration and waste management activities necessary for national security programs as follows:

Project GPD-171, general plant projects, various locations, $49,015,000.

Project 94-D-122, underground storage tanks, Rocky Flats, Colorado, $700,000.

Project 94-D-400, high explosive wastewater treatment system, Los Alamos National Laboratory, Los Alamos, New Mexico, $1,000,000.

Project 94-D-401, emergency response facility, Idaho National Engineering Laboratory, Idaho, $1,190,000.

Project 94-D-402, liquid waste treatment system, Nevada Test Site, Nevada, $491,000.

Project 94-D-404, Melton Valley storage tank capacity increase, Oak Ridge National Laboratory, Oak Ridge, Tennessee, $9,400,000.

Project 94-D-405, central neutralization facility pipeline extension project, K-25, Oak Ridge, Tennessee, $1,714,000.

Project 94-D-406, low-level waste disposal facilities, K-25, Oak Ridge, Tennessee, $6,000,000.

Project 94-D-407, initial tank retrieval systems, Richland, Washington, $7,000,000.

Project 94-D-408, office facilities—200 East, Richland, Washington, $1,200,000.

Project 94-D-411, solid waste operation complex, Richland, Washington, $7,100,000.

Project 94-D-412, 300 area process sewer piping upgrade, Richland, Washington, $1,100,000.

Project 94-D-414, site 300 explosive waste storage facility, Lawrence Livermore National Laboratory, Livermore, California, $370,000.

Project 94-D-415, medical facilities, Idaho National Engineering Laboratory, Idaho, $1,110,000.

Project 94-D-416, solvent storage tanks installation, Savannah River, South Carolina, $1,500,000.

Project 94-D-417, intermediate level and low activity waste vaults, Savannah River Site, Aiken, South Carolina, $1,000,000.

Project 94-D-451, infrastructure replacement, Rocky Flats Plant, Golden, Colorado, $6,600,000.

Project 93-D-172, electrical upgrade, Idaho National Engineering Laboratory, Idaho, $9,600,000.

Project 93-D-174, plant drain waste water treatment upgrades, Y-12 Plant, Oak Ridge, Tennessee, $3,500,000.

Project 93-D-175, industrial waste compaction facility, Y-12 Plant, Oak Ridge, Tennessee, $1,800,000.

Project 93-D-176, Oak Ridge reservation storage facility, K-25 Plant, Oak Ridge, Tennessee, $6,039,000.

Project 93-D-177, disposal of K-1515 sanitary water treatment plant waste, K-25 Plant, Oak Ridge, Tennessee, $7,100,000.

Project 93-D-178, building 374 liquid waste treatment facility, Rocky Flats, Golden, Colorado, $1,000,000.

Project 93-D-181, radioactive liquid waste line replacement, Richland, Washington, $6,700,000.

Project 93-D-182, replacement of cross-site transfer system, Richland, Washington, $6,500,000.

Project 93-D-183, multi-tank waste storage facility, Richland, Washington, $52,615,000.

Project 93-D-184, 325 facility compliance/renovation, Richland, Washington, $3,500,000.

Project 93-D-185, landlord program safety compliance, Phase II, Richland, Washington, $1,351,000.

Project 93-D-187, high-level waste removal from filled waste tanks, Savannah River, Aiken, South Carolina, $13,230,000.

Project 93-D-188, new sanitary landfill, Savannah River, Aiken, South Carolina, $1,020,000.

Project 92-D-125, master safeguards and security agreement/materials surveillance task force security upgrades, Rocky Flats Plant, Golden, Colorado, $3,900,000.

Project 92-D-172, hazardous waste treatment and processing facility, Pantex Plant, Amarillo, Texas, $300,000.

Project 92-D-173, nitrogen oxide abatement facility, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, $10,000,000.

Project 92-D-177, tank 101-AZ waste retrieval system Richland, Washington, $7,000,000.

Project 92-D-181, INEL fire and life safety improvements, Idaho National Engineering Laboratory, Idaho, $5,000,000.

Project 92-D-182, INEL sewer system upgrade, Idaho National Engineering Laboratory, Idaho, $1,450,000.

Project 92-D-183, INEL transportation complex, Idaho National Engineering Laboratory, Idaho, $7,198,000.

Project 92-D-184, Hanford infrastructure underground storage tanks, Richland, Washington, $300,000.

Project 92-D-186, steam system rehabilitation, Phase II, Richland, Washington, $4,300,000.

Project 92-D-187, 300 area electrical distribution, conversion, and safety improvements, Phase II, Richland, Washington, $10,276,000.

Project 92-D-188, waste management ES&H, and compliance activities, various locations, $8,568,000.

Project 92-D-403, tank upgrade project, Lawrence Livermore National Laboratory California, $3,888,000.

Project 91-D-171, waste receiving and processing facility, module 1, Richland, Washington, $17,700,000.

Project 91-D-175, 300 area electrical distribution, conversion, and safety improvements, Phase I, Richland, Washington, $1,500,000.

Project 90-D-172, aging waste transfer line, Richland, Washington, $5,600,000.

Project 90-D-175, landlord program safety compliance-I, Richland, Washington, $1,800,000.

Project 90-D-177, RWMC transuranic (TRU) waste characterization and storage facility, Idaho National Engineering Laboratory, Idaho, $21,700,000.

Project 89-D-172, Hanford environmental compliance, Richland, Washington, $11,700,000.

Project 89-D-173, tank farm ventilation upgrade, Richland, Washington, $1,800,000.

Project 89-D-174, replacement high-level waste evaporator, Savannah River, South Carolina, $23,974,000.

Project 89-D-175, hazardous waste/mixed waste disposal facility, Savannah River, South Carolina, $7,000,000.

Project 88-D-173, Hanford waste vitrification plant, Richland, Washington, $85,000,000.

Project 87-D-181, diversion box and pump pit containment buildings, Savannah River, South Carolina, $2,137,000.

Project 86-D-103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, California, $10,260,000.

Project 83-D-148, nonradioactive hazardous waste management, Savannah River, South Carolina, $9,769,000.

Project 81-T-105, defense waste processing facility, Savannah River, South Carolina, $43,873,000.

(c) CAPITAL EQUIPMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for capital equipment not related to construction in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $203,826,000, to be allocated as follows:

(1) For corrective activities, $600,000.

(2) For waste management, $138,781,000.

(3) For technology development, $29,850,000.

(4) For transportation management, $400,000.

(5) For program direction, $9,469,000.

(6) For facility transition and management, $24,726,000.

(d) ADJUSTMENTS.—The total amount authorized to be appropriated pursuant to this section is the sum of the amounts specified in subsections (a) through (c) reduced by $299,100,000 for use of prior year balances and for a general reduction.

SEC. 3103. NUCLEAR MATERIALS SUPPORT AND OTHER DEFENSE PROGRAMS.

(a) OPERATING EXPENSES.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for operating expenses incurred in carrying out nuclear materials support and other defense programs necessary for national security programs in the amount of $2,226,039,000, to be allocated as follows:

(1) For nuclear materials support, $901,166,000.

(2) For verification and control technology, $349,741,000.

(3) For nuclear safeguards and security, $86,246,000.

(4) For security investigations, $53,335,000.

(5) For security evaluations, $14,961,000.

(6) For nuclear safety, $24,859,000.

(7) For worker training and adjustment, $100,000,000.

(8) For naval reactors, including enrichment materials, $695,731,000.

(b) PLANT PROJECTS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto) in carrying out nuclear materials production and other defense programs necessary for national security programs as follows:

(1) For materials support:

Project GPD-146, general plant projects, various locations, $31,760,000.

Project 93-D-147, domestic water system upgrade, Phases I and II, Savannah River, South Carolina, $7,720,000.

Project 93-D-148, replace high-level drain lines, Savannah River, South Carolina, $1,800,000.

Project 93-D-152, environmental modification for production facilities, Savannah River, South Carolina, $20,000,000.

Project 92-D-140, F&H canyon exhaust upgrades, Savannah River, South Carolina, $15,000,000.

Project 92-D-142, nuclear material processing training center, Savannah River, South Carolina, $8,900,000.

Project 92-D-143, health protection instrument calibration facility, Savannah River, South Carolina, $9,600,000.

Project 92-D-150, operations support facilities, Savannah River, South Carolina, $26,900,000.

Project 92-D-153, engineering support facility, Savannah River, South Carolina, $9,500,000.

Project 90-D-149, plantwide fire protection, Phases I and II, Savannah River, South Carolina, $25,950,000.

Project 86-D-149, productivity retention program, Phases I, II, III, IV, V, and VI, various locations, $3,700,000.

(2) For verification and control technology:

Project 90-D-186, center for national security and arms control, Sandia National Laboratories, Albuquerque, New Mexico, $8,515,000.

(3) For naval reactors development:

Project GPN-101, general plant projects, various locations, $7,500,000.

Project 93-D-200, engineering services facilities, Knolls Atomic Power Laboratory, Niskayuna, New York, $7,000,000.

Project 92-D-200, laboratories facilities upgrades, various locations, $2,800,000.

Project 90-N-102, expended core facility dry cell project, Naval Reactors Facility, Idaho, $7,800,000.

(c) CAPITAL EQUIPMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for capital equipment not related to construction in carrying out nuclear materials production and other defense programs necessary for national security programs as follows:

(1) For materials support, $75,209,000.

(2) For verification and control technology, $15,573,000.

(3) For nuclear safeguards and security, $4,101,000.

(4) For nuclear safety, $50,000.

(5) For naval reactors, $46,900,000.

(d) ADJUSTMENTS.—The total amount that may be appropriated pursuant to this section is the sum of the amounts specified in subsections (a) through (c)—

(1) reduced by—

(A) $100,000,000, for recovery of overpayment to the Savannah River Pension Fund;

(B) $251,065,000, for use of prior year balances for materials support and other defense programs;

(C) $100,067,000, for use of prior year balances for the new production reactor; and

(D) $110,000,000, for a general reduction; and

(2) increased by $58,000,000 for education programs.

SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are authorized to be appropriated to the Department of Energy for fiscal year 1994 for operating expenses incurred in carrying out the nuclear waste fund program in the amount of $120,000,000.

SEC. 3105. FUNDING USES AND LIMITATIONS.

(a) DEFENSE INERTIAL CONFINEMENT FUSION PROGRAM.—Of the funds authorized to be appropriated to the Department of Energy for fiscal year 1994 for operating expenses and plant and capital equipment, $188,413,000 shall be available for the defense inertial confinement fusion program.

(b) PAYMENT OF PENALTY.—The Secretary of Energy may pay to the Hazardous Substance Superfund, from funds appropriated to the Department of Energy for environmental restoration and waste management activities pursuant to section 3102, a stipulated civil penalty in the amount of $100,000 assessed in accordance with Article XIX of the Hanford Consent Agreement and Compliance Order.

(c) CERTAIN WATER MANAGEMENT PROGRAMS.—From funds authorized to be appropriated pursuant to section 3102 to the Department of Energy for environmental restoration and waste management activities, the Secretary of Energy may reimburse the cities of Westminster, Broomfield, Thornton, and Northglen, in the State of Colorado, $11,300,000 for the cost of implementing water management programs.

(d) TECHNOLOGY TRANSFER ACTIVITIES.—(1)(A) The Secretary of Energy may use for technology transfer activities described in subparagraph (B) funds appropriated or otherwise made available to the Department of Energy for fiscal year 1994 for stockpile support under section 3101 and for nuclear materials support and other defense programs under section 3103.

(B) The technology transfer activities that may be funded under this paragraph are those that are determined by the Secretary of Energy to facilitate the maintenance and enhancement of critical skills required for research on, and development of, any dual-use critical technology.

(2) The Secretary of Energy shall conduct the technology transfer activities funded under paragraph (1) in accordance with applicable laws and regulations relating to grants, contracts, and cooperative agreements of the Department of Energy, including the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.), the National Competitiveness Technology Transfer Act of 1989 (Public Law 101-189; 103 Stat. 1674), and section 3136 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 105 Stat. 1577).

(3) For purposes of this subsection, the term "dual-use critical technology" has the meaning given that term by section 3136(b) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 105 Stat. 1577).

(4) Section 12(d) of the Stevenson-Wydler Act of 1980 (15 U.S.C. 3710a(d)) is amended—

(A) in paragraph (2)(B)—

(i) by inserting "(including a weapon production facility of the Department of Energy)" after "facilities under a common contract"; and

(ii) by inserting "and production" after "research and development";

(B) in paragraph (2), by striking out "propulsion program; and" and inserting in lieu thereof "propulsion program;";

(C) in paragraph (3), by striking out the period and inserting in lieu thereof "; and"; and

(D) by adding at the end the following new paragraph:

"(4) the term 'weapon production facility of the Department of Energy' means a facility under the control or jurisdiction of the Secretary of Energy that is operated for national security purposes and is engaged in the production of a nuclear weapon or its components.".

(e) PROHIBITION ON RESEARCH AND DEVELOPMENT OF LOW-YIELD NUCLEAR WEAPONS.—(1) The Congress finds the following:

(A) Section 507 of the Energy and Water Development Appropriations Act, 1993 (Public Law 102-377; 106 Stat. 1345) places severe restrictions on the underground testing of a nuclear weapon by the United States.

(B) The use of low-yield nuclear weapons threatens to blur the distinction between nuclear and non-nuclear conflict.

(2) It shall be the policy of the United States not to conduct research and development of new low-yield nuclear weapons, including the precision low-yield warhead.

(3) No funds appropriated pursuant to this Act or any other Act in any fiscal year may be used to conduct or provide for the research and development of any low-yield nuclear weapon which, as of the date of the enactment of this Act, has not entered production.

(4) In this subsection, the term "low-yield nuclear weapon" means a nuclear weapon that has a yield less than the lowest yield nuclear weapon type in the nuclear weapons stockpile in existence on the date of the enactment of this Act.

Subtitle B—Recurring General Provisions

SEC. 3121. REPROGRAMMING.

(a) NOTICE TO CONGRESS.—

(1) Except as otherwise provided in this title—

(A) no amount appropriated pursuant to this title may be used for any program in excess of the lesser of—

(i) 105 percent of the amount authorized for that program by this title; or

(ii) $10,000,000 more than the amount authorized for that program by this title; and

(B) no amount appropriated pursuant to this title may be used for any program which has not been presented to, or requested of, the Congress.

(2) An action described in paragraph (1) may not be taken until—

(A) the Secretary of Energy has submitted to the congressional defense committees a report containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action; and

(B) a period of 30 days has elapsed after the date on which the report is received by the committees.

(3) In the computation of the 30-day period under paragraph (2), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 calendar days to a day certain.

(b) LIMITATION ON AMOUNT OBLIGATED.—In no event may the total amount of funds obligated pursuant to this title exceed the total amount authorized to be appropriated by this title.

SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.

(a) IN GENERAL.—The Secretary of Energy may carry out any construction project under the general plant projects provisions authorized by this title if the total estimated cost of the construction project does not exceed $1,200,000.

(b) REPORT TO CONGRESS.—If, at any time during the construction of any general plant project authorized by this title, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds $1,200,000, the Secretary shall immediately furnish a complete report to the congressional defense committees explaining the reasons for the cost variation.

SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.

(a) IN GENERAL.—

(1) Except as provided in paragraph (2), construction on a construction project may not be started or additional obligations incurred in connection with the project above the total estimated cost, whenever the current estimated cost of the construction project, which is authorized by sections 3101, 3102, 3103, and 3104 of this title, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of—

(A) the amount authorized for the project; or

(B) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress.

(2) An action described in paragraph (1) may be taken if—

(A) the Secretary of Energy has submitted to the congressional defense committees a report on the actions and the circumstances making such actions necessary; and

(B) a period of 30 days has elapsed after the date on which the report is received by the committees.

(3) In the computation of the 30-day period under paragraph (2), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 calendar days to a day certain.

(b) EXCEPTION.—Subsection (a) shall not apply to any construction project which has a current estimated cost of less than $5,000,000.

SEC. 3124. FUND TRANSFER AUTHORITY.

Funds appropriated pursuant to this title may be transferred to other agencies of the Government for the performance of the work for which the funds were appropriated, and funds so transferred may be merged with the appropriations of the agency to which the funds are transferred.

SEC. 3125. AUTHORITY FOR CONSTRUCTION DESIGN.

(a) IN GENERAL.—

(1) Within the amounts authorized by this title for plant engineering and design, the Secretary of Energy may carry out advance planning and construction design (including architectural and engineering services) in connection with a proposed construction project for a national security program if the total estimated cost for such planning and design does not exceed $2,000,000.

(2) In the case of any such project in which the total estimated cost for advance planning and design exceeds $300,000, the Secretary shall notify the congressional defense committees in writing of the details of such project at least 30 days before any funds are obligated for design services for such project.

(b) SPECIFIC AUTHORITY REQUIRED.—In any case in which the total estimated cost for advance planning and construction design in connection with any such construction project exceeds $2,000,000, funds for such planning and design must be specifically authorized by law.

SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DESIGN, AND CONSTRUCTION ACTIVITIES.

(a) AUTHORITY.—The Secretary of Energy may use any funds available to the Department of Energy, including those funds authorized to be appropriated for advance planning and construction design under sections 3101, 3102, 3103, 3104, to perform planning, design, and construction activities for any Department of Energy defense activity construction project that, as determined by the Secretary, must proceed expeditiously in order to protect public health and safety, meet the needs of national defense, or protect property.

(b) LIMITATION.—The Secretary may not exercise the authority under subsection (a) in the case of any construction project until the Secretary has submitted to the congressional defense committees a report on the activities that the Secretary intends to carry out under this section and the circumstances making such activities necessary.

(c) SPECIFIC AUTHORITY.—The requirement of section 3125(b) does not apply to emergency planning, design, and construction activities conducted under this section.

(d) REPORT.—The Secretary of Energy shall promptly report to the congressional defense committees any exercise of authority under this section.

SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY.

Subject to the provisions of appropriation Acts and section 3121, amounts appropriated pursuant to this title for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

SEC. 3128. AVAILABILITY OF FUNDS.

When so specified in an appropriation Act, amounts appropriated for operating expenses or for plant and capital equipment may remain available until expended.

Subtitle C—Other Provisions

SEC. 3131. IMPROVED CONGRESSIONAL OVERSIGHT OF DEPARTMENT OF ENERGY SPECIAL ACCESS PROGRAMS.

(a) IN GENERAL.—Chapter 9 of the Atomic Energy Act of 1954 (42 U.S.C. 2121 et seq.) is amended by adding at the end the following new section:

"SEC. 93. CONGRESSIONAL OVERSIGHT OF SPECIAL ACCESS PROGRAMS.

"(a) ANNUAL REPORT ON SPECIAL ACCESS PROGRAMS.—

"(1) IN GENERAL.—Not later than February 1 of each year, the Secretary of Energy shall submit to the congressional defense committees a report on special access programs of the Department of Energy carried out under the atomic energy defense activities of the Department.

"(2) MATTERS TO BE INCLUDED.—Each such report shall set forth—

"(A) the total amount requested for such programs in the President's budget for the next fiscal year submitted under section 1105 of title 31, United States Code; and

"(B) for each such program in that budget the following:

"(i) A brief description of the program.

"(ii) A brief discussion of the major milestones established for the program.

"(iii) The actual cost of the program for each fiscal year during which the program has been conducted before the fiscal year during which that budget is submitted.

"(iv) The estimated total cost of the program and the estimated cost of the program for (I) the current fiscal year, (II) the fiscal year for which the budget is submitted, and (III) each of the four succeeding fiscal years during which the program is expected to be conducted.

"(b) ANNUAL REPORT ON NEW SPECIAL ACCESS PROGRAMS.—

"(1) IN GENERAL.—Not later than February 1 of each year, the Secretary of Energy shall submit to the congressional defense committees a report that, with respect to each new special access program, provides—

"(A) notice of the designation of the program as a special access program; and

"(B) justification for such designation.

"(2) MATTERS TO BE INCLUDED.—A report under paragraph (1) with respect to a program shall include—

"(A) the current estimate of the total program cost for the program; and

"(B) an identification of existing programs or technologies that are similar to the technology, or that have a mission similar to the mission, of the program that is the subject of the notice.

"(3) NEW SPECIAL ACCESS PROGRAM DEFINED.—In this subsection, the term 'new special access program' means a special access program that has not previously been covered in a notice and justification under this subsection.

"(c) REPORTS ON CHANGES IN CLASSIFICATION OF SPECIAL ACCESS PROGRAMS.—

"(1) NOTICE TO CONGRESSIONAL COMMITTEES.—Whenever a change in the classification of a special access program of the Department of Energy is planned to be made or whenever classified information concerning a special access program of the Department of Energy is to be declassified and made public, the Secretary of Energy shall submit to the congressional defense committees a report containing a description of the proposed change, the reasons for the proposed change, and notice of any public announcement planned to be made with respect to the proposed change.

"(2) TIME FOR NOTICE.—Except as provided in paragraph (3), any report referred to in paragraph (1) shall be submitted not less than 14 days before the date on which the proposed change or public announcement is to occur.

"(3) TIME WAIVER FOR EXCEPTIONAL CIRCUMSTANCES.—If the Secretary determines that because of exceptional circumstances the requirement of paragraph (2) cannot be met with respect to a proposed change or public announcement concerning a special access program of the Department of Energy, the Secretary may submit the report required by paragraph (1) regarding the proposed change or public announcement at any time before the proposed change or public announcement is made and shall include in the report an explanation of the exceptional circumstances.

"(d) NOTICE OF CHANGE IN SAP DESIGNATION CRITERIA.—Whenever there is a modification or termination of the policy and criteria used for designating a program of the Department of Energy as a special access program, the Secretary of Energy shall promptly notify the congressional defense committees of such modification or termination. Any such notification shall contain the reasons for the modification or termination and, in the case of a modification, the provisions of the policy as modified.

"(e) WAIVER AUTHORITY.—

"(1) IN GENERAL.—The Secretary of Energy may waive any requirement under subsection (a), (b), or (c) that certain information be included in a report under that subsection if the Secretary determines that inclusion of that information in the report would adversely affect the national security. Any such waiver shall be made on a case-by-case basis.

"(2) LIMITED NOTICE REQUIRED.—If the Secretary exercises the authority provided under paragraph (1), the Secretary shall provide the information described in that subsection with respect to the special access program concerned, and the justification for the waiver, jointly to the chairman and ranking minority member of each of the congressional defense committees.

"(f) REPORT AND WAIT FOR INITIATING NEW PROGRAMS.—A special access program may not be initiated until—

"(1) the congressional defense committees are notified of the program; and

"(2) a period of 30 days elapses after such notification is received.

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

(b) CLERICAL AMENDMENT.—The table of contents at the beginning of the Atomic Energy Act of 1954 is amended by inserting after the item relating to section 92 the following new item:

"Sec. 93. Congressional oversight of special access programs.".

SEC. 3132. BASELINE ENVIRONMENTAL MANAGEMENT REPORTS.

(a) ENVIRONMENTAL RESTORATION REPORT.—At the same time the President submits to the Congress the budget for each fiscal year, the Secretary of Energy shall submit to the Congress a report on the activities and projects necessary to complete the environmental restoration of all Department of Energy defense nuclear facilities not later than the year 2019.

(b) WASTE MANAGEMENT REPORT.—Not later than 30 days after the date on which the President submits to the Congress the budget for each fiscal year, the Secretary of Energy shall submit to the Congress a report on all activities and

projects for waste management, decontamination and decommissioning, and technology research and development that are necessary for Department of Energy defense nuclear facilities through the year 2019.

(c) CONTENTS OF REPORTS.—A report required under subsection (a) or (b) shall be based on compliance with all applicable provisions of law and shall—

(1) provide the estimated total cost of, and the complete schedule for, the activities and projects covered by the report; and

(2) with respect to each such activity and project, contain—

(A) a description of the activity or project;

(B) a description of the problem addressed by the activity or project;

(C) the proposed remediation of the problem, if the remediation is known or decided;

(D) the estimated cost to complete the activity or project, including, where appropriate, the cost for every five-year increment; and

(E) the estimated date for completion of the project or activity, including, where appropriate, progress milestones for every five-year increment.

(d) ANNUAL STATUS AND VARIANCE REPORT.—(1) The Secretary of Energy shall annually submit to the Congress, at the same time the President submits to the Congress the budget for a fiscal year (pursuant to section 1105 of title 31, United States Code), a status and variance report on environmental restoration and waste management activities and projects at Department of Energy defense nuclear facilities. The status and variance report shall contain the following:

(A) Information on each such activity and project for which funds were appropriated for the fiscal year immediately prior to the fiscal year during which the status report is submitted, including the following:

(i) Information on whether or not the activity or project has been completed, and information on the estimated date of completion for activities or projects that have not been completed.

(ii) The total amount of funds expended for the activity or project, including the amount of funds expended from amounts made available as the result of supplemental appropriations or a transfer of funds, and an estimate of the total amount of funds required to complete the activity or project.

(iii) Information on whether the President requested in the budget an amount of funds for the activity or project for the fiscal year during which the status report is submitted, and whether such funds were appropriated or transferred.

(iv) An explanation of the reasons for any projected cost variance of more than 10 percent or $10,000,000, or any schedule delay of more than six months, for the activity or project.

(B) A disaggregation of the funds appropriated for Department of Energy defense environmental restoration and waste management, for the fiscal year during which the status report is submitted, into the activities and projects (including discrete parts of multi-year activities and projects) that the Secretary of Energy expects to accomplish during that fiscal year.

(C) A disaggregation of the Department of Energy defense environmental restoration and waste management budget request for the fiscal year for which the budget is submitted into the activities and projects (including discrete parts of multi-year activities and projects) that the Secretary of Energy expects to accomplish during that fiscal year.

(2) The first annual report required under paragraph (1) shall be submitted at the same time the President submits to the Congress the budget for fiscal year 1995. A subsequent annual report under this subsection shall be submitted for each fiscal year following fiscal year 1995 during which the Secretary of Energy conducts environmental restoration activities and projects.

(e) COMPLIANCE TRACKING.—In preparing a report under this section, the Secretary of Energy shall provide with respect to each activity and project identified in the report information which is sufficient to track the Department of Energy's compliance with relevant Federal and State regulatory milestones.

SEC. 3133. EXPANSION OF AUTHORITY TO LOAN PERSONNEL AND FACILITIES.

(a) AUTHORITY TO LOAN PERSONNEL.—Subsection (a)(1)(A) of section 1434 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 2074) is amended—

(1) in clause (i), by striking out "and" after the semicolon;

(2) in clause (ii), by striking out the period and inserting in lieu thereof "; and"; and

(3) by adding after clause (ii) the following new clause:

"(iii) at the Savannah River Site, South Carolina, to loan personnel in accordance with this section to the community development organization known as the Savannah River Regional Diversification Initiative.".

(b) PURPOSE.—Subsection (a)(1)(B) of such section is amended by striking out "the Hanford Reservation and the Idaho National Engineering Laboratory" and inserting in lieu thereof "the Hanford Reservation, the Idaho National Engineering Laboratory, and the Savannah River Site".

(c) AUTHORITY TO LOAN FACILITIES.—Subsection (b) of such section is amended by striking out "or the Idaho National Engineering Laboratory, Idaho," and inserting in lieu thereof "the Idaho National Engineering Laboratory, Idaho, and the Savannah River Site, South Carolina,".

(d) DURATION OF PROGRAM.—Subsection (c) of such program is amended by striking out "terminate on" and all that follows through the period and inserting in lieu thereof the following: "terminate on—

"(1) September 30, 1993, with respect to the Hanford Reservation;

"(2) September 30, 1994, with respect to the Idaho National Engineering Laboratory; and

"(3) September 30, 1995, with respect to the Savannah River Site.".

SEC. 3134. MODIFICATION OF PAYMENT PROVISION.

Section 1532(a) of the Department of Defense Authorization Act, 1986 (42 U.S.C. 2391 note), is amended by striking out "1996" and inserting in lieu thereof "1995".

SEC. 3135. STOCKPILE STEWARDSHIP PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Energy shall establish a stewardship program to ensure the preservation of the core intellectual and technical competencies of the United States in nuclear weapons, including weapons design, system integration, manufacturing, security, use control, reliability assessment, and certification.

(b) PROGRAM ELEMENTS.—The program shall include the following:

(1) An increased level of effort for advanced computational capabilities to enhance the simulation and modeling capabilities of the United States.

(2) An increased level of effort for aboveground experimental programs, such as hydrotesting, high-energy lasers, inertial confinement fusion, plasma physics and materials research.

(3) Support for new facilities construction projects that contribute to the experimental capabilities of the United States, such as an advanced hydrodynamics facility, the National Ignition Facility, and other facilities for aboveground experiments to assess weapon effects.

(c) AUTHORIZATION OF APPROPRIATIONS.—Of funds authorized to be appropriated to the Secretary of Energy for fiscal year 1994 for weapons activities, $100,000,000 shall be available for the stewardship program established in subsection (a).

SEC. 3136. COUNTER-PROLIFERATION PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Energy, with the concurrence of the Secretary of Defense and the Secretary of State, shall establish a program to counter the increasing threat of nuclear weapons proliferation.

(b) PROGRAM ELEMENTS.—The program established pursuant to subsection (a) shall include the following:

(1) Ongoing counter-proliferation efforts within the national security programs of the Department of Energy.

(2) The establishment of a database and tracking system to account for production, storage, and usage of weapons-grade plutonium, uranium, and tritium in the newly independent states of the former Soviet Union and in other states, as appropriate.

(3) Increased research and development with respect to the detection and disablement of terrorist weapons.

(4) Increased support for—

(A) weapons dismantlement and storage; and

(B) information and intelligence gathering on world-wide nuclear arsenals, nuclear weapons development programs, and related nuclear programs.

(c) AUTHORIZATION OF APPROPRIATIONS.—Of funds authorized to be appropriated to the Secretary of Energy for fiscal year 1994 for operating expenses for verification and control technology, $5,000,000 shall be available for the establishment of the database and tracking system referred to in subsection (b)(2).

SEC. 3137. LIMITATIONS ON THE RECEIPT AND STORAGE OF SPENT NUCLEAR FUEL FROM FOREIGN RESEARCH REACTORS.

(a) PURPOSE.—It is the purpose of this section to regulate the receipt and storage of spent nuclear fuel at the Department of Energy defense nuclear facility located at the Savannah River Site, South Carolina.

(b) RECEIPT IN EMERGENCY SITUATIONS.—(1) When the Secretary of Energy determines that emergency circumstances make it necessary to receive spent nuclear fuel referred to in paragraph (2), the Secretary shall submit a notification of that determination to the Committees on Armed Services of the Senate and House of Representatives. The Secretary may not receive the spent nuclear fuel at the Savannah River Site until 30 days (as computed in paragraph (3)) have expired following the date on which the notification is received by such committees.

(2) The spent nuclear fuel referred to in paragraph (1) is nuclear fuel that—

(A) is originally exported to a foreign country from the United States in the form of highly enriched uranium; and

(B) is used in a research reactor by the Government of a foreign country or by a foreign-owned or foreign-controlled entity.

(3) For purposes of paragraph (1), days on which either House is not in session because of an adjournment of more than 3 days to a day certain or because of an adjournment sine die shall be excluded in the computation of such 30-day period.

(c) LIMITATION ON STORAGE.—The Secretary of Energy may not receive and store at the Department of Energy defense nuclear facility located at Savannah River Site, South Carolina any spent nuclear fuel referred to in subsection (b)(2) in excess of the amount that is the capacity of such fuel that may be received and stored at such facility, until the completion of an environmental impact statement (and the signing by

the Secretary of a record of decision following such completion) under section 102(2)(c) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(c)) with respect to the receipt and storage of spent nuclear fuel from foreign research reactors.

SEC. 3138. CONTRACT GOAL FOR SMALL DISADVANTAGED BUSINESSES AND CERTAIN INSTITUTIONS OF HIGHER EDUCATION.

(a) GOAL.—Except as provided in subsection (c), a goal of 5 percent of the amount described in subsection (b) shall be the objective of the Department of Energy in carrying out national security programs of the Department in each of fiscal years 1994 through 2000 for the total combined amount obligated for contracts and subcontracts entered into with—

(1) small business concerns, including mass media and advertising firms, owned and controlled by socially and economically disadvantaged individuals (as such term is used in section 8(d) of the Small Business Act (15 U.S.C. 637(d)) and regulations issued under that section), the majority of the earnings of which directly accrue to such individuals;

(2) historically Black colleges and universities; and

(3) minority institutions (as defined in paragraphs (3), (4), and (5) of section 312(b) of the Higher Education Act of 1965 (20 U.S.C. 1058)), including any nonprofit research institution that was an integral part of a historically Black college or university before November 14, 1986.

(b) AMOUNT.—The requirements of subsection (a) for any fiscal year apply to the combined total of the funds obligated for contracts entered into by the Department of Energy pursuant to competitive procedures for such fiscal year for purposes of carrying out military applications of nuclear energy and other national security programs of the Department.

(c) APPLICABILITY.—Subsection (a) does not apply—

(1) to the extent to which the Secretary of Energy determines that compelling national security considerations require otherwise; and

(2) if the Secretary notifies Congress of such a determination and the reasons for the determination.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD AUTHORIZATION

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 1994, $15,060,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

SEC. 3301. DEFINITIONS.

For purposes of this title:

(1) The term "National Defense Stockpile" means the stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c).

(2) The term "National Defense Stockpile Transaction Fund" means the fund established under section 9(a) of such Act (50 U.S.C. 98h(a)).

(3) The term "annual materials plan" means the report containing an annual materials plan for the operation of the National Defense Stockpile required to be submitted to Congress each year under section 11(b) of such Act (50 U.S.C. 98h-2(b)).

SEC. 3302. DISPOSAL OF OBSOLETE AND EXCESS MATERIALS CONTAINED IN THE NATIONAL DEFENSE STOCKPILE.

The President may dispose of obsolete and excess materials in the National Defense Stockpile, except that the amount of funds received from the sale of such materials may not exceed $500,000,000 in any fiscal year. All funds received from the sale of materials under this section shall be deposited in the National Defense Stockpile Transaction Fund.

SEC. 3303. MODIFICATION OF NOTICE AND WAIT REQUIREMENTS FOR DEVIATIONS FROM ANNUAL MATERIALS PLAN.

Section 5(a)(2) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98d(a)(2)) is amended by striking out "and a period of 30 days" and all that follows through "more than three days to a day certain." and inserting in lieu thereof "and a period of 45 days has passed from the date of the receipt of such statement by such committees.".

SEC. 3304. CONTINUATION OF LIMITATIONS ON THE DISPOSAL OF CHROMITE AND MANGANESE ORES AND CHROMIUM AND MANGANESE FERRO.

(a) LIMITATION REGARDING CHROMITE AND MANGANESE ORES.—During fiscal year 1994, the disposal of chromite and manganese ores of metallurgical grade from the National Defense Stockpile pursuant to any provision of law may be made only for processing within the United States and the territories and possessions of the United States.

(b) LIMITATION REGARDING CHROMIUM AND MANGANESE FERRO.—The disposal of chromium ferro and manganese ferro from the National Defense Stockpile pursuant to any provision of law may not commence before October 1, 1994.

SEC. 3305. CONVERSION OF CHROMIUM ORE TO HIGH PURITY ELECTROLYTIC CHROMIUM METAL.

(a) REQUIRED UPGRADING.—During each of fiscal years 1994 through 1996, the President shall—

(1) obtain bids from domestic producers of high purity electrolytic chromium metal; and

(2) award contracts for the conversion of chromium ores held in the National Defense Stockpile into high purity electrolytic chromium metal.

(b) QUANTITIES TO BE UPGRADED.—(1) Contracts awarded under subsection (a) shall provide for the addition of not less than 800 short tons of high purity electrolytic chromium metal to the National Defense Stockpile during each of the fiscal years covered by subsection (a).

(2) If, during any fiscal year referred to in subsection (a), the minimum quantity of high purity electrolytic chromium metal to be added to the National Defense Stockpile, as required by paragraph (1), is not met, the quantity of such material to be added to the stockpile in the next fiscal year shall be increased by the quantity of the deficiency.

TITLE XXXIV—CIVIL DEFENSE

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated $146,391,000 for fiscal year 1994 for the purpose of carrying out the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2251 et seq.).

SEC. 3402. MODERNIZATION OF THE CIVIL DEFENSE SYSTEM.

(a) DECLARATION OF POLICY.—Section 2 of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2251) is amended to read as follows:

"SEC. 2. DECLARATION OF POLICY.

"The purpose of this Act is to provide a system of civil defense for the protection of life and property in the United States from hazards and to vest responsibility for civil defense jointly in the Federal Government and the several States and their political subdivisions. The Congress recognizes that the organizational structure established jointly by the Federal Government and the several States and their political subdivisions for civil defense purposes can be effectively utilized to provide relief and assistance to people in areas of the United States struck by a hazard. The Federal Government shall provide necessary direction, coordination, and guidance and shall provide necessary assistance as authorized in this Act.".

(b) DEFINITION OF HAZARD.—Section 3 of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2252) is amended—

(1) by redesignating subsections (a) through (h) as subsections (b) through (i), respectively;

(2) by inserting before subsection (b), as so redesignated, the following new subsection (a):

"(a) The term 'hazard' means an emergency or disaster resulting from—

"(1) a natural disaster; or

"(2) an accidental or man-caused event, including a civil disturbance and an attack-related disaster.";

(3) in subsection (b), as so redesignated—

(A) by striking out "attack" the first place it appears and inserting in lieu thereof "attack-related disaster"; and

(B) by striking out "atomic" and inserting in lieu thereof "nuclear";

(4) in subsection (c), as so redesignated, by striking out "and, for the purposes of this Act" and all that follows through "natural disaster;" and inserting in lieu thereof a period; and

(5) by striking out subsection (d), as so redesignated, and inserting in lieu thereof the following new subsection:

"(d) The term 'civil defense' means all those activities and measures designed or undertaken to minimize the effects of a hazard upon the civilian population, to deal with the immediate emergency conditions which would be created by the hazard, and to effectuate emergency repairs to, or the emergency restoration of, vital utilities and facilities destroyed or damaged by the hazard. Such term shall include the following:

"(1) Measures to be undertaken in preparation for anticipated hazards (including the establishment of appropriate organizations, operational plans, and supporting agreements, the recruitment and training of personnel, the conduct of research, the procurement and stockpiling of necessary materials and supplies, the provision of suitable warning systems, the construction or preparation of shelters, shelter areas, and control centers, and, when appropriate, the non-military evacuation of civil population).

"(2) Measures to be undertaken during a hazard (including the enforcement of passive defense regulations prescribed by duly established military or civil authorities, the evacuation of personnel to shelter areas, the control of traffic and panic, and the control and use of lighting and civil communications).

"(3) Measures to be undertaken following a hazard (including activities for fire fighting, rescue, emergency medical, health and sanitation services, monitoring for specific dangers of special weapons, unexploded bomb reconnaissance, essential debris clearance, emergency welfare measures, and immediately essential emergency repair or restoration of damaged vital facilities).".

(c) CONFORMING AMENDMENTS TO REFLECT DEFINITION OF HAZARD.—(1) Section 201 of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2281) is amended—

(A) in subsection (c), by striking out "an attack or natural disaster" and inserting in lieu thereof "a hazard";

(B) in subsection (d), by striking out "attacks and natural disasters" and inserting in lieu thereof "hazards"; and

(C) in subsection (g)—

(i) by striking out "an attack or natural disaster" the first place it appears and inserting in lieu thereof "a hazard"; and

(ii) by striking out "undergoing an attack or natural disaster" and inserting in lieu thereof "experiencing a hazard".

(2) Section 205(d)(1) of such Act (50 U.S.C. App. 2286(d)(1)) is amended by striking out

"natural disasters" and inserting in lieu thereof "hazards".

(d) STATE USE OF FUNDS FOR PREPARATION AND RESPONSE.—(1) Section 207 of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2289) is amended to read as follows:

"SEC. 207. USE OF FUNDS TO PREPARE FOR AND RESPOND TO HAZARDS.

"Funds made available to the States under this Act may be used by the States for the purposes of preparing for, and providing emergency assistance in response to hazards. Regulations prescribed to carry out this section shall authorize the use of civil defense personnel, materials, and facilities supported in whole or in part through contributions under this Act for civil defense activities and measures related to hazards.".

(2) The item relating to section 207 in the table of contents in the first section of such Act is amended to read as follows:

"Sec. 207. Use of funds to prepare for and respond to hazards.".

(e) REPEAL OF OBSOLETE PROVISIONS.—(1) Title V of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2301-2303) is repealed.

(2) The table of contents in the first section of such Act is amended by striking out the items related to title V.

(f) TECHNICAL AND CONFORMING AMENDMENTS.—(1) The table of contents in the first section of the Federal Civil Defense Act of 1950 is amended—

(A) by inserting after the item relating to section 204 the following new item:

"Sec. 205. Contributions for personnel and administrative expenses."; and

(B) by inserting after the item relating to section 412 the following new item:

"Sec. 413. Applicability of Reorganization Plan Numbered 1.".

(2) Section 3 of such Act (50 U.S.C. App. 2252), as amended by subsection (b) of this section, is further amended—

(A) in each of subsections (b), (e), (f), and (g), as redesignated by subsection (b)(1) of this section, by striking out the semicolon at the end and inserting in lieu thereof a period; and

(B) in subsection (h), as so redesignated, by striking out "; and" and inserting in lieu thereof a period.

(3) Section 205 of such Act (50 U.S.C. App. 2286) is amended by striking out "SEC. 205." and inserting in lieu thereof the following:

"SEC. 205. CONTRIBUTIONS FOR PERSONNEL AND ADMINISTRATIVE EXPENSES.".

(g) AMENDMENT FOR STYLISTIC CONSISTENCY.—The Federal Civil Defense Act of 1950 (50 U.S.C. App. 2251 et seq.) is further amended so that the section designation and section heading of each section of such Act shall be in the same form and typeface as the section designation and heading of section 2 of such Act, as amended by subsection (a) of this section.

The CHAIRMAN pro tempore. No amendments to the committee amendment in the nature of a substitute are in order except those amendments printed in House Report 103-223 or specified by a subsequent order of the House.

Except as specified in section 2 of House Resolution 246, the amendments shall be considered in the order printed in the report. Unless otherwise specified in the report, each amendment may be offered only by the named proponent or a designee, shall be considered as read, shall not be subject to amendment and shall not be subject to a demand for a division of the question.

Debate time on each amendment shall be equally divided and controlled by the proponent and an opponent of the amendment.

The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment made in order by House Resolution 246.

The Chairman of the Committee of the Whole may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

The Chairman of the Committee of the Whole may recognize for consideration of amendments printed within a numbered part of the report—other than part 1—out of the order in which they are printed, but not sooner than 1 hour after the chairman of the Committee on Armed Services or a designee announces from the floor a request to that effect.

After designation of the committee amendment in the nature of a substitute, an additional period of general debate shall be confined to funding levels for ballistic missile defense and shall not exceed 40 minutes, equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services.

It shall then be in order to consider the amendments printed in part 1 of the report. If more than one of the amendments printed in part 1 of the report is adopted, only the last to be adopted shall be considered as finally adopted and reported to the House.

After disposition of or postponement of further proceedings on the amendments printed in part 1 of the report, an additional period of general debate shall be confined to the Trident II (D-5) missile and shall not exceed 30 minutes, equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services.

It shall then be in order to consider the amendments printed in part 2 of the report.

After disposition of or postponement of further proceedings on the amendments printed in part 2 of the report, an additional period of general debate shall be confined to burdensharing and shall not exceed 20 minutes, equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services.

It shall then be in order to consider the amendments printed in part 3 of the report.

After disposition of or postponement of further proceedings on the amendments printed in part 3 of the report, an additional period of general debate shall be confined to economic conversion and shall not exceed 30 minutes, equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services.

It shall then be in order to consider the amendments printed in part 4 of the report.

After disposition of the amendments printed in part 4 of the report and any other amendment on which further proceedings were earlier postponed, the committee shall rise without motion. No further consideration of the bill shall be in order except pursuant to a subsequent order of the House.

Pursuant to House Resolution 246, it is now in order to debate the subject matter of funding levels for ballistic missile defense.

The gentleman from California [Mr. DELLUMS] will be recognized for 20 minutes and the gentleman from South Carolina [Mr. SPENCE] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. DELLUMS].

□ 1540

Mr. DELLUMS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we are now in general debate on the ballistic missile defense program. Mr. Chairman, I have come to the floor several times over the past decade to offer an amendment which would, in effect, kill star wars.

In several of those years, the amendment enjoyed the support of the majority of the Democrats of the House. In almost all of those years, the country was still laboring under the burden of the cold war mentality with all of the fears and budgets that attended that mentality.

Today we no longer have the threat of an intercontinental ballistic missile attack from the Soviet Union to offer as a rationale for the strategic defense initiative or what we euphemistically referred to over those years as star wars. In fact, we are told that star wars is dead, and we now have a combined national missile defense program and theater ballistic missile defense program under the rubric of ballistic missile defense.

Mr. Chairman, I will offer an amendment at the appropriate point that will not reduce spending on theater missile defense but will reduce funding for the national missile defense portion of the program. It may not be called star wars or SDI now, but it is essentially the same program. It makes even less sense now than it did $30 billion ago. Surprisingly, my amendment, Mr. Chairman, will be roughly in line with the funding of the Pentagon's bottom-up review regarding the technology-based requirements for national missile defense.

Of the five options reviewed, costing $25 billion, $23 billion, $20 billion, $18

billion, and $15 billion respectively, between fiscal years 1995 and 1993, DOD selected the second cheapest. This option embodies a major emphasis on theater missile defense, TMD, and a major deemphasis on national missile defense, NMD. It reduces NMD to an average of $600 million per year, with brilliant eyes accounting for $200 million of that. Taking away the $200 million for brilliant eyes, a system which would, in this gentleman's opinion, violate the ABM Treaty, we have a funding level of $400 million for national missile defense, which is exactly what the Dellums-DeFazio amendment provides.

This, as the Pentagon understands, is fully adequate to keep the technology base in national missile defense technologies alive and healthy. The Dellums-DeFazio amendment would fund theater ballistic missile defense at $932 million and would provide $168 million for other research and support. Follow-on technologies, mostly SDI space-based sciences, would not be funded.

As CIA Director James Woolsey has said, "We don't expect any nations beyond Russian and China to develop and produce ICBM's in this decade." For further information on the CIA analysis of the threat, I recommend that my colleagues refer to the classified document "Prospects for worldwide development of ballistic missile threats to the continental United States (U), key findings." I believe that this clears up much of the hyperbole surrounding the characterization of this threat.

Mr. Chairman, it is time for the House to adopt a position on star wars that even the Pentagon has come to understand makes sense. The threat does not require it. We cannot afford it.

Let us vote for a ballistic missile defense program that addresses the real world, not a carton version of it. I will be asking for support at the appropriate point of my colleagues for the Dellums-DeFazio amendment, when we offer it at the appropriate time in this debate.

Mr. Chairman, with those remarks, I reserve the balance of my time.

Mr. SPENCE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to share with my colleagues some thoughts on the future of the U.S. ballistic missile defense [BMD] program, as well as my views on the three amendments to H.R. 2401 concerning missile defense funding that were made in order by the second rule.

First, I was disappointed with the outcome of the Department of Defense [DOD] "Bottom Up Review" as it related to the U.S. BMD Program. As many of my colleagues are aware, Secretary Aspin chose to dramatically cut the budget for missile defenses from the levels contained in the Bush-Cheney fiscal years 1995–99 budget. Specifically, Secretary Aspin approved a budget profile for missile defense of $18 billion over the 5-year period, down from $39 billion in the Cheney plan.

There are a number of concerns I have with Secretary Aspin's decision. First, in the area of national missile defense, in deciding to focus only on basic research and development, as opposed to either system technology development or actual deployment, Secretary Aspin will delay the date by which an effective defense for the continental United States could be deployed. I need not remind my colleagues that the United States has no capability today to interdict ballistic missiles once they are launched. In my opinion, Secretary Aspin's decision is short-sighted in light of the continuing efforts of various Third World nations to acquire the means of delivering conventional munitions or even weapons of mass destruction over intercontinental distances.

Week after week, Mr. Chairman, the Armed Services Committee receives intelligence reports on the proliferation of nuclear, chemical, and biological weapons and the missiles that can be used to launch them. The evidence continues to mount that irresponsible Third World nations, such as Iran, Syria, Iraq, and Libya, are making deals with the likes of North Korea and the People's Republic of China for assembled missiles and, in some instances, missile production hardware, as well as for dangerous technologies necessary to develop weapons of mass destruction. Sadly, the proliferation trend clearly is in the direction of systems with increasing range and accuracy. Likewise in the area of warhead development and production, the race continues. It is simply a matter of time before unstable, antidemocratic regimes in the Third World will possess the means of destroying Washington or New York or Los Angeles, just as they today possess the means of targeting Tel Aviv, Rome, and Ankara.

Furthermore, we should not forget that the United States remains threatened by nuclear missiles. During the cold war, the paramount nuclear threat to the United States was from a massive nuclear first-strike from the Soviet Union. Today, the threat to the United States of a deliberate attack from Russia has all but disappeared for the foreseeable future. Still, there is the real possibility of an accidental or unauthorized launch from the nuclear forces in the four nuclear Republics of the former Soviet Union. As noted by senior CIA analyst Lawrence Gershwin in a May 18, 1993, speech to the American Defense Preparedness Association:

> The Soviet Union's strong central government had an excellent nuclear command and control system that provided us with a high level of assurance that an accidental or unauthorized launch was highly unlikely. Today, while we believe that such an event is highly unlikely, we must note that this command control system was not designed in anticipation of the potential fragmentation of political and military authority, especially in Russia. The dramatic political changes could betray weaknesses in Moscow's command and control system that neither we nor the Russians could have anticipated. The reliability of the personnel involved with nuclear weapons will be crucial to maintaining the security of the nuclear arsenal.

It is important also to note that the People's Republic of China [PRC] today possesses a capability to deliver a major nuclear attack against American cities. In his May 18 speech, Dr. Gershwin publicly confirmed that China does in fact target the United States with a percentage of its intercontinental-strike forces and that Beijing is planning to modernize these forces, including the development of a second mobile ICBM that can reach the United States.

It is quite possible that other, unexpected missile threats to the continental United States could emerge within the next 10–15 years as well. As was noted in a February 1993 report entitled, "The Emerging Ballistic Missile Threat to the United States," several plausible, if unpredictable, paths exist wherein Third World nations could acquire the means to target the American homeland with long-range missiles. Perhaps the most likely of these is the development or acquisition of space launch vehicle [SLV] technology or complete systems by proliferant countries, and their subsequent conversion to long-range missile capabilities. Furthermore, it is widely accepted that any space launch vehicle capable of placing a satellite into low-earth orbit can be converted, with relative ease and with little or no warning, to an ICBM capable of delivering nuclear, chemical, or biological warheads to the continental United States. The resulting ICBM capabilities, while few in number, could constitute a serious threat to the United States.

Thus, in light of current and prospective threats to the American homeland posed by long-range ballistic missiles, Secretary Aspin's decision to focus the national missile defense program exclusively on basic research is, I believe, unwise.

Second, in the area of theater missile defense, although Secretary Aspin's plan would provide the vast bulk of total BMD funding for this purpose, it should be noted that not even this aspect of the U.S. BMD program emerged unscathed from the budgetary knife. Finally the "Bottom Up Review" failed to resolve fundamental Anti-Ballistic Missile [ABM] Treaty issues that stand in the way of developing and deploying even fully effective theater missile defense systems.

My colleagues may recall that earlier this year, Secretary Aspin announced that theater missile defense [TMD] was the highest priority within the new administration's refocused BMD program. At the same time, however, he unveiled

a dramatically reduced budget request for SDI: the funding request for the overall U.S. BMD program in fiscal year 1994 was cut by approximately 40 percent below the level sought by President Bush in his January submission. The administration's budget request for TMD programs in fiscal year 1994 was cut from $2.2 billion down to $1.8 billion.

We should be realistic about the funding necessary to field improved TMD systems. Carrying all of the U.S. TMD programs through development and into deployment will cost several billion dollars per year. Congress needs to approve the administration's funding request for TMD if U.S. forces and our friends and allies are to benefit from improved protection against emerging theater-class missile systems.

Finally, we also need to consider and debate the relevance of the 1972 Anti-Ballistic Missile [ABM] Treaty to today's international security environment—marked by the proliferation of weapons of mass destruction and missiles of increasing range and accuracy—and not that which existed over 20 years ago. Unfortunately, Secretary Aspin's "Bottom Up Review" made no recommendations in this regard and left for another day the fundamental issue of whether and how the Treaty restricts TMD systems.

Because the Clinton administration endorsed the so-called "narrow interpretation" of the ABM Treaty earlier this summer, some analysts now argue that all ABM Treaty issues have been resolved. Nothing could be further from the truth. The broad versus narrow interpretation debates of yesteryear basically revolved around what development and testing of space-based interceptors was permitted under the ABM Treaty. But the United States is no longer aggressively pursuing development and testing of brilliant pebbles.

Instead, the key ABM Treaty compliance issues of today center on the capability of TMD systems such as THAAD and space-based surveillance systems such as brilliant eyes. The so-called narrow interpretation sheds no light whatsoever on these critical issues.

I have no doubt that some arms control advocates will argue for an overly restrictive view of what capabilities U.S. TMD systems can and cannot possess. I would strongly oppose any such efforts to scale back TMD performance based on such a misguided reading of the ABM Treaty. In fact, the ABM Treaty does not mention TMD systems; it was not intended to limit TMD systems; and in no way should the treaty be permitted to constrain our efforts to develop improved TMD systems.

Regardless of the tack the President ultimately chooses to take with respect to ABM Treaty compliance issues, it is clear that the administration will have to consult with the Congress on this issue if it hopes to sustain support for its approach. I look forward to working with Secretary Aspin and others in the administration to develop an approach that ensures U.S. TMD systems are capable of countering existing and projected missile threats.

Turning briefly to the BMD funding amendments that are before us today, Mr. Chairman, let me summarize by saying that I believe it is vital to the defense of this Nation that we not reduce further the amount authorized for the U.S. BMD program in fiscal year 1994. In fact, the Armed Services Committee voted to cut three-quarters of a billion dollars from the administration's already reduced request for BMD. My preference would be to see the funding level for SDI increased—at least to the level approved by the Senate Armed Services Committee. My colleagues will have just such an opportunity to add appropriate funding back to the BMD program when they vote on the amendment offered by the gentleman from Colorado [Mr. HEFLEY].

At the same time, I strongly urge my colleagues to vote "No" on the Dellums and Schroeder amendments, which seek to further reduce U.S. BMD funding in fiscal year 1994. These amendments, if enacted, would further erode our ability to deploy improved TMD systems, as well as delay the date by which the American people could be protected from emerging long-range missile threats.

For these reasons, I strongly oppose the Dellums and Schroeder amendments, and support the Hefley amendment and urge my colleagues to do the same.

Mr. Chairman, I ask unanimous consent that the balance of my time be controlled by the gentleman from Colorado [Mr. HEFLEY].

The CHAIRMAN pro tempore (Mr. DURBIN). Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Colorado [Mr. HEFLEY] will control the time on behalf of the minority.

Mr. HEFLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, many Members at this stage, when we are being told over and over that the cold war is over, there is no threat out there anymore, may ask themselves, why should we support a defense against ballistic missiles? I think the answer lies somewhere out there in the future.

If we had had a better defense against ballistic missiles, American service people would not have died in the barracks in Riyadh. If we had started on a more significant investment in ballistic missile defense earlier, perhaps Israel would not have sat in terror night after night waiting for Scuds to rain down.

Make no mistake, we should have learned our lesson from Desert Storm. We have no effective defense against ballistic missile attack.

Many Members will try to tell us that the threat has gone. There are no bad guys anymore.

There are approximately 30 countries with ballistic missile capabilities right now.

Mr. Chairman, I will put into the RECORD a report entitled "Threats to U.S. Interests from Ballistic Missile Delivered Weapons of Mass Destruction during the Next 10 to 20 Years" by Lawrence K. Gershwin, who is the national intelligence officer for strategic programs for the Central Intelligence Agency. I think that is a very enlightening piece of work by someone who is an expert in the field and really defines what the threat really is out there today.

Some of these nations that have ballistic missile capability are our allies, but many are unfriendly. China, Iraq, Syria, Iran, Libya, North Korea, not friends of the United States, all with or getting ballistic missile capability.

Of the 30 nations which have this capability, 8 of them are in the Middle East, a very hot spot, a very important spot to the U.S. interests.

There are hot spots around the world, though, where our troops could be deployed which are in the range of ballistic missiles from hostile countries. In fact, today there are some 75 hot spots around the world. Twenty-five or so of them are actually shooting wars; 25 more are places where we are on the verge of some kind of a shooting war breaking out, and then there is about 25 more that they anticipate could break out in a shooting war at some time, all a danger to U.S. interests.

The Secretary of Defense Aspin has said:

> Saddam Hussein and the Scud missiles showed us that we need a ballistic missile defense for our forces in the field. That threat is here and now. In the future, we may face hostile or irrational states that have both nuclear warheads and ballistic missile technology that could reach the United States.

When we are speaking of Mr. Aspin, let me point out to the chairman that he was quoting the administration and the Pentagon and Mr. Aspin, but Mr. Aspin is asking for $3.6 billion more than even my amendment will provide. That is the number that the administration is supporting.

The CIA Director, again, an administration official, James Woolsey said:

> After the turn of the century, some countries that are hostile to the United States might be able to acquire ballistic missiles that could threaten the continental United States. We can't give you a precise date, whether it's 8 years or 10 years or 15 years from now, by which that might occur. A shortcut approach that's prohibited by the Missile Technology Control Regime and by

the Nonproliferation Treaty would be for such Third World countries to buy ICBM's or major components covertly together with suitable nuclear warheads for missile materials. Anything such as that would, of course, speed up ICBM acquisition by such nations.

□ 1550

There are two officials of the Clinton administration, not the Reagan administration or the Bush administration but the Clinton administration, talking about the threat and the need for some kind of a ballistic missile defense system.

There are currently two nations which have the ability and possibly the will to launch a strike at the United States. The Soviet Union, even though we had all these arms agreements on ICBM's and nuclear warheads, still have roughly 28 million warheads and have the ability to deliver them. While the present Russia as we know it probably is not inclined to do this, we do not know who owns all these missiles and who might decide that this would be a good idea, or who might accidentally, with all the unrest over there, launch a missile.

China also has the capability to attack U.S. territory, and who knows when that will might exist.

I used to get a chuckle out of seeing a bumper sticker that the old nuclear freeze crowd used to paste on their cars. It said, "One nuclear weapon can ruin your whole day." That may be the only thing they have ever said that I agree with.

It is not interesting, now that the Soviet threat is reduced, these nay-sayers maintain we do not need defense against ballistic missiles. I guess that is one nuclear weapon that could ruin your whole day a few years ago, but does not ruin your day today if it lands on New York City or if it lands on Washington, DC.

We just had the bombing of the Trade Center in New York City. We understand that there are enemies out there that would attack our major population centers if they had the ability.

Rest assured in the future an enemy will strike at either U.S. troops or U.S. mainland. It has happened in the past and it will happen again. Be assured that for many of us here, our conscience will be clear if such as this happened, because many of us have fought to protect the American people at home and their sons and daughters abroad from ballistic missile attack.

Make sure as we go through this debate and this vote that your conscience is also clear. Vote for the security of the American people and America's fighting men and women. Vote against the Dellums and Schroeder amendments. Vote for the Hefley amendment, the amendment that is supported by the administration.

Mr. Chairman, for the RECORD I include a statement presented by Lawrence Gershwin of the CIA.

THREATS TO U.S. INTERESTS FROM BALLISTIC MISSILE-DELIVERED WEAPONS OF MASS DESTRUCTION DURING THE NEXT TEN TO TWENTY YEARS

(By Lawrence K. Gershwin)

I welcome this opportunity to discuss the threat that ballistic missile-delivered weapons of mass destruction will pose to the United States and our interests. For decades, the international community has worked from the premise that the more countries that possess these weapons, the greater the likelihood that they will be used.

In my discussion today, I would like to discuss some of the dangers posed to the United States homeland by ballistic missiles. Next, I will talk about the threats posed by tactical ballistic missiles to our allies and our forces overseas. Finally, I will give you some of my thoughts on prospects for international cooperation in ballistic missile defense. My remarks have been drawn in part from statements by the Director of Central Intelligence, James Woolsey, and former DCI Gates.

THE THREAT TO THE CONTINENTAL UNITED STATES

RUSSIA

Based on current trends and a cooperative US-Russian relationship, the threat to the United States of a deliberate attack from Russia has all but disappeared for the foreseeable future. Although the number of warheads aimed at the United States remains large, the capabilities of Russian strategic forces are being significantly reduced due to arms agreements, economic pressures, and political changes.

The START 2 treaty, if ratified, will require the Russians to dramatically alter the composition of their strategic forces. The Russian force will shift from a heavy reliance on land-based MIRVed ICBMs to a force relying primarily on submarines, bombers, and single-RV ICBMs. By 2003, for example, Russia will be required to dismantle the entire force of 10 RV SS-18s, and reduce its forces from 10,000 strategic warheads, deployed in four states of the former Soviet Union, to 3,000 to 3,500 warheads, deployed in Russia. Nevertheless, Russia will almost certainly exercise its option to field a sizable force of single-RV ballistic missiles.

Russia remains committed to maintaining some of the strategic capabilities of the former Soviet Union, even though these capabilities will be at considerably lower levels than in the past.

Even with these reductions, we believe that the Russians will continue developmental work on a few new or follow-on systems. We expect that Russia will flight test and deploy three new ballistic missiles—a road-mobile ICBM, a silo-based ICBM, and an SLBM—during this decade. In addition, we expect the Russians to deploy a new ballistic missile submarine after the turn of the century.

The turmoil in Russia and the other former Soviet States has led to some concern about the possibility of accidental or unauthorized launches of nuclear forces. The Soviet Union's strong central government had an excellent nuclear command and control system that provided us with a high level of assurance that an accidental or unauthorized launch was highly unlikely. Today, while we believe that such an event remains highly unlikely, we must note that this command and control system was not designed in anticipation of the potential fragmentation of political and military authority, especially in Russia. The dramatic political changes could betray weaknesses in Moscow's command and control system that neither we nor the Russians could have anticipated. The reliability of the personnel involved with nuclear weapons will be crucial to maintaining the security of the nuclear arsenal.

CHINA

China also has the capability to attack U.S. territory, defense forces, and interests. The Chinese have deployed a small force of nuclear-tipped ICBMs, some of which are aimed at the United States, as well as a small force of intermediate-range ballistic missiles, that could be targeted against our allies and our forces in Asia. China plans to update this force with new missiles. Press reports indicate additional Chinese strategic missile development efforts are taking place. Improvements include the development of a new missile that will be deployed as a mobile ICBM and on a new ballistic missile submarine, and development of a second mobile ICBM that can reach the United States.

OTHER NATIONS

We do not expect any nations beyond Russia and China to develop and produce ICBMs capable of striking the United States during this decade. We have no evidence to suggest that any country currently plans to bring together the requisite materials, technologies, facilities, or expertise.

Several nations with space launch capabilities could modify those launchers to acquire a long-range ballistic missile capability, but we do not expect any nation now having space launch vehicles to do so. Presently, India, Israel, and Japan have developed space launch vehicles that, if converted to surface-to-surface missiles, are capable of reaching targets in the United States. Brazil has a space launch vehicle under development that is expected to be test launched within the next five years.

After the turn of the century, however, some nations that are hostile to the United States may be able to indigenously develop ballistic missiles that could threaten the United States. We really cannot give you a precise date—it could be eight, ten, or fifteen years from now—when these ICBMs could be deployed. Over the next ten years, we are likely to see several Third World nations establish the infrastructure and develop the technical knowledge required to undertake ICBM and space launch vehicle development.

We also remain concerned that hostile nations will try to purchase from other states ballistic missiles capable of striking the United States. Libya, for example, has in the past publicly stated a desire for weapons of mass destruction that could be delivered by ballistic missile to the United States. A shortcut approach—prohibited by the Missile Technology Control Regime and Nuclear Nonproliferation Treaty—would be to buy ICBMs or major components covertly, together with suitable nuclear warheads or fissile materials. The acquisition of key production technologies and technical expertise would speed up ICBM development.

THE THREAT FROM TACTICAL BALLISTIC MISSILES

The threat from theater ballistic missiles is real and growing. For decades, the international community has worked from the premise that the more countries that possess these weapons, the greater the likelihood that they will be used.

The proliferation of ballistic missile-delivered weapons of mass destruction is an issue directly confronting the strategic interests of the United States, its traditional allies, and its friends, such as Russia. Several countries are likely to have or are seeking ballistic missiles that have a sufficient range to

threaten U.S. allies and forces in the Middle East, Asia, and parts of Europe.

Moreover, as events in Desert Storm so vividly demonstrated, the use of ballistic missiles is a reality, not just a theoretical possibility. As demonstrated in Desert Storm and the Iran-Iraq war, ballistic missiles are becoming the weapon or choice for nations otherwise unable to strike their enemies at long ranges.

The danger from theater ballistic missiles is threatening enough with conventional weapons. With weapons of mass destruction, however, these weapons become particularly insidious.

We see a dangerous trend in the proliferation in nearly two dozen countries of weapons of mass destruction—nuclear, chemical, and biological weapons. The potential capabilities of some of these countries are comparable to, and in some cases, more lethal than the Soviet threat in 1960. With leaders like Qadhafi and Saddam Hussein, and in many cases weak, unstable, or illegitimate governments, our classic notions of deterrence hold much less promise of assuring the security of the United States and its allies.

Possession of these ballistic missiles armed with weapons of mass destruction will threaten U.S. security interests:

Our ability to hold coalitions together, as was done successfully in Desert Storm, will be more difficult. If Europe, for example, is held at risk by hostile powers in the Mideast, the difficulty of putting a coalition together would be quite substantial.

The stability of regions and political agreements could be undercut. For example, our concerns about North Korea's nuclear and ballistic missile efforts extend beyond the peninsula itself. If North Korea acquires nuclear weapons we worry about the consequences for stability in northeast Asia.

Now, let me cite a few examples, starting with North Korea, whose recent actions are of grave concern.

North Korea's weapons program represent our most urgent national security threat in east Asia. It possesses Scud missiles that are capable of striking South Korea and our forces there. North Korea is also developing a longer-range ballistic missile capable of threatening Japan.

These ballistic missile developments are especially alarming given the real possibility that it has already manufactured enough fissile material for at least one nuclear weapon, and North Korea's recent announcement that it would withdraw from the Nuclear Non-proliferation Treaty. Moreover, it is likely that North Korea will continue to produce additional plutonium that it could use in nuclear weapons.

The Middle East represents an area of special concern, because half of the countries have nuclear, chemical, or biological weapons programs, at least in development.

Iran still poses a potential threat to its smaller neighbors and to the free flow of oil through the gulf. It continues to support terrorism as an instrument of state policy. And Iran has embarked on an ambitious effort to develop its military and defense industries, including programs for weapons of mass destruction. Iran is shopping Western markets for nuclear and missile technology, and it may turn to the states of the former Soviet Union for such technology and expertise. Because it hasn't been able to get what it wants from the West, Iran increasingly has looked to Asian sources for military and technical aid—to North Korea for long-range Scuds and to China for missiles and nuclear-related technologies.

Iran continues to pursue the acquisition of nuclear weapons despite being a signatory to the Nuclear Non-proliferation Treaty. The intelligence community believes that Iran probably will take at least eight to ten years to build its own nuclear weapons. Technology provided by other countries is crucial towards producing a nuclear weapon. Without this help, Iran's program would suffer a devastating blow, setting it back by many years.

Iran is also out shopping for nuclear weapons and weapons-grade nuclear materials. If the Iranians succeed, they could have weapons much sooner.

Although Saddam Husayn's ability in the next several years to threaten the stability of the Gulf region and the world's oil supply has been crippled, Iraq continues to pose a major challenge. Substantial number of Scud missiles and production equipment remain, despite Desert Storm and U.N. inspections. The time and cost to Iraq of reviving its missile program will depend on the continuation of the inspection regime and Saddam's ability to obtain critical equipment from abroad.

Despite the fact that Desert Storm and subsequent U.N. inspections significantly damaged Iraq's special weapons program, Baghdad continues to view the development of a nuclear capability as a key to establishing dominance and influencing regional issues. Iraq would also pursue nuclear weapons to deter western involvement in the region.

Saddam still has significant residual programs in all four areas of weapons of mass destruction—missiles; nuclear, biological, and chemical. and he will continue to pursue these programs regardless of the expense and regardless of the state of U.N. inspections and sanctions.

Because of its inability to purchase longer range missiles from Russia, Syria has turned to North Korea for an extended range missile. Syria apparently is also seeking assistance from China and Western firms to acquire an improved capability with chemical or biological warheads.

Libya has not abandoned its long-term goal of extending its military reach across the Eastern Mediterranean. Its chemical weapons program has produced and stockpiled as many as 100 tons of chemical agents, and Libya is shopping throughout the world for an alternative source of longer range missiles. And we should not forget that Libya, like Iraq, has fired ballistic missiles in anger against U.S. forces.

BALLISTIC MISSILE SALES

In addition to missiles already deployed throughout the world, we are particularly concerned about ongoing sales of short- and medium-range ballistic missiles. Also troubling are the sales of technology and production equipment that will give nations the ability to build missiles for years to come.

North Korea has sold extended range Scud missiles to—among others—Iran and Syria. North Korea is also actively marketing the No Dong missile, which has a longer range than these Scuds.

In the past China has sold ballistic missiles to other nations, including the long-range CSS-2 to Saudi Arabia. Since then, China agreed to observe the guidelines of the Missile Technology Control Regime—which limit the sale of missile systems and technologies for medium-range and longer-range ballistic missiles. I'm sure that you are aware of various press reports indicating that China delivered M-11 missile-related equipment to Pakistan late last year. In this case and others, we are closely monitoring China's behavior for signs that Beijing is not living up to its commitments.

Economic pressures are causing some Russian and Ukrainian officials to pursue efforts that may not be consistent with the Missile Technology Control Regime. Russia, for example, has already sold rocket engine technology to India. In a recent arms show in Moscow, the Russians advertised a derivative of the old SS-23 ballistic missile for sale as a civilian rocket, raising additional MTCR concerns.

Unless the sale of such missiles from all suppliers is stopped completely, it is likely that these delivery systems, over time, will be mated with weapons of mass destruction.

POTENTIAL TRANSFERS OF NUCLEAR WEAPONS AND NUCLEAR MATERIALS

We are also concerned about the potential for illicit sales of nuclear weapons to rogue nations. If North Korea acquires nuclear weapons, the possibility that it would sell some to other countries, such as Iran, cannot be ignored.

The political struggle in Moscow and developments in the military forces might lead to unauthorized sales of nuclear weapons, weapons material, or weapons technologies:

Military personnel involved with nuclear weapons are not immune from the problems endemic in Russian society. Although they traditionally received priority treatment, they now suffer along with the rest of the military from a loss of prestige, rapid decline in living standards, and uncertain careers and futures.

We have seen reports that former-Soviet nuclear weapons have already been offered on the black market or have been acquired by Iran. We have investigated these reports and do not find them to be credible, but we are highly attentive to such a possibility, given Russia's situation. Current safeguards alone will not be sufficient to guarantee the security of the thousands of warheads and tons of fissile material extracted from dismantled warheads from falling into the wrong hands.

PROSPECTS FOR BALLISTIC MISSILE DEFENSE COOPERATION

Finally, let me address the prospects for international cooperation in ballistic missile defenses. Because of the end of the cold war, the United States has new opportunities, particularly in strategic defense. Russian President Yeltsin's statements indicate a much greater interest in cooperating with the United States on missile defense matters than was true before the breakup of the Soviet Union. Discussions of a global protection system are likely to be difficult—Russia, like the United States, has both opponents and proponents for ballistic missile defense—but the United States and Russia share new common ground:

Many Russians believe that the development of new anti-tactical ballistic missile systems is one of the answers for the proliferation threat—a menace that most threatens Russia at the moment because of geography.

Russia will also be looking for Western assistance on early warning problems. The disintegration of the Soviet Union, as well as previous problems with early warning systems development, have resulted in Russia facing serious difficulties in detecting ballistic missile attacks.

Moscow, however, will not quickly abandon the ABM Treaty. Many Russians believe the treaty is the basis of strategic stability, particularly in an era of deep strategic arms reductions. Many Russians are also likely to

continue to be seriously concerned about space-based defenses and sensors. Suspicion of U.S. motives is still evident. Nonetheless, prospects for mutual agreements in strategic defenses are better now than during the cold war.

CONCLUSIONS

Despite the end of the cold war and the subsequent relaxation of East-West tensions, the United States continues to face serious challenges in the coming decade and beyond. Many countries have developed weapons of mass destruction, and others are acquiring the capability to develop these weapons. There is the real possibility that some nations will be motivated to use them in regional confrontations, threatening U.S. interests abroad.

We do not expect a direct threat to United States territory during this decade. We must be watchful, however, that after the turn of the century some nation hostile to the United States will acquire ballistic missiles able to deliver weapons of mass destruction that threaten the United States itself.

Mr. DELLUMS. Mr. Chairman, I yield myself one minute.

Mr. Chairman, let me just briefly say to my distinguished colleague that if he looks at the bottom-up review for fiscal years 1995 to 1999, the administration is suggesting a $21 billion cut in ballistic missile defense, which is a 54 percent reduction. I am saying that if we are going to go to a 54 percent reduction over the next 5 years, 1995 to 1999, then we need to begin that reduction now in fiscal year 1994.

I might just also point out to my colleague that again, the ballistic missile defense program is national missile defense plus theater missile defense, so when we are talking about this program, then let us talk about what both parts are.

We do not touch theater ballistic missile defense. What we are challenging is the emphasis on national ballistic missile defense that in our humble opinion does not address the threat and at this point makes very little sense. We could make a significant reduction in that.

Mr. Chairman, I yield 5 minutes to my distinguished colleague, the gentleman from Oregon [Mr. DEFAZIO], the co-author of the Dellums-DeFazio amendment that will be offered.

Mr. DEFAZIO. Mr. Chairman, I would agree with the gentleman that the world is often an ugly and dangerous place, and we need to make certain that the United States of America is safe against all potential threats, and that our troops, when deployed overseas in just causes, have the weaponry that they need to safely conduct their missions. That is about the end of the agreement on this amendment.

We need a realistic working, and I underscore working, and affordable defense against theater missiles. This Dellums-DeFazio amendment will fully fund theater missile defenses, a program which has been increased by 1,000 percent in the last 4 years, and will fund it at that dramatically increased level. It funds basic research and strategic missile defenses, but what it does not do is, it no longer will throw billions of dollars a year into a program which was designed to fool the Soviet Union, which no longer exists, and to encourage them to spend themselves into democracy, well, getting towards democracy, or into default in order to keep up with a program that was not working.

We had revelations in August of the faked tests that took place in this country in 1984. We faked a successful star wars program so we could encourage the Soviet Union to spend more money and to further their decline. We have spent $33 billion now on the star wars program, all of it borrowed money, of course.

The star warriors, they have very little to show, not one single deployable weapon to protect the United States of America from ICBM's. As I say, the crucial tests, which were much-vaunted in 1984, were faked. That was not a successful test. We did not intercept that missile without putting a homing device on the missile. If our enemies will allow us to put homing devices on their missiles, then we are not going to have much of a problem developing a defense, but I do not think they will allow that. Let us do research on future defenses, but we do not have one now and we should not be spending the money.

This amendment is a moderate attempt to construct a real world missile defense against the threats we know we face today. Let us just compare the amendment to the Pentagon's own bottom-up review, a very comprehensive review.

No. 1, emphasize theater missile defense, development and deployment. The Dellums-DeFazio amendment fully funds theater missile defense, development and deployment.

No. 2, focus national missile defense on technology development. The Dellums-DeFazio amendment has a significant amount of money devoted to research to keep us ahead of the rest of the world, to keep us ahead of threats in case there is a breakthrough on strategic missile defense.

No. 3, comply with the AMB treaty. Obviously, since our deployment is focused toward theater missiles, we will have no problem with the ABM Treaty.

Finally, the bottom line, and I think the bottom line for this House of Representatives, is meeting the objectives of the Pentagon and slimming down some of their wasteful programs. They want in their review to reduce the DMB budget by $21 billion over a 5-year period. There is no way to do that under the amendments we are going to hear from the other side, or even what has come out of the Committee on Armed Services, that those would in fact have us spending $8 billion a year in the very near future, and would go far beyond the objectives that have been set here.

It is clear that something has to change. We need, as I said, to refocus this House of Representatives, refocus the Government on things that work and work well, and that we truly and really need to meet the real world threats against the United States of America and our forces. Our constituents, I do not think, differ that much.

Mr. Chairman, I was home in my district and did a number of town meetings. I heard in town meeting after town meeting after town meeting after town meeting, "Congressman, we want you to cut spending first."

This is the first vote of the U.S. House of Representatives on cutting a program that was revealed to us during the August break has not delivered a single working defense, the first vote. Those here who are home and saying, "I am a great budget cutter, I support the balanced budget amendment, I want to cut the waste," this is your opportunity. Vote for the Dellums-DeFazio amendment.

Mr. DELLUMS. Mr. Chairman, I yield three minutes to the gentlewoman from Oregon [Ms. FURSE], a member of the committee.

Ms. FURSE. Mr. Chairman, I rise today to support the Dellums-DeFazio amendment, which would limit spending on ballistic missile defense to $1.5 billion.

For too many years, Mr. Chairman, Congress and the American people have been treated to an unending barrage of scare stories about the need for a highly complex, overly expensive system of ballistic missiles.

□ 1600

I believe that the defense of the United States is too serious to be based on fairy tales and must in fact be based on fact and good science.

First we were told that this plan would protect us from a massive Soviet missile attack. But over 130 top scientists publicly said that they would not work on this program because they did not believe it would work. And then Mr. Carlucci, Mr. Reagan's last Secretary of Defense, finally told us what we already knew, that star wars rhetoric was just political rhetoric.

President Bush's plan would have cost us perhaps $8 to $10 billion a year, and it was flawed. However, even though the cold war is over, the spending goes on.

When Mr. Aspin changed the name to the Ballistic Missile Defense Organization, nothing else really changed. It is sort of like the Federal Witness Protection Program. The names are changed to protect it from being eliminated, but the American people deserve better than tricks. And throughout the history of this flawed project there have been outrageous tricks.

The American people, Congress, and the world have now known through

these recent revelations that the homing overlay test was rigged to bluff us into believing that Star Wars would work.

By their testimony earlier this year, the programs in the Pentagon's $3.8 billion request will balloon to an average of over $6 billion for the years 1995 to 1999. We do not need to spend that much if we look at the real threat. We cannot afford to spend that much in today's budget in a world where true national security means we invest in our communities, help businesses grow, create jobs and invest in children. We can safely meet our security needs by funding at the level of the Dellums-DeFazio amendment. The $1.5 billion is plenty to spend on a ballistic missile defense in 1994, and I urge all Members to support this fine amendment.

Mr. HEFLEY. Mr. Chairman, I yield 4 minutes to the gentleman from Arizona [Mr. KYL].

Mr. KYL. Mr. Chairman, I rise to suggest that we should defeat the Dellums and Schroeder amendments and support the Hefley amendment when they are offered in just a few minutes.

The Hefley amendment would add about $400 million back into the SDI program, which is the funding level supported by the Senate and requested by the administration.

Mr. Chairman, this is really a sad time both for me personally and for the Ballistic Missile Defense Program. It is sad because I am afraid too many Members of this Congress have really chosen to ignore the lessons of history, and will, if they support the Dellums and Schroeder amendments, destroy the only program that would be able to defend the American people from a threat in the future. In fact, even at the committee funding level we cannot develop this system to defend the United States, nor in fact could it be achieved under the Clinton administration request. In its bottom-up review the administration has a funding profile for ballistic missile defense of only about $18 billion over the next 5 years, which would provide only enough for theater defenses and not to protect the United States. As a matter of fact, only token amounts are included for a national missile defense system and for follow-on technologies.

The Clinton plan completely ignores 10 years of ballistic missile defense research, as well as analysis from our Nation's best intelligence experts.

It also contravenes current law, the Missile Defense Act, by scrapping the option for a national missile defense system. I refer our colleagues to section 233(2) which states:

> The Secretary shall develop for deployment a cost-effective, operationally effective, and ABM Treaty compliant antiballistic missile system at a single site as the initial step toward deployment of an antiballistic missile system. . . designed to protect the United States against limited ballistic missile threats . . .

Also, the MDA calls for robust funding of follow-on technologies, which the Clinton plan clearly does not accomplish.

In reviewing this plan, I cannot help put wonder: why do we have intelligence organizations if we do not heed their advice? My colleague, the gentleman from Colorado [Mr. HEFLEY], has already quoted testimony that has been provided by the Director of the CIA, James Woolsey, and there is additional testimony that suggests that before the end of this decade or shortly thereafter the Continental United States could face a threat from a ballistic missile. Yet we ignore that, and defend only for the theater missile threat, not the threat of intercontinental ballistic missiles.

Are the borders of the United States somehow going to be immune from an attack, or are our potential adversaries going to graciously ensure that their missiles stop at our border? That seems obviously inconsistent with the desires of many of our adversaries, and I do not think would be a responsible course of action for us to rely upon. Particularly given the lead time to develop a system to protect the United States, it seems to me to be irresponsible to ignore the warnings of the CIA and others.

The simple fact is that any nation that has a space-launch capability also has the inherent capability to build long-range ballistic missiles. At the present rate of growth, every 4 years a new country develops space-launch capability.

I quote briefly from CIA analyst Lawrence Gershwin, who testified:

> After the turn of the century, however, some nations that are hostile to the United States may be able to indigenously develop ballistic missile that could threaten the United States. We really cannot give you a precise date—it could be eight, ten, or fifteen years from now—when these ICBM could be deployed. Over the next ten years, we are likely to see several Third World nations establish the infrastructure and develop the technical knowledge required to undertake ICBM and space-launch vehicle development.

That is the kind of threat that we have to prepare to defend against. And it seems to me, Mr. Chairman, that a national missile defense capability is the only way to prepare for this.

If Mr. Gershwin's scenario were to occur, and God forbid Americans are killed by ballistic missiles that impact on the United States, I think people are going to ask who made the decision to leave us undefended, and how did it happen.

Our future and our children's future is our hands. Mr. Chairman, I suggest that we dare not leave the American people defenseless in the face of a virtually certain threat. And that means that we have to fund the Ballistic Missile Defense Program at a minimum at the level requested by the Clinton administration and the Senate, which is the amount that the Hefley amendment would call for.

Mr. HEFLEY. Mr. Chairman, I yield 3½ minutes to the gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, the bill before us authorizes $3.030 billion for ballistic missile defense or BMD. We have two amendments before us to cut that amount and one to increase it. I rise to support the bill as it is and urge that we vote against all three amendments and leave this funding amount in place.

First, let me put $3 billion in context. President Bush's program, had he been privileged to send it up, would have called for $6 billion for ballistic missile defense in fiscal 1994. Secretary Aspin took that, cut that substantially to $3.8 billion. Our committee then took another swipe at the program and we took $730 million off the BMD account, so BMD or ballistic missile defense has been cut, cut substantially, and in my opinion cut to the bone.

Now before we can go any further, let me clarify what BMD or ballistic missile defense includes. It includes the whole Ballistic Missile Defense Programs it is not just the leftover remains of the old SDI Program under a new name or moniker. It includes most of what is left of SDI, but there is very little left, to tell the truth.

The real focus of BMD is on theater missile tactical missile defense and not on strategic defense, so the $3 billion that we are providing in the bill covers theater missile defense and strategic missile defense and a host of technological development programs.

It includes an upgrade to the Patriot known as PAC-3, and it includes funds to develop an alternative to that upgrade called the ERINT, which will be competed against the PAC-3.

The largest item in the budget request that came to us from President Clinton is $484 million for development of THAAD, the theater high altitude area defense system. One of the lessons learned clearly in the Persian Gulf war is that it does not do any good to take out, it does not do a lot of good to take out an incoming missile directly over our own troops or our own cities. You need to take it out as far down range and as far up as possible. That is the objective of the THAAD. It is an important purpose, and as indeed the chairman of the committee just said, he himself supports this particular program objective.

Of the $3.8 billion requested by the administration, only $1.4 billion was allocated in the budget request for what remains of SDI. Contrast that to $3.1 billion provided for SDI as recently as 2 or 3 years ago.

To get SDI from $3.1 billion down to $1.4 billion it had to be stripped down and cut substantially. Just a few years

ago it included Brilliant Pebbles. No more. We have ruled that out. A few years ago it had two ground-based interceptors, one EXO atmospheric and the other endoatmospheric. Now we have one ground-based interceptor. A few years ago we also had the futuristic laser system and the nuclear particle beam systems. These are gone, stripped out of the system, and what we have is a bare bones, stripped down SDI Program.

Now I think it goes without much argument, because it is one of the lessons learned of the Persian Gulf, why we should fund and go forward with a new theater ballistic missile defense system. Let me just take one closing minute to explain why I think we should fund SDI.

□ 1610

It seems to be counterintuitive, strategic defense, that is; why do it now in light of the fact that the cold war is over?

Well, in a sense, an ironic sense, it makes more sense now than it did 3 to 5 years ago. Three to 5 years ago the world was divided into two arsenals, each with 10,000 to 13,000 strategic warheads.

Today, with fewer warheads, strategic defense is more feasible. The risk, though it is much diminished, is still there. The risk of a rogue attack by a rogue commander in one of the former states of the Soviet Union. There is a risk of an accidental launch. It is diminished; it is significant, it still cannot be ruled out.

Finally, who can foretell what the state of the world will be 10 years from now when the system would be ready for operational deployment? What would be the state of missile technology in India and Pakistan or Brazil, Argentina or indeed China or the former Soviet Union?

We do not know. That is why this is a wise investment to make.

Mr. DELLUMS. Mr. Chairman, I yield 2 minutes to my distinguished colleague, the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. I thank the gentleman for yielding this time to me.

Mr. Chairman, I hope that people are tuned in, if they are not here on the floor, paying close attention in their offices. The reason is that we need to discuss the actual elements of what are involved in what is the most important committee authorization, I believe, on this floor. We have spent months arguing about whether or not we are going to attack deficits. We have people coming up to the President of the United States in the streets of this country saying, "You can't tax and spend." Well, I am here to tell you and anybody who is on this committee—and I agree with the gentleman on the other side who said that our committee is a diverse committee—our committee is 40-plus members, which roughly approximates the ideological underpinnings as well as all of the views in the Congress as a whole, in the House as a whole. And I can tell you that here in the defense expenditures is where the real pork barrel is. This is where the real deficit reduction can come to bear. This is where, if you want to spend on the people in the Armed Forces, if you want to make certain that the men and women we have serving in the military are well taken care of, this is the place to do it. I am not here to make an argument about education versus military supply, domestic spending versus our military spending; I am talking about within the defense budget here is our opportunity to make the kind of cuts that make sense within the military expenditures and this is the place to do it.

Please regard that Mr. DELLUMS and Mr. DEFAZIO are making this proposal for $1.5 billion precisely because they intend to abide strictly by the 1972 ABM Treaty. That has been left out of this argument, for all intents and purposes.

When we talk about rogue attacks and all the rest of it, that means we have to concentrate on seeing to it that there is no proliferation. This amendment makes fiscal sense, military sense; this amendment is entirely in keeping with what we need to do to deal with the deficit reduction within the defense budget that makes sense on all policy levels.

This is not an ideological argument, this is an argument about what makes sense on a bipartisan basis for all of us within the defense authorization bill.

Mr. HEFLEY. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. I thank the gentleman for yielding.

Mr. Chairman, I rise to contradict my good friend, the gentleman from Pearl Harbor, who of all people here should know the devastating effects of a lack of preparedness. JOHN SPRATT, Mr. Chairman, took us to the mat, I say to the gentleman from California [Mr. DELLUMS]. The defense budget is already cut to the bone. There is no flesh left on this program. It is a carcass.

Now here in today's paper is faux bubba one and faux bubba deux on the lawn of the White House. Here is their picture and here in my hand is the very document that they are passing out on the lawn of the White House.

Listen to this line from the National Performance Review report: "Defense had launched a bottom-up review to meet the President's 1994 to 1997 spending reduction target." That is the smoking gun. We are trying to reach a budget target before we even consider national security.

The first question should be: What is our strategic need for defense? This budget is a tragedy and a travesty. Right now we cannot defend against one single nuclear device coming at this country. Not one. There is no reaction time like we had with hurricane Emily; no time for battening the hatches and stockpiling food. If one single missile hits this country, people will be marching on this place like Victor Frankenstein's castle to burn it down because we let other Americans die.

BALLISTIC MISSILE DEFENSE

Mr. Speaker, let's put this debate on ballistic missile defense in perspective: Acquiring the capability to launch ballistic missiles is no longer complex. Any space-launch capability, currently available to nearly any nation in the world, gives a nation the ability to launch long range attacks.

A warhead does not need to be a highly accurate nuclear weapon to be devastating. Cheap chemical or biological agents, even nuclear waste, could be launched against a wide area target such as our East Coast and have devastating effects and no hurricane Emily advance warning with days to prepare.

The United States does not, I repeat for the umteenth time, does not have an existing defense against missile attack. This means that the United States, our allies, and forward deployed United States combat forces have no defense, no defense, against even the simplest ballistic missile threat.

Any effort to further slash an already reduced ballistic missile defense budget is like canceling car insurance because you've never been in an accident and are sure you never will be. We cannot afford the potential and horrific consequences of such lack of vision.

A few years ago the world, while dangerous, had an evil stability about it. Throughout the sometimes very bloody, sometimes very hot cold war, the Soviet Union challenged our every interest and those of our allies. But though evil they were in the main rational actors on the World stage. Heavies, the black hats, but following a fairly predictable script.

Today, in the post-Soviet driven, post-Soviet evil empire world, regional powers are gaining in notoriety. Many of these developing regimes are hostile to our interests and are led by irrational despots.

In most cases, their only claim to influence is through military power. Throughout the world, regional powers are arming themselves with forces that exceed any sane security need.

There is growing a still quite evil acquisition of ballistic missiles and weapons of mass destruction. Such weapons are not required to defend one's self. In many cases, they represent a nation's only means to project power well beyond its borders.

A ballistic missile is a weapon that threatens regional stability and, in

some cases, threatens nations far beyond the region.

President Clinton's Director of Central Intelligence, James Woolsey, has testified that:

The threat from theater ballistic missiles is current, real and growing. For decades now, the international community has worked from the premise that the more countries that possess these weapons, the greater the likelihood they will be used. * * * More than 25 countries, many of them hostile to the United States and our friends and allies, may now have or be developing nuclear, biological, and chemical weapons, and the means to deliver them.

The implication of missile proliferation on our Nation's security interests and strategy are significant. Again, to quote the Director of Central Intelligence:

Possession of these [weapons] by potential adversaries is certainly going to complicate our regional security concerns, and it will also complicate our ability to hold coalitions together, as was done successfully during the Gulf War.

The proliferation of ballistic missiles and weapons of mass destruction is an issue directly confronting the strategic interests of the United States, its traditional allies, and its friends—including Russia.

Several countries are likely to have or are seeking ballistic missiles that have a sufficient range to threaten U.S. allies and forces in the Middle East, Asia, and parts of Europe.

Recent history shows us that the use of ballistic missiles is no longer just a theoretical possibility—but rather an insidious reality. As demonstrated in Desert Storm and the Iran-Iraq War, ballistic missiles are fast becoming the weapon of choice for nations otherwise unable to strike their adversaries at long ranges.

I would like to quote a section from a recent analytic article, "Challenges Posed by Space-Launch and Missile Proliferation," by Mr. Thomas Mahaken and Dr. Janne Nolan, both highly regarded experts in this field.

The use of ballistic missile has become a hallmark of conflict in the Third World. The systems employed to date, such as the modified Scud missiles launched by Iraq against Israel and Saudi Arabia during the Gulf War, are still highly inaccurate and carry relatively small high-explosive warheads. But they proved to have a significant impact on civilian morale (during the "War of the Cities" in the Iran-Iraq War) and on military operations (during the Gulf War). Moreover, a new generation of missiles with greater range, higher accuracy, and capacity to carry more destructive payloads is appearing on the world market. These systems will pose a much greater potential threat to regional stability than did Saddam Hussein's missiles.

What I see today is a dangerous trend in proliferation. As one CIA analyst recently explained,

The potential capabilities of some of these countries are comparable to, and in some cases, more lethal than the Soviet threat in 1960. With leaders like Qaddhafi and Saddam Hussein, and in many cases weak, unstable, or illegitimate governments, our classic notions of deterrence hold much less promise of assuring the security of the United States and its allies.

The possession of ballistic missiles armed with weapons of mass destruction will threaten U.S. security interests.

Consider how difficult it would have been for us to hold the coalition together during Desert Shield and Desert Storm, if for example, Europe was held at risk by a hostile power's missile arsenal.

Syria currently has Scud missiles and has turned to North Korea for an extended range missile. It is also seeking assistance from China and Western firms to acquire an improved capability with chemical or biological weapons.

Libya has not abandoned its long-term goal of extending its military reach across the eastern Mediterranean. Its chemical weapons program has produced and stockpiled as many as 100 tons of chemical agents, and Libya is shopping throughout the world for an alternative source of longer range missiles. We should not forget that Libya, like Iraq, has fired ballistic missiles in anger against U.S. forces.

Many countries have developed weapons of mass destruction and the means to deliver them. Others are developing these weapons. There is a real possibility that some nations will be motivated to use them in regional confrontations, threatening U.S. interests, and perhaps forces, abroad.

We must develop the means to defense against such weapons. The Clinton Administration's BMD program is a prudent approach to dealing with this growing threat.

I urge my colleagues to support the administration in this vital area.

We can do so by defeating the Dellums-DeFazio and Schroeder amendments.

Mr. DELLUMS. Mr. Chairman, as I understand it, this side has 4 minutes remaining and has the right to close debate, and it is the intention of this side to yield that time to the distinguished gentlewoman from Colorado [Mrs. SCHROEDER].

Mr. HEFLEY. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. My colleagues, I think it is a tragedy that we are having this debate with the best we have on the high side being $467 million addition to SDI. The reason we are building against theater ballistic missiles is because we had one launched at us, a number of them launched at us in Desert Storm. And the same liberals who before said that there should not be war in the heavens said, "Thank heavens we are able to shoot down those model T's with the only system we had; that is, the Patriot."

Today, we can meet tanks, we can meet ships, we can meet aircraft; the only threat we cannot meet is a missile attack. The missiles that Mr. SPRATT alluded to, ERINT and THAAD, will not be operational until 1997—or 1996. So we have no defense today. We should be using this little bit of time, this little breathing space we have, this precious breathing space we have, to move forward very rapidly on this program.

If you care about the most important aspect of national security over the next 10 years, support this amendment by Mr. HEFLEY.

Mr. HEFLEY. Mr. Chairman, I yield 1 minute to the gentleman from Maryland [Mr. BARTLETT].

Mr. BARTLETT of Maryland. Mr. Chairman, the cold war may be over, the threat of missile attack to this country is not over. The second, third, and fourth largest nuclear and missile powers in the world are now Russia, Ukraine, Kazakhstan. Third World countries, many of them, are moving rapidly to acquire missile technology and nuclear technology.

The probability that the United States will come under missile attack is now probably greater than at most times during the cold war. It just makes absolutely no sense to downsize this very important part of our military. It would make more sense to be building up in this area rather than building down.

I implore my colleagues to do the right thing for this country, defeat those amendments which would cut this very important program, and support that amendment which would increase it and bring it just to the level that was requested by this administration.

Mr. HEFLEY. Mr. Chairman, let me just say in summing up this side of the debate in the few seconds we have left here that we should focus on three amendments: The Dellums amendments would indeed destroy SDI, I believe, our missile defense, the effective development of a program that we could count on in our lifetimes actually being ready to deploy and saving American lives; the Schroeder amendment would almost destroy any hope we would have of a missile defense system. The Hefley amendment is not that spiffy, either, in terms of really trying to get there and get the job done, but it is a whole lot better than the other two.

It is the position of the administration, it is the position of the Senate, it is the position that most people who have looked at the budget, given the constraints we have, the spending constraints and so forth, and said, "Well, if we are going to have missile defense, this is where we ought to be." I think your decision should be, if you want missile defense, you do not vote for the Dellums amendment; if you want an effective missile defense, you will vote

for the Hefley amendment. We will get to that more as we get into the individual amendments.

Mr. Chairman, I yield back the balance of my time.

□ 1620

Mr. DELLUMS. Mr. Chairman, to close out the general debate on this portion of the bill, it is my pleasure to yield 4 minutes to the distinguished gentlewoman from Colorado [Mrs. SCHROEDER], the chairman of the Subcommittee on Research and Technology of the Committee on Armed Services.

Mrs. SCHROEDER. Mr. Chairman, I thank the distinguished gentleman from California for yielding this time to me.

Mr. Chairman, I want to try and put this in some framework that we can all agree on, because there has been an awful lot of charges made around here that I think we need to clear up.

First of all, there is no one touching theater ballistic defense. The theater ballistic defense missiles that we are talking about are left alone in all these amendments, and we fully fund what they want. That is the essential part. That is the part that there is the most threat on. Those are short-range missiles coming in on troops. We agree fully. There is no debate on the different amendments on that issue. They are all the same number.

So let us make that perfectly clear and let us go over it and over it again.

The issue is how much more do you add for the strategic defense which goes out to fight these intercontinental ballistic missiles. That is the issue.

Now, let us listen to some of the things that have been said on the other side. People were saying that the CIA Director had said in public and some other people that maybe by the end of the decade there might be some countries that would have created enough infrastructure that they might be able to begin to develop intercontinental ballistic missiles. Might, might, might, and we are talking about 8 years minimum and so forth.

Now, what I would like to do is invite anyone over here who would like to see it, if you look at the CIA Directorate of Intelligence that came out in June of 1993, the prior statement is terribly optimistic compared to this classified document over here; but even the open one that we can talk about that puts, I suppose, the more optimistic spin than the classified one says, we are still looking at maybe the end of the decade and only developing the infrastructure and only proceeding on that; but, but before we go out and buy a nightlight and panic, there is a whole new thing happening in this area. Aviation Week points this out, and that is that everyone has discovered cruise missiles are a whole lot cheaper to build than intercontinental ballistic missiles. Cruise missiles can be built for probably less than $100,000 a piece. What country is going to go out and start investing in this whole infrastructure for intercontinental ballistic missiles when you can do cruise missiles? And what we can use for cruise missiles is more like the theater ballistic defense that comes out, and that we fully funded in all the amendments.

The question is, How much more do we spend in these other areas?

Now, let us also remember some of the history about this. Look, I have been around a long time, my gray hair shows it, but this whole SDI, now BDM, has been around for a long time. It has been kind of a cash cow used to fund everything. While we were out on break, one of the Air Force generals came forward and admitted that they have enhanced some of the tests to make it look good to keep all this research going.

We have always had way more research going than we could ever really sustain if we moved into production, and a lot of that research really was not coming up with what we hoped it would, as we now know from some of the very sad things that came out over the break.

So what we did on the committee is, if you look at the beginning of the year, we had a brand new President and a brand new Secretary of Defense and they worked with the old numbers because they did not know what else to do, and said, "Time out while we do a bottom-up review."

We did not know what to do, because we had to mark up in the interim. We took the nonpartisan staff from Research and Development and said, go through this thing top to bottom and find anything that is redundant, protect theater defense and come out with where you think we probably will go and the kind of things that we probably will fund long term on the way up, the tests that are looking good, the things that are moving along, the things that do not look like they are duplicating other things. That is what they did. Our nonpartisan staff came up with the $2.8 billion. That lost by only 1 vote in committee.

I think that is probably the best one because now as we look at the new bottom-up review by the administration and ramp it back to this year, we are still $100 million over where they would be.

This makes sense. I certainly hope people will stay with this, and I hope we really do not mix up our terms here and everybody understands what it is we are really addressing, and that there is no conflict about treating our troops correctly.

And please, please come over and read this classified document so you will not worry so much that the whole world is going to come down on our heads and be concerned about cruise missiles.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 1 printed in part 1 of the House Report 103–223.

AMENDMENT OFFERED BY MR. DELLUMS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DELLUMS: At the end of subtitle A of title II (page 42, after line 23) insert the following new section:

SEC. 203. AIR FORCE SPACE BASED SURVEILLANCE PROGRAM.

The amount provided in section 201 for the Air Force is hereby reduced by $252,952,000. None of the amount provided in such section shall be available for the program known as Brilliant Eyes.

Strike out section 231 and 232 (page 53, line 10, through page 54, line 15) and insert in lieu thereof the following:

SEC. 231. THEATER MISSILE DEFENSE INITIATIVE.

(a) FUNDING FOR FISCAL YEAR 1994.—Of the amounts appropriated pursuant to section 201 or otherwise made available to the Department of Defense for research, development, test, and evaluation for fiscal year 1994, not more than $811,300,000 may be obligated for activities of the Theater Missile Defense Initiative.

(b) REPORT.—When the President's budget for fiscal year 1995 is submitted to Congress pursuant to section 1105 of title 31, United States Code, the Secretary of Defense shall submit to the congressional defense committees a report—

(1) setting forth the allocation by the Secretary of funds appropriated for the Theater Missile Defense Initiative for fiscal year 1994, and the proposed allocation of funds for the Theater Missile Defense Initiative for fiscal year 1995, shown for each program, project, and activity; and

(2) describing an updated master plan for the Theater Missile Defense Initiative that includes (A) a detailed consideration of plans for theater and tactical missile defense doctrine, training, tactics, and force structure, and (B) a detailed acquisition strategy which includes a consideration of acquisition and life-cycle costs through the year 2006 for the programs, projects, and activities associated with the Theater Missile Defense Initiative.

SEC. 232. BALLISTIC MISSILE DEFENSE ORGANIZATION FUNDING.

(a) TOTAL AMOUNT.—Of the amounts appropriated pursuant to section 201 or otherwise made available to the Department of Defense for research, development, test, and evaluation for fiscal year 1994, not more than $568,000,000 may be obligated for the Ballistic Missile Defense Organization, of which—

(1) not more than $400,000,000 shall be available for National Missile Defense programs, projects, and activities; and

(2) not more than $168,000,000 shall be available for programs, projects, and activities within the Research and Support Activities program element (including the Small Business Innovation Research program and the Small Business Technology Transfer program).

(b) LIMITATIONS.—None of the amounts described in subsection (a) shall be available—

(1) for programs, projects, and activities within the Space-Based Interceptors program element; or

(2) for programs, projects, and activities within the Follow-On Systems program element, including the program known as Brilliant Pebbles.

The CHAIRMAN. Pursuant to the rule, the gentleman from California [Mr. DELLUMS] will be recognized for 5 minutes, and a member in opposition will be recognized for 5 minutes.

Mr. HEFLEY. Mr. Chairman, I rise in opposition.

The CHAIRMAN. The gentleman from Colorado [Mr. HEFLEY] will be recognized for 5 minutes.

The Chair now recognizes the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I rise to offer an amendment on behalf of myself and the gentleman from Oregon [Mr. DEFAZIO] to limit spending on ballistic missile defense to $1.5 billion. I believe that this amendment is the one that finally looks at the ballistic missile threat problem rationally, without the hype and scaremongering. This amendment makes sense.

It gives top priority to theater missile defense. The gentleman from Colorado pointing out the threat and the economics of cruise missiles is a very powerful point. This gentleman over the years has said to his colleagues, once we develop cruise missile technology, we may have changed the world for all time to its detriment, and now we may be reaping the wild wind of the technology that we developed that now makes cruise missiles cheap and potentially can put them in the hands of a lot of other people.

This simple reality escaped the Pentagon and White House for 10 years. The amendment prunes the administration's theater missile request to a sensible and healthy level of $932 million. Everyone knows that the administration's request would fund too many overlapping, so we had to make some decisions.

Frankly, I salute the ranking minority member of the Armed Services Committee, the gentleman from South Carolina [Mr. SPENCE], for his statement, "The question is, can we afford to carry all of these programs to fruition? My judgment is, we cannot."

At $932 million for theater missile defense, this amendment provides enough funding to fully fund the Patriot Missile request, the Navy lower tier missile defense request, the Arrow theater missile defense request, the PAC-3 demonstration/validation request, fund the theater high altitude area defense interceptor [THAAD] and THAAD radar at a higher level than this year.

This is a vigorous Theater Missile Defense Program.

This amendment at long last puts national missile defense in the proper setting. It funds a technology base for national missile defense, but does not take us down the costly and unnecessary road of deploying such a defense. It provides an active base from which we can devote greater efforts in the unlikely event a serious and irrational ICBM threat against the United States from a hostile force does develop. Such a funding level is comparable to the investment that the United States made in the mid-to-late 1970's, in the aftermath of the ABM Treaty, when the hostile ICBM threat to the United States was far greater than it is today.

With those remarks, Mr. Chairman, I urge support for the amendment offered by myself and the gentleman from Oregon [Mr. DEFAZIO].

Mr. HEFLEY. Mr. Chairman, I yield 1½ minutes to the gentleman from Massachusetts [Mr. TORKILDSEN].

Mr. TORKILDSEN. Mr. Chairman, I rise to oppose the amendment of the distinguished chairman of the Armed Services Committee. While I greatly respect, and appreciate, the fairness by which the gentleman from California has conducted all Armed Service Committee matters, I fundamentally disagree with his amendment to drastically cut funding for ballistic missile defense.

Never before in the history of the world has the balance of power shifted so quickly and so peacefully as it has in the past 4 years. The cold war threat of a single, enormously powerful opponent is over, at least for now. We all rejoice at the demise of the Soviet Union, and hope that democracy takes hold in Russia and the other republics.

But our hopes do not mean that we no longer need to maintain our defense. With the demise of the Soviet Union, much of the tension of a bipolar world has been eliminated. But while much tension is eliminated, there is now far more instability, as dictators no longer look to any superpower before deciding what mischief they might engage in. In reality, many of the nonnuclear weapons of destruction that used to make up the Soviet arsenal are now being sold around the world, often to anyone with the money to buy.

As for the nuclear weapons in Russia, we all hope that democracy takes hold in Russia, and that further bilateral reductions in nuclear weapons are made. But just as quickly as the most recent Russian revolution occurred, another could occur, with a military dictator claiming power. Shouldn't we wait a little bit longer before dropping our strategic defenses and deciding that Russia has successfully ended centuries of totalitarian governments?

These are reasons that the defense needs of the United States are still very real. They are not the same as they were 4 years ago, and they may continue to change when viewed in their entirety. While preparing for a very different type of threat, we must also develop a flexibility to our defense that will meet those changing needs.

One of the key challenges that we must meet is the threat of theater missiles. If we learned nothing else from the gulf war, at a minimum we should have learned that a few missiles, even nonnuclear, in the hands of a madman can terrorize a city, a nation, and even an entire people.

Secretary of Defense Les Aspin this week outlined the new look for ballistic missile defense, which will concentrate on developing theater missile defense programs like the Patriot PAC III upgrade, and other systems. These are defensive programs, designed to protect our troops overseas, as well as innocent people around the world.

It was not the Soviet Union, but Iraq that forced our allies in the Mideast to don gas masks and take shelter during the gulf war. We must be able to defend against this danger, and theater missile defense is the best protection we can invest in. Perhaps 5 or 10 years from now, we may not need to spend as much on ballistic missile defense as we do now. But in this area, a miscalculation could prove to be fatal. I ask my colleagues to join me in opposing the amendment offered by the gentleman from California, and supporting a sound level of funding for ballistic missile defense.

□ 1630

Mr. DELLUMS. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. KLECZKA].

Mr. KLECZKA. Mr. Chairman, I rise today in strong support of the Dellums amendment. Since the mid-1980s, our Government has spent $30 billion on ballistic missile defense. Much of this amount has been spent on research for a hocus-pocus space-based defense system based on a theory. That theory was that we would be the target of a massive intercontinental Soviet nuclear attack. With the fall of the Soviet Union, that theory is more unrealistic than ever, and it is time to make substantial reductions in this extravagant and misguided program.

To make matters worse, we've all been misled. Recent revelations have alleged that the original 1984 ballistic missile defense test was rigged. Army officials have acknowledged that the target was heated, making it 10 times easier to hit; an explosive charge was attached to the warhead to enhance the detonation; and the target ICBM carried a beacon that guided the interceptor rocket toward a set-up collision. These aspects of the test clearly made it easier for the interceptor to find its target.

At the time, the successful test was hailed as a triumph for the Reagan administration's SDI Program. As a result, we were misled into spending $30 billion on a questionable program. My friends, let me tell you what we could have gotten for that $30 billion if we hadn't spent it on this theoretical sham. We could have paid half of the cost of covering all uninsured and low-

wage American workers in small firms. We could have funded Head Start 10 times over. We could have taken one-tenth out of our annual deficit. Or we could have appropriated three times the funding for the National Institutes of Health.

The Dellums amendment makes substantial reductions in the ballistic missile defense program, but remains consistent with the priorities the Clinton administration has outlined for the program. The amendment eliminates funding for space-based follow-on technology, and reduces funding for missile defense designed to meet an unlikely intercontinental attack. Lastly, it emphasizes the theater defense portion of our Ballistic Missile Defense Program, where most of the threat of missile attack remains.

This amendment is also consistent with efforts to increase burdensharing. There is a growing realization on both sides of the aisle that we cannot afford to continue to fund expensive installations designed to protect our allies, while they spend their tax dollars on reality, not theory. By requiring the Defense Department to report on allied contributions to theater missile defense, we open the door to future spending reductions.

Mr. Chairman, I know that some opponents of this amendment are concerned about national security. I share this concern, but believe that today, national security is increasingly an economic, as well as a military, issue. We must redirect our economy away from defense-related production, and toward the high-technology civilian-sector industries that produce products to sell overseas, and products to enhance our productivity at home.

This brings me to my final point, which is about jobs. Our economy has become dangerously dependent on military production. We must all confront the difficult choice between the need to maintain jobs now, and the need to get the military back in the business of national security, so that we may create more jobs in other industries later.

Opponents of the amendment, especially those on the other side of the aisle, may remember that the first warnings of our increasing economic dependence on the military came over 30 years ago, from a member of their own party, President Eisenhower. We have known about this problem for a long time.

For the sake of fairness, I would point out that the cold war took many twists and turns in the past 30 years. Now that it is over, however, we have no more excuses not to heed the former President's warning. Let's make the tough choices necessary to redirect our economy. Let us stop the insanity in directing our scarce resources into a theoretical sham. I urge my colleagues to vote for the Dellums amendment.

Mr. HEFLEY. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Chairman, it is a great honor to serve on the House Committee on Armed Services, under its chairman, the gentleman from California [Mr. DELLUMS], and so it is only after great thought and with the strongest personal conviction that I rise in opposition to him. I do so here because the BMD Program and funding level in the committee bill are important and necessary.

I joined my colleague, the gentleman from North Carolina [Mr. SPRATT], in urging an increase in BMD funding above the committee mark, a proposal which was adopted in markup. Even with these increases, we delete futuristic, space based programs, including a number in California's South Bay, the center of the aerospace industry and the center of my congressional district. Halving this figure now will reduce missile defense to a handful of isolated research programs and will keep us from getting any focussed result after a $30 plus billion investment. Nor should we delete the additions made in the full committee, a position the gentlewoman from Colorado [Mrs. SCHROEDER] urges. I support the technology reinvestment program, but H.R. 2401 already doubles its funding above the requested level.

Mr. Chairman, I spent part of the recess in Israel and saw first hand how critical missile defense technology is to the future of that region. Missile defense R&D has produced some important technology breakthroughs in areas like miniaturization, and it is important not to throw those gains out.

Just as the House rejected cuts to the intelligence budget below what the Permanent Select Committee on Intelligence recommended, it should not cut BMD funding below what the committee recommended. I urge opposition to all proposed amendments and adoption of the committee bill.

Mr. HEFLEY. Mr. Chairman, I yield 1½ minutes to the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, several speakers have made reference to the CIA report authored by Lawrence K. Gershwin, and I would like to be specific about this report and quote from it. The first paragraph of the report states this:

THE THREAT TO THE CONTINENTAL UNITED STATES

RUSSIA

Based on current trends and a cooperative US-Russian relationship, the threat to the United States of a deliberate attack from Russia has all but disappeared for the foreseeable future. Although the number of warheads aimed at the United States remains large, the capabilities of Russian strategic forces are being significantly reduced due to arms agreements, economic pressures, and political changes.

The START 2 treaty, if ratified, will require the Russians to dramatically alter the composition of their strategic forces. The Russian force will shift from a heavy reliance on land-based MIRVed ICBMs to a force relying primarily on submarines, bombers, and single-RV ICBMs. By 2003, for example, Russia will be required to dismantle the entire force of 10 RV SS-18s, and reduce its forces from 10,000 strategic warheads, deployed in four states of the former Soviet Union, to 3,000 to 3,500 warheads, deployed in Russia. Nevertheless, Russia will almost certainly exercise its option to field a sizable force of single-RV ballistic missiles.

Russia remains committed to maintaining some of the strategic capabilities of the former Soviet Union, even though these capabilities will be at considerably lower levels than in the past.

Even with these reductions, we believe that the Russians will continue developmental work on a few new or follow-on systems. We expect that Russia will flight test and deploy three new ballistic missiles—a road-mobile ICBM, a silo-based ICBM, and an SLBM—during this decade. In addition, we expect the Russians to deploy a new ballistic missile submarine after the turn of the century.

The turmoil in Russia and the other former Soviet States has led to some concern about the possibility of accidental or unauthorized launches of nuclear forces. The Soviet Union's strong central government had an excellent nuclear command and control system that provided us with a high level of assurance that an accidental or unauthorized launch was highly unlikely. Today, while we believe that such an event remains highly unlikely, we must note that this command and control system was not designed in anticipation of the potential fragmentation of political and military authority, especially in Russia. The dramatic political changes could betray weaknesses in Moscow's command and control system that neither we nor the Russians could have anticipated. The reliability of the personnel involved with nuclear weapons will be crucial to maintaining the security of the nuclear arsenal.

CHINA

China also has the capability to attack U.S. territory, defense forces, and interests. The Chinese have deployed a small force of nuclear-tipped ICBMs, some of which are aimed at the United States, as well as a small force of intermediate-range ballistic missiles, that could be targeted against our allies and our forces in Asia. China plans to update this force with new missiles. Press reports indicate additional Chinese strategic missile development efforts are taking place. Improvements include the development of a new missile that will be deployed as a mobile ICBM and on a new ballistic missile submarine, and development of a second mobile ICBM that can reach the United States.

OTHER NATIONS

We do not expect any nations beyond Russia and China to develop and produce ICBMs capable of striking the United States during this decade. We have no evidence to suggest that any country currently plans to bring together the requisite materials, technologies, facilities, or expertise.

Several nations with space launch capabilities could modify those launchers to acquire a long-range ballistic missile capability, but we do not expect any nation now having space launch vehicles to do so. Presently, India, Israel, and Japan have developed space launch vehicles that, if converted

to surface-to-surface missiles, are capable of reaching targets in the United States. Brazil has a space launch vehicle under development that is expected to be test launched within the next five years.

After the turn of the century, however, some nations that are hostile to the United States may be able to indigenously develop ballistic missiles that could threaten the United States. We really cannot give you a precise date—it could be eight, ten, or fifteen years from now—when these ICBMs could be deployed. Over the next ten years, we are likely to see several Third World nations establish the infrastructure and develop the technical knowledge required to undertake ICBM and space launch vehicle development.

We also remain concerned that hostile nations will try to purchase from other states ballistic missiles capable of striking the United States. Libya, for example, has in the past publicly stated a desire for weapons of mass destruction that could be delivered by ballistic missile to the United States. A shortcut approach—prohibited by the Missile Technology Control Regime and Nuclear Nonproliferation Treaty—would be to buy ICBMs or major components covertly, together with suitable nuclear warheads or fissile materials. The acquisition of key production technologies and technical expertise would speed up ICBM development.

THE THREAT FROM TACTICAL BALLISTIC MISSILES

The threat from theater ballistic missiles is real and growing. For decades, the international community has worked from the premise that the more countries that possess these weapons, the greater the likelihood that they will be used.

The proliferation of ballistic missile-delivered weapons of mass destruction is an issue directly confronting the strategic interests of the United States, its traditional allies, and its friends, such as Russia. Several countries are likely to have or are seeking ballistic missiles that have a sufficient range to threaten U.S. allies and forces in the Middle East, Asia, and parts of Europe.

Moreover, as events in Desert Storm so vividly demonstrated, the use of ballistic missiles is a reality, not just a theoretical possibility. As demonstrated in Desert Storm and the Iran-Iraq war, ballistic missiles are becoming the weapon or choice for nations otherwise unable to strike their enemies at long ranges.

The danger from theater ballistic missiles is threatening enough with conventional weapons. With weapons of mass destruction, however, these weapons become particularly insidious.

We see a dangerous trend in the proliferation in nearly two dozen countries of weapons of mass destruction—nuclear, chemical, and biological weapons. The potential capabilities of some of these countries are comparable to, and in some cases, more lethal than the Soviet threat in 1960. With leaders like Qadhafi and Saddam Hussein, and in many cases weak, unstable, or illegitimate governments, our classic notions of deterrence hold much less promise of assuring the security of the United States and its allies.

Possession of these ballistic missiles armed with weapons of mass destruction will threaten U.S. security interests:

Our ability to hold coalitions together, as was done successfully in Desert Storm, will be more difficult. If Europe, for example, is held at risk by hostile powers in the Mideast, the difficulty of putting a coalition together would be quite substantial.

The stability of regions and political agreements could be undercut. For example, our concerns about North Korea's nuclear and ballistic missile efforts extend beyond the peninsula itself. If North Korea acquires nuclear weapons we worry about the consequences for stability in northeast Asia.

Now, let me cite a few examples, starting with North Korea, whose recent actions are of grave concern.

North Korea's weapons program represent our most urgent national security threat in east Asia. It possesses Scud missiles that are capable of striking South Korea and our forces there. North Korea is also developing a longer-range ballistic missile capable of threatening Japan.

These ballistic missile developments are especially alarming given the real possibility that it has already manufactured enough fissile material for at least one nuclear weapon, and North Korea's recent announcement that it would withdraw from the Nuclear Non-proliferation Treaty. Moreover, it is likely that North Korea will continue to produce additional plutonium that it could use in nuclear weapons.

The Middle East represents an area of special concern, because half of the countries have nuclear, chemical, or biological weapons programs, at least in development.

Iran still poses a potential threat to its smaller neighbors and to the free flow of oil through the gulf. It continues to support terrorism as an instrument of state policy. And Iran has embarked on an ambitious effort to develop its military and defense industries, including programs for weapons of mass destruction. Iran is shopping Western markets for nuclear and missile technology, and it may turn to the states of the former Soviet Union for such technology and expertise. Because it hasn't been able to get what it wants from the West, Iran increasingly has looked to Asian sources for military and technical aid—to North Korea for long-range Scuds and to China for missiles and nuclear-related technologies.

Iran continues to pursue the acquisition of nuclear weapons despite being a signatory to the Nuclear Non-proliferation Treaty. The intelligence community believes that Iran probably will take at least eight to ten years to build its own nuclear weapons. Technology provided by other countries is crucial towards producing a nuclear weapons. Without this help, Iran's program would suffer a devastating blow, setting it back by many years.

Iran is also out shopping for nuclear weapons and weapons-grade nuclear materials. If the Iranians succeed, they could have weapons much sooner.

Although Saddam Husayn's ability in the next several years to threaten the stability of the Gulf region and the world's oil supply has been crippled, Iraq continues to pose a major challenge. Substantial numbers of Scud missiles and production equipment remain, despite Desert Storm and U.N. inspections. The time and cost to Iraq of reviving its missile program will depend on the continuation of the inspection regime and Saddam's ability to obtain critical equipment from abroad.

Despite the fact that Desert Storm and subsequent U.N. inspections significantly damaged Iraq's special weapons program, Baghdad continues to view the development of a nuclear capability as a key to establishing dominance and influencing regional issues. Iraq would also pursue nuclear weapons to deter western involvement in the region.

Saddam still has significant residual programs in all four areas of weapons of mass destruction—missiles; nuclear, biological, and chemical. and he will continue to pursue these programs regardless of the expense and regardless of the state of U.N. inspections and sanctions.

Because of its inability to purchase longer range missiles from Russia, Syria has turned to North Korea for an extended range missile. Syria apparently is also seeking assistance from China and Western firms to acquire an improved capability with chemical or biological warheads.

Libya has not abandoned its long-term goal of extending its military reach across the Eastern Mediterranean. Its chemical weapons program has produced and stockpiled as many as 100 tons of chemical agents, and Libya is shopping throughout the world for an alternative source of longer range missiles. And we should not forget that Libya, like Iraq, has fired ballistic missiles in anger against U.S. forces.

BALLISTIC MISSILE SALES

In addition to missiles already deployed throughout the world, we are particularly concerned about ongoing sales of short- and medium-range ballistic missiles. Also troubling are the sales of technology and production equipment that will give nations the ability to build missiles for years to come.

North Korea has sold extended range Scud missiles to—among others—Iran and Syria. North Korea is also actively marketing the No Dong missile, which has a longer range than these Scuds.

In the past China has sold ballistic missiles to other nations, including the long-range CSS-2 to Saudi Arabia. Since then, China agreed to observe the guidelines of the Missile Technology Control Regime—which limit the sale of missile systems and technologies for medium-range and longer-range ballistic missiles. I'm sure that you are aware of various press reports indicating that China delivered M-11 missile-related equipment to Pakistan late last year. In this case and others, we are closely monitoring China's behavior for signs that Beijing is not living up to its commitments.

Economic pressures are causing some Russian and Ukrainian officials to pursue efforts that may not be consistent with the Missile Technology Control Regime. Russia, for example, has already sold rocket engine technology to India. In a recent arms show in Moscow, the Russians advertised a derivative of the old SS-23 ballistic missile for sale as a civilian rocket, raising additional MTCR concerns.

Unless the sale of such missiles from all suppliers is stopped completely, it is likely that these delivery systems, over time, will be mated with weapons of mass destruction.

POTENTIAL TRANSFERS OF NUCLEAR WEAPONS AND NUCLEAR MATERIALS

We are also concerned about the potential for illicit sales of nuclear weapons to rogue nations. If North Korea acquires nuclear weapons, the possibility that it would sell some to other countries, such as Iran, cannot be ignored.

The political struggle in Moscow and developments in the military forces might lead to unauthorized sales of nuclear weapons, weapons material, or weapons technologies:

Military personnel involved with nuclear weapons are not immune from the problems endemic in Russian society. Although they traditionally received priority treatment, they now suffer along with the rest of the military from a loss of prestige, rapid decline in living standards, and uncertain careers and futures.

We have seen reports that former-Soviet nuclear weapons have already been offered

on the black market or have been acquired by Iran. We have investigated these reports and do not find them to be credible, but we are highly attentive to such a possibility, given Russia's situation. Current safeguards alone will not be sufficient to guarantee the security of the thousands of warheads and tons of missile material extracted from dismantled warheads from falling into the wrong hands.

PROSPECTS FOR BALLISTIC MISSILE DEFENSE COOPERATION

Finally, let me address the prospects for international cooperation in ballistic missile defenses. Because of the end of the cold war, the United States has new opportunities, particularly in strategic defense. Russian President Yeltsin's statements indicate a much greater interest in cooperating with the United States on missile defense matters than was true before the breakup of the Soviet Union. Discussions of a global protection system are likely to be difficult—Russia, like the United States, has both opponents and proponents for ballistic missile defense—but the United States and Russia share new common ground:

Many Russians believe that the development of new anti-tactical ballistic missile systems is one of the answers for the proliferation threat—a menace that most threatens Russia at the moment because of geography.

Russia will also be looking for Western assistance on early warning problems. The disintegration of the Soviet Union, as well as previous problems with early warning systems development, have resulted in Russia facing serious difficulties in detecting ballistic missile attacks.

Moscow, however, will not quickly abandon the ABM Treaty. Many Russians believe the treaty is the basis of strategic stability, particularly in an era of deep strategic arms reductions. Many Russians are also likely to continue to be seriously concerned about space-based defenses and sensors. Suspicion of U.S. motives is still evident. Nonetheless, prospects for mutual agreements in strategic defenses are better now than during the cold war.

CONCLUSIONS

Despite the end of the cold war and the subsequent relaxation of East-West tensions, the United States continues to face serious challenges in the coming decade and beyond. Many countries have developed weapons of mass destruction, and others are acquiring the capability to develop these weapons. There is the real possibility that some nations will be motivated to use them in regional confrontations, threatening U.S. interests abroad.

We do not expect a direct threat to United States territory during this decade. We must be watchful, however, that after the turn of the century some nation hostile to the United States will acquire ballistic missiles able to deliver weapons of mass destruction that threaten the United States itself.

Mr. HEFLEY. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I say to the gentleman from California, Mr. DELLUMS, you and I have been on the opposite extremes of this particular debate forever, and both of us feel very passionate about our position on this. We could almost replay our speeches from last year this year. I feel very strongly that we need a robust missile defense research, and maybe deployment or the ability to deploy if we need this. I think you feel very strongly the other way.

So, Mr. Chairman, I guess I would encourage my colleagues today to not support the Dellums amendment. It really will destroy, I believe, any pretense of a missile defense development in this country. We have heard the reasons why we need this kind of a development. So, I would encourage my colleagues to not support the Dellums amendment and go to the Hefley amendment which I will ask them to support.

Mr. DELLUMS. Mr. Chairman, for the purposes of closing the debate on this side of the aisle on the amendment before the body, I yield the balance of my time to the gentleman from Oregon [Mr. DEFAZIO], the coauthor of the amendment.

Mr. DEFAZIO. Mr. Chairman, let us first be clear. The report which was read to the House was obviously not the classified document which sits over here on the dais, as that was, in fact, an unclassified report. If the gentleman were to read the classified report, he would find that the views of the agency are much less pessimistic than that which was offered in public, and in fact they find the threats to be significally less than those in the public report. Of course I am constrained in being more specific, but it is there for the gentleman, or any other Member of the House, to read.

The bottom line here is: Is this a cut that would make sense for the future of the development of a strategic missile defense in terms of research? Is it something that will full fund any and all needs for theater missile defense? Most of the debate on that side of the aisle has been devoted to theater missile defense. We want theater missile defense. We have seen a dramatic increase in the funding for theater missile defense. And, in fact, the Dellums-DeFazio amendment fully funds the continued development and potential development of theater missile defense. It does, however, cut back the strategic missile defense program to $400 million, that which the Pentagon says is adequate to fully fund an ongoing, robust research and development program.

Four hundred million dollars is peanuts? One point five billion dollars is too much of a cut? Three point three billion dollars to the gentleman on that side of the aisle is cutting it to the bone? Does anyone believe that a program that spent $33 billion and faked one successful attempt at interception is being cut to the bone? At $3.3 billion more, 10 percent of what they have spent in the last 10 years, with nothing to show for it? Remember the Patriot missile? Never got a penny from the strategic missile program. It was developed entirely outside of that program.

The CHAIRMAN pro tempore (Mr. DURBIN). The time of the gentleman from Oregon [Mr. DEFAZIO] has expired.

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

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 160, noes 272, not voting 6, as follows:

[Roll No. 412]

AYES—160

Abercrombie	Hamburg	Pastor
Ackerman	Hastings	Payne (NJ)
Andrews (ME)	Hilliard	Pelosi
Barca	Hinchey	Penny
Barcia	Holden	Peterson (MN)
Barrett (WI)	Inslee	Poshard
Becerra	Jacobs	Rahall
Beilenson	Jefferson	Rangel
Berman	Johnson, E. B.	Reed
Blackwell	Johnston	Reynolds
Bonior	Kanjorski	Rose
Brown (CA)	Kaptur	Rostenkowski
Brown (OH)	Kennedy	Roth
Bryant	Kildee	Roybal-Allard
Byrne	Kleczka	Rush
Cantwell	Klein	Sabo
Carr	Klink	Sanders
Clay	Klug	Sangmeister
Clayton	Kopetski	Sarpalius
Collins (IL)	Kreidler	Sawyer
Collins (MI)	LaFalce	Schenk
Condit	Lambert	Schroeder
Coyne	Leach	Schumer
de Lugo (VI)	Lehman	Serrano
DeFazio	Levin	Shays
Dellums	Lewis (GA)	Shepherd
Dingell	Long	Skaggs
Dooley	Lowey	Slaughter
Duncan	Maloney	Stark
Durbin	Margolies-Mezvinsky	Stokes
Edwards (CA)	Markey	Strickland
Engel	Martinez	Studds
English (AZ)	Matsui	Stupak
Eshoo	McCloskey	Swift
Evans	McKinney	Synar
Faleomavaega (AS)	Meehan	Thompson
Farr	Menendez	Thurman
Fazio	Mfume	Torres
Fields (LA)	Miller (CA)	Towns
Filner	Mineta	Traficant
Fingerhut	Minge	Tucker
Flake	Mink	Underwood (GU)
Foglietta	Moakley	Unsoeld
Ford (MI)	Murphy	Velazquez
Ford (TN)	Nadler	Vento
Frank (MA)	Neal (MA)	Washington
Furse	Norton (DC)	Waters
Gejdenson	Nussle	Watt
Gephardt	Oberstar	Waxman
Gibbons	Obey	Wheat
Green	Olver	Williams
Gutierrez	Owens	Woolsey
Hall (OH)	Pallone	Wyden
		Wynn

NOES—272

Allard	Barton	Brewster
Andrews (NJ)	Bateman	Brooks
Andrews (TX)	Bentley	Browder
Applegate	Bereuter	Brown (FL)
Archer	Bevill	Bunning
Armey	Bilbray	Burton
Bacchus (FL)	Bilirakis	Buyer
Bachus (AL)	Bishop	Callahan
Baesler	Bliley	Calvert
Baker (CA)	Blute	Camp
Baker (LA)	Boehlert	Canady
Ballenger	Boehner	Cardin
Barlow	Bonilla	Castle
Barrett (NE)	Borski	Chapman
Bartlett	Boucher	Clement

Clinger	Houghton	Pickle
Clyburn	Hoyer	Pombo
Coble	Huffington	Pomeroy
Coleman	Hughes	Porter
Collins (GA)	Hunter	Portman
Combest	Hutchinson	Price (NC)
Cooper	Hutto	Pryce (OH)
Coppersmith	Hyde	Quillen
Costello	Inglis	Quinn
Cox	Inhofe	Ramstad
Cramer	Istook	Ravenel
Crane	Johnson (CT)	Regula
Crapo	Johnson (GA)	Richardson
Cunningham	Johnson (SD)	Ridge
Danner	Johnson, Sam	Roberts
Darden	Kasich	Roemer
de la Garza	Kennelly	Rogers
Deal	Kim	Rohrabacher
DeLauro	King	Romero-Barcelo (PR)
DeLay	Kingston	Ros-Lehtinen
Derrick	Knollenberg	Roukema
Deutsch	Kolbe	Rowland
Diaz-Balart	Kyl	Royce
Dickey	Lancaster	Santorum
Dicks	Lantos	Saxton
Dixon	LaRocco	Schaefer
Doolittle	Laughlin	Schiff
Dornan	Lazio	Scott
Dreier	Levy	Sensenbrenner
Dunn	Lewis (CA)	Sharp
Edwards (TX)	Lewis (FL)	Shaw
Emerson	Lightfoot	Shuster
English (OK)	Linder	Sisisky
Everett	Lipinski	Skeen
Ewing	Livingston	Skelton
Fawell	Lloyd	Slattery
Fields (TX)	Machtley	Smith (IA)
Fish	Mann	Smith (MI)
Fowler	Manton	Smith (NJ)
Franks (CT)	Manzullo	Smith (OR)
Franks (NJ)	Mazzoli	Smith (TX)
Frost	McCandless	Snowe
Gallegly	McCollum	Solomon
Gallo	McCrery	Spence
Gekas	McCurdy	Spratt
Geren	McDade	Stearns
Gilchrest	McHale	Stenholm
Gillmor	McHugh	Stump
Gilman	McInnis	Sundquist
Gingrich	McKeon	Swett
Glickman	McMillan	Talent
Gonzalez	McNulty	Tanner
Goodlatte	Meek	Tauzin
Goodling	Meyers	Taylor (MS)
Gordon	Mica	Taylor (NC)
Goss	Michel	Tejeda
Grams	Miller (FL)	Thomas (CA)
Grandy	Molinari	Thomas (WY)
Greenwood	Mollohan	Thornton
Gunderson	Montgomery	Torkildsen
Hall (TX)	Moorhead	Torricelli
Hamilton	Moran	Upton
Hancock	Morella	Valentine
Hansen	Murtha	Visclosky
Harman	Myers	Volkmer
Hastert	Natcher	Walker
Hayes	Ortiz	Walsh
Hefley	Orton	Weldon
Hefner	Oxley	Whitten
Herger	Packard	Wilson
Hoagland	Parker	Wise
Hobson	Paxon	Wolf
Hochbrueckner	Payne (VA)	Young (FL)
Hoekstra	Peterson (FL)	Zeliff
Hoke	Petri	Zimmer
Horn	Pickett	

NOT VOTING—6

Conyers	Neal (NC)	Yates
McDermott	Vucanovich	Young (AK)

□ 1703

The Clerk announced the following pair:

On this vote:

Mr. Yates for, with Mrs. Vucanovich against.

Mr. EVERETT and Mr. DERRICK changed their vote from "aye" to "no."

Messrs. HOLDEN, RANGEL, and BARCIA of Michigan changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in part 1 of House Report 103-223.

AMENDMENT OFFERED BY MR. HEFLEY

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HEFLEY: Strike out subtitle C of title II (page 53, line 8, through page 70, line 19) and insert in lieu thereof the following:

Subtitle C—Missile Defense Programs

SEC. 231. FUNDING FOR FISCAL YEAR 1994.

Of the amounts appropriated pursuant to section 201 or otherwise made available to the Department of Defense for research, development, test, and evaluation for fiscal year 1994, not more than a total of $3,084,543,000 may be obligated for ballistic missile defense.

SEC. 232. REPORT ON ALLOCATION OF FUNDS.

When the President's budget for fiscal year 1995 is submitted to Congress pursuant to section 1105 of title 31, United States Code, the Secretary of Defense shall submit to the congressional defense committees a report—

(1) setting forth the allocation by the Secretary of funds appropriated for ballistic missile defense for fiscal year 1994, and the proposed allocation of funds for ballistic missile defense for fiscal year 1995, shown for Theater Missile Defense, Limited Defense System, Other Follow-On Systems, Research and Support, and the Small Business Innovation Research and Small Business Technology Transfer programs of the Small Business Administration, for each program, project, and activity; and

(2) describing an updated master plan for the Theater Missile Defense Initiative that includes (A) a detailed consideration of plans for theater and tactical missile defense doctrine, training, tactics, and force structure, and (B) a detailed acquisition strategy which includes a consideration of acquisition and life-cycle costs through the year 2006 for the programs, projects, and activities associated with the Theater Missile Defense Initiative.

SEC. 233. TRANSFER AUTHORITIES FOR BALLISTIC MISSILE DEFENSE.

(a) IN GENERAL.—After the submission of the report required under section 232, the Secretary of Defense may transfer funds among the ballistic missile defense program elements named in section 232 of this Act.

(b) LIMITATION.—The total amount that may be transferred to or from any program element named in section 232—

(1) may not exceed 10 percent of the amount provided in the report for the program element from which the transfer is made; and

(2) may not result in an increase of more than 10 percent of the amount provided in the report for the program element to which the transfer is made.

(c) RESTRICTION.—Transfer authority under subsection (a) may not be used for a decrease in funds identified in section 231(a) for the Theater Missile Defense Initiative.

(d) MERGER AND AVAILABILITY.—Amounts transferred pursuant to subsection (a) shall be merged with and be available for the same purposes as the amounts to which transferred.

SEC. 234. REVISIONS TO MISSILE DEFENSE ACT OF 1991.

The Missile Defense Act of 1991 (part C of title II of Public Law 102-190; 10 U.S.C. 2431 note) is amended as follows:

(1) Section 232(b) is amended—

(A) in paragraphs (1) and (2), by striking out "the Soviet Union" and inserting in lieu thereof "Russia"; and

(B) in paragraph (2), by striking out "Treaty, to include the down-loading of multiple warhead ballistic missiles" and inserting in lieu thereof "Treaties, to include the down-loading of multiple warhead ballistic missiles, as appropriate".

(2) Section 235 is amended—

(A) by striking out "Strategic Defense Initiative" in subsections (a) and (b) and inserting in lieu thereof "Ballistic Missile Defense program"; and

(B) by striking out the section heading and inserting in lieu thereof the following:

"SEC. 235. PROGRAM ELEMENTS FOR BALLISTIC MISSILE DEFENSE PROGRAM.".

(3) Section 236(c) is amended by striking out "Strategic Defense Initiative Organization" and inserting in lieu thereof "Ballistic Missile Defense Organization".

SEC. 235. PATRIOT ADVANCED CAPABILITY-3 THEATER MISSILE DEFENSE SYSTEM.

(a) COMPETITION FOR MISSILE SELECTION.—The Secretary of Defense shall continue the strategy being carried out by the Ballistic Missile Defense Organization as of July 1, 1993, for selection of the best technology (in terms of cost, schedule, risk, and performance) to meet the missile requirements for the Patriot Advanced Capability-3 (PAC-3) theater missile defense system. That strategy, consisting of flight testing, ground testing, simulations, and other analyses of the two competing missiles (the Patriot Multimode Missile and the Extended Range Interceptor (ERINT) missile), shall be continued until the Secretary determines that the Ballistic Missile Defense Organization has adequate information upon which to base a decision as to which missile will be selected to proceed into the Engineering and Manufacturing Development stage.

(b) FUNDS FOR DEMONSTRATION AND VALIDATION.—Of the funds authorized to be appropriated by section 201 for the Ballistic Missile Defense Organization—

(1) not less than $44,100,000 shall be available for demonstration and validation purposes for the Patriot Multimode Missile program;

(2) not less than $55,900,000 shall be available for demonstration and validation purposes for the Extended Range Interceptor program; and

(3) not less than $52,700,000 shall be available for demonstration and validation and for the Engineering and Manufacturing Development stage for the system selected and for appropriate risk mitigation activities.

(c) IMPLICATIONS OF DELAY.—If there is a delay (based upon the schedule in effect in mid-1993) in the selection described in subsection (a) of the missile for the Patriot Advanced Capability-3 system, the Secretary of Defense shall ensure that demonstration and validation of both competing systems can continue as needed to support an informed decision for such selection.

SEC. 236. ADDITIONAL BMD PROGRAMS.

(a) NAVAL THEATER MISSILE DEFENSE.—Of the amount provided under section 201 for Theater Missile Defense, $102,000,000 shall be available to support the aggressive exploration of the Navy Upper Tier concept for Naval Theater Missile Defense, including

cost-effective systems and upgrades to existing systems that can be fielded more quickly than new systems.

(b) ACCELERATED ADVANCED TECHNOLOGY DEMONSTRATION PROGRAM.—The Secretary of Defense, acting through the Director of the Theater Missile Defense Initiative, shall initiate during fiscal year 1994 an accelerated Advanced Technology Demonstration program to demonstrate the technical feasibility of using the Navy's Standard Missile combined with a kickstage rocket motor and Lightweight Exoatmospheric Projectile (LEAP) as a near-term option for cost-effective wide-area Theater Missile Defense.

SEC. 237. ARROW TACTICAL ANTI-MISSILE PROGRAM.

(a) ENDORSEMENT OF COOPERATIVE RESEARCH AND DEVELOPMENT.—Congress reiterates its endorsement (previously stated in section 225(a)(5) of Public Law 101-510 (104 Stat. 1515) and section 241(a) of Public Law 102-190 (105 Stat. 1326)) of a continuing program of cooperative research and development, jointly funded by the United States and Israel, on the Arrow Tactical Anti-Missile program.

(b) PROGRAM GOAL.—The goal of the cooperative program is to demonstrate the feasibility and practicality of the Arrow system and to permit the government of Israel to make a decision on its own initiative regarding deployment of that system without financial participation by the United States beyond the research and development stage.

(c) ARROW CONTINUING EXPERIMENTS.—The Secretary of Defense, from amounts appropriated to the Department of Defense pursuant to section 201 for Defense-wide activities and available for the Ballistic Missile Defense Organization, shall fully fund the United States contribution to the fiscal year 1994 Arrow Continuing Experiments program at the level of $56,400,000.

(d) ARROW DEPLOYABILITY INITIATIVE.—(1) Subject to paragraph (2), the Secretary of Defense may obligate from funds appropriated pursuant to section 201 up to $25,000,000 for the purpose of research and development of technologies associated with deploying the Arrow missile in the future (including technologies associated with battle management, lethality, system integration, and test bed systems).

(2) Funds may not be obligated for the purpose stated in paragraph (1) unless the President certifies to Congress that—

(A) the United States and the government of Israel have entered into an agreement governing the conduct and funding of research and development projects for the purpose stated in paragraph (1);

(B) each project in which the United States will join under that agreement (i) will have a benefit for the United States, and (ii) has not been barred by other congressional direction;

(C) the Arrow missile has successfully completed a flight test in which it intercepted a target missile under realistic test conditions; and

(D) the government of Israel is continuing, in accordance with its previous public commitments, to adhere to export controls pursuant to the Guidelines and Annex of the Missile Technology Control Regime.

(e) SENSE OF CONGRESS ON EXPEDITING TEST PROGRAM.—It is the sense of Congress that, in order to expedite the test program for the Arrow missile, the United States should seek to initiate with the government of Israel discussions on the agreement referred to in subsection (d)(2)(A) without waiting for the condition specified in subsection (d)(2)(C) to be met first.

SEC. 238. EXTENSION OF PROHIBITION ON TESTING MID-INFRARED ADVANCED CHEMICAL LASER AGAINST AN OBJECT IN SPACE.

The Secretary of Defense may not carry out a test of the Mid-Infrared Advanced Chemical Laser (MIRACL) transmitter and associated optics against an object in space during 1994 unless such testing is specifically authorized by law.

SEC. 239. TECHNICAL AMENDMENTS TO REFLECT REDESIGNATION OF STRATEGIC DEFENSE INITIATIVE ORGANIZATION.

Section 224 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (10 U.S.C. 2431 note) is amended—

(1) by striking out "Strategic Defense Initiative" each place it appears (other than in subsection (b)(5)) and inserting in lieu thereof "Ballistic Missile Defense program";

(2) by striking out "Strategic Defense Initiative" in subsection (b)(5) and inserting in lieu thereof "Ballistic Missile Defense";

(3) by striking out "SDI" each place it appears and inserting in lieu thereof "BMD"; and

(4) by striking out the section heading and inserting in lieu thereof the following:

"SEC. 224. ANNUAL REPORT ON BALLISTIC MISSILE DEFENSE PROGRAM.".

The CHAIRMAN. Pursuant to the rule, the gentleman from Colorado [Mr. HEFLEY] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

Does the gentleman from California [Mr. DELLUMS] oppose the amendment?

Mr. DELLUMS. I do, Mr. Chairman.

Mr. HEFLEY. Mr. Chairman, I am seeking to increase the funding for the preliminary defense program over the committee mark in the amount of $467 million, the amount of money for the ballistic missile defense program. It would get it up closer to the administration request, although it would not get it clear to the administration request, but it would get it closer to what they are requesting, and it would be at the level that the Senate has marked up.

Mr. Chairman, I yield such time as he may consume to the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Colorado [Mr. HEFLEY].

Mr. Chairman, the proposed amendment to cut more out of ballistic missile defense strikes at the very heart and soul of the threats that our Nation is now facing.

The end of the cold war has seen the Soviet bear disappear, only to be replaced by a thousand poisonous snakes scattered throughout the jungle. All over the world, we are seeing the proliferation of missile technology in hostile or potentially hostile nations.

Surely our memories are not so short as to forget the haunting images and sounds of SCUD missile attacks courtesy of Sadam Hussein whistling into Tel Aviv. While the SCUD was a primitive, low-tech weapon, variants of the SCUD are widely available on the world arms market. They can still cause death and destruction as some of our servicemen and women learned when a SCUD landed on their barracks in Saudi Arabia. China has been known to have sold more sophisticated missile technology to other nations. Efforts at keeping missile proliferation in check do not seem to be working as intended.

It would be irresponsible of us to not recognize the threat and try to come up with the best solutions possible. In recent years, ballistic missile defense was termed star wars under the Strategic Defense Initiative [SDI] Program. SDI became a lightning rod for debate, criticism and contention. I fear that some of our colleagues have slipped into their traditional mode and habit of cutting or opposing a robust missile defense effort without regard for the changes that have occurred in the program and its overwhelming need.

Secretary Aspin has reorganized the former SDI program into a ballistic missile defense office, emphasizing land-based technologies and theatre missile defense. These are real-world threats and a practical and wise approach at coming up with a way to defend against them. We must do all we can to support a robust ballistic missile defense—including brilliant eyes, or space-based sensors, which will be essential in helping land-based systems detect and respond more quickly to future missile attacks, wherever they will occur.

Please oppose this amendment.

Mr. HEFLEY. Mr. Chairman, I understand it is my privilege to close debate, so I will stop at this point and reserve the balance of my time.

Mr. DELLUMS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in opposition to the amendment from the gentleman from Colorado. His amendment would stoke up the old star wars program, try to free it from ABM treaty restraints, and revive the discredited Brilliant Pebbles program. It is fiscally unsound and would lead us into billions in unneeded government spending, exactly what we do not need in our current fiscal climate.

This amendment would add $467 million to the ballistic missile defense [BMD] budget but does not identify any offset. It is pure deficit spending, exactly what amendments on this bill should not do. It not only adds to this year's deficit, but it will also erode our deficit situations for years to come in two ways.

First, it will fund programs that to complete will require billions more in spending than we would do under the bill. It is estimated that funding BMD at $3.45 billion in fiscal year 1994, as this amendment would do, would lead to BMD expenditures of $5.5-6 billion per year between 1995 and 1999. Such BMD levels are not fiscally affordable. Either we will be forced to spend more than is prudent in the future, or we will have to drop some of the programs that this increase will fund, wasting the extra funding. Neither are what the American people want.

Second, we will have to borrow every penny of this extra spending. For just the extra $467 million, its interest costs (using the bellwether 30 year bond rate) over the next 30 years will be over $2.6

billion. This amendment asks the taxpayers of America to shell out an extra $2.6 billion over the next 30 years so we can borrow $467 million in 1994 to revive star wars. And we will still owe the original $467 million. If you want to know how our national debt got so huge, it is partly through the workings of compound interest, which magnifies the effect of every dollar we borrow.

Spending extra money we do not have on star wars and not identifying where it comes from is public policy at its worst. And this extra money would either be wasted, because down the road we couldn't afford to continue the extra programs it would fund, or it would trigger massive new star wars spending, approaching $6 billion per year. And we will have to borrow those extra billions, too, and pay interest on it.

So for fiscal reasons, as well as solid public policy reasons, this amendment should not be adopted. I urge you to vote against it.

□ 1710

Mr. Chairman, I yield back the balance of my time.

Mr. HEFLEY. Mr. Chairman, I yield myself my remaining 4 minutes.

Mr. Chairman, my amendment would provide authorization of $3,207,989,000 for strategic and theater missile defenses for fiscal year 1994. I should note that Brilliant Eyes funding of $252.2 million is not included in this total; consistent with the bill as reported by the House Armed Services Committee, funding for Brilliant Eyes, along with the Defense Support Program [DSP] and the Follow-on Early Warning System [FEWS], has been moved to a consolidated Space-Based Surveillance line.

The funding level associated with my amendment represents a $467 million increase in the amount authorized by the House Armed Services Committee for strategic and theater missile defenses in fiscal year 1994. This funding level also represents the same amount authorized by the Senate Armed Services Committee for missile defenses in fiscal year 1994.

Mr. Chairman, my amendment also would strike those provisions in the Committee-reported bill that modify the Missile Defense Act of 1991. That legislation, you may recall, established for the first time a legislative-executive consensus on the scope and direction of the U.S. ballistic missile defense program.

For example, the Armed Services Committee-reported bill states that it is a U.S. goal merely to preserve the option to deploy an effective ballistic missile defense system for the United States, to deploy—a subtle but important difference in approach.

A second change to the Missile Defense Act contained in the Committee-reported bill is the direction to the President to initiate discussions with Russia solely on the question of how the 1972 Anti-Ballistic Missile Treaty applies to theater missile defense systems such as Patriot. The Missile Defense Act directed the President to not only negotiate changes to the ABM Treaty to permit the deployment of fully-capable theater missile defenses, but also to permit a multi-site ABM deployment and allow the deployment of stabilizing space-based sensor systems such as Brilliant Eyes that warn of missile attacks.

My amendment also would strike those provisions in the Committee-reported bill that impose duplicative or unnecessary reporting requirements on the Department of Defense. For example, the Armed Services Committee-reported bill requires a so-called TMD Roadmap report when the Congress already receives from the DOD a comprehensive report on planned U.S. TMD activities and programs.

In sum, Mr. Chairman, my amendment offers a clear break from the approach recommended by the Armed Services Committee. It increases funds for the U.S. Ballistic Missile Defense Program, and strikes legislative provisions that undercut the Missile Defense Act. This amount of funding for strategic and theater missile defenses is required in light of the growing threat to U.S. military forces deployed overseas, U.S. friends and allies, and the continental United States posed by missiles of increasing range, accuracy and lethality.

I strongly urge my colleagues to support this amendment, and to reject the Dellums and Schroeder amendments.

The CHAIRMAN pro tempore (Mr. DURBIN). All time has expired.

The question is on the amendment offered by the gentleman from Colorado [Mr. HEFLEY].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 118, noes 312, not voting 8, as follows:

[Roll No. 413]

AYES—118

Archer
Armey
Baker (CA)
Baker (LA)
Barrett (NE)
Bartlett
Bateman
Bentley
Bereuter
Bevill
Bliley
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Canady
Clinger
Collins (GA)
Combest
Cox
Cramer
Crane
Cunningham
de la Garza
DeLay
Diaz-Balart
Doolittle
Dornan
Dreier
Emerson
Everett
Ewing
Fields (TX)
Fowler
Franks (CT)
Gallegly
Gekas
Gillmor
Gilman
Gingrich
Goodlatte
Goss
Grams
Hancock
Hansen
Hastert
Hefley
Herger
Hoagland
Hobson
Hoke
Horn
Houghton
Huffington
Hunter
Hyde
Inglis
Inhofe
Johnson, Sam
Kasich
Kim
King
Knollenberg
Kyl
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McKeon
Mica
Michel
Miller (FL)
Molinari
Moorhead
Myers
Packard
Paxon
Pombo
Portman
Pryce (OH)
Quillen
Ravenel
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Saxton
Schiff
Shuster
Skeen
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (NC)
Thomas (CA)
Walker
Weldon
Wilson
Wolf
Zeliff
Zimmer

NOES—312

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Bachus (AL)
Baesler
Ballenger
Barca
Barcia
Barlow
Barrett (WI)
Barton
Becerra
Beilenson
Berman
Bilbray
Bilirakis
Bishop
Blackwell
Blute
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Camp
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clyburn
Coble
Coleman
Collins (IL)
Collins (MI)
Condit
Cooper
Coppersmith
Costello
Coyne
Crapo
Danner
Darden
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dickey
Dicks
Dingell
Dixon
Dooley
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Faleomavaega (AS)
Farr
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (NJ)
Frost
Furse
Gallo
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Glickman
Gonzalez
Goodling
Gordon
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hochbrueckner
Hoekstra
Holden
Hoyer
Hughes
Hutchinson
Hutto
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kennedy
Kennelly
Kildee
Kingston
Kleczka
Klein
Klink
Klug
Kolbe
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Mazzoli
McCloskey
McCurdy
McHale
McInnis
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Norton (DC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Pallone
Parker

Pastor	Sanders	Tanner
Payne (NJ)	Sangmeister	Tauzin
Payne (VA)	Santorum	Taylor (MS)
Pelosi	Sarpalius	Tejeda
Penny	Sawyer	Thomas (WY)
Peterson (FL)	Schaefer	Thompson
Peterson (MN)	Schenk	Thornton
Petri	Schroeder	Thurman
Pickett	Schumer	Torkildsen
Pickle	Scott	Torres
Pomeroy	Sensenbrenner	Torricelli
Porter	Serrano	Towns
Poshard	Sharp	Traficant
Price (NC)	Shaw	Tucker
Quinn	Shays	Underwood (GU)
Rahall	Shepherd	Unsoeld
Ramstad	Sisisky	Upton
Rangel	Skaggs	Valentine
Reed	Skelton	Velazquez
Regula	Slattery	Vento
Reynolds	Slaughter	Visclosky
Richardson	Smith (IA)	Volkmer
Ridge	Smith (MI)	Walsh
Roberts	Smith (NJ)	Washington
Roemer	Snowe	Waters
Romero-Barcelo (PR)	Spratt	Watt
	Stark	Waxman
Rose	Stenholm	Wheat
Rostenkowski	Stokes	Whitten
Roth	Strickland	Williams
Roukema	Studds	Wise
Rowland	Stupak	Woolsey
Roybal-Allard	Swett	Wyden
Rush	Swift	Wynn
Sabo	Synar	Young (FL)

NOT VOTING—8

Conyers	McDermott	Yates
Kaptur	Neal (NC)	Young (AK)
Matsui	Vucanovich	

□ 1739

The Clerk announced the following pair:

On this vote:

Mrs. Vucanovich for, with Mr. Yates against.

Messrs. SABO, GREENWOOD, BLUTE, SHAW, and FAZIO changed their vote from "aye" to "no."

Mr. BOEHNER and Mr. HORN changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1740

The CHAIRMAN pro tempore (Mr. DURBIN). It is now in order to consider amendment No. 3 printed in House Report 103-223.

AMENDMENT OFFERED BY MRS. SCHROEDER

Mrs. SCHROEDER. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mrs. SCHROEDER: Strike out sections 231 and 232 (page 53, line 10, through page 54, line 15) and insert in lieu thereof the following:

SEC. 231. THEATER MISSILE DEFENSE INITIATIVE.

(a) FUNDING FOR FISCAL YEAR 1994.—Of the amounts appropriated pursuant to section 201 or otherwise made available to the Department of Defense for research, development, test, and evaluation for fiscal year 1994, not more than $1,228,400,000 may be obligated for activities of the Theater Missile Defense Initiative.

(b) REPORT.—When the President's budget for fiscal year 1995 is submitted to Congress pursuant to section 1105 of title 31, United States Code, the Secretary of Defense shall submit to the congressional defense committees a report—

(1) setting forth the allocation by the Secretary of funds appropriated for the Theater Missile Defense Initiative for fiscal year 1994, and the proposed allocation of funds for the Theater Missile Defense Initiative for fiscal year 1995, shown for each program, project, and activity; and

(2) describing an updated master plan for the Theater Missile Defense Initiative that includes (A) a detailed consideration of plans for theater and tactical missile defense doctrine, training, tactics, and force structure, and (B) a detailed acquisition strategy which includes a consideration of acquisition and life-cycle costs through the year 2006 for the programs, projects, and activities associated with the Theater Missile Defense Initiative.

SEC. 232. BALLISTIC MISSILE DEFENSE ORGANIZATION FUNDING.

(a) TOTAL AMOUNT.—Of the amounts appropriated pursuant to section 201 or otherwise made available to the Department of Defense for research, development, test, and evaluation for fiscal year 1994, not more than $1,160,000,000 may be obligated for the Ballistic Missile Defense Organization.

(b) SPECIFIC AMOUNTS FOR THE PROGRAM ELEMENTS.—Of the amount described in subsection (a)—

(1) not more than $761,800,000 shall be available for programs, projects, and activities within the Limited Defense System program element;

(2) no funds shall be available for programs, projects, and activities within the Space-Based Interceptors program element;

(3) not more than $97,200,000 shall be available for programs, projects, and activities within the Other Follow-On Systems program element, none of which shall be available for Brilliant Pebbles; and

(4) not more than $301,000,000 shall be available for programs, projects, and activities within the Research and Support Activities program element (including the Small Business Innovation Research program and the Small Business Technology Transfer program).

At the end of section 1302 (page 364, after line 12), insert the following new subsection:

(d) ADDITIONAL FUNDS.—The amounts provided in subsection (a) and in subsection (b)(2) are each hereby increased by $229,048,000, to be available (in addition to amounts provided pursuant to section 1311) for activities of the Department of Defense under chapter 148 of title 10, United States Code, and section 2197 of such title.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentlewoman from Colorado [Mrs. SCHROEDER] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I reserve the right to close the debate on my amendment if that is all right.

The CHAIRMAN pro tempore. The gentlewoman from Colorado is entitled to close the debate.

The Chair recognizes the gentleman from Colorado [Mr. HEFLEY].

Mr. HEFLEY. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Chairman, I rise in opposition to this amendment which I would refer to as what in my opinion is a dangerous amendment, perhaps more dangerous than the amendment offered by the gentleman from California [Mr. DELLUMS] because I suppose it has a real chance of passing.

Mr. Chairman, Secretary Aspin has pointed out that defense, missile defense, is a problem that we need to deal with here and now because it is a clear and present danger. It is, in fact, a clear and present danger in the Middle East. It is a clear and present danger today in the Far East, and it is a clear and present danger from the former Soviet republics where there is so much instability and unrest.

Now I know that those of my colleagues on the other side of the aisle who may be inclined to support this amendment may have a tough time understanding or accepting arguments that we have made throughout the day or throughout the afternoon today relative to these issues. But let me just suggest that there are many and very important places on their side of the aisle who feel much as we do. Let me quote, for example, from the office of the Under Secretary of Defense, John Deutsch. Mr. Chairman, Under Secretary Deutsch writes to the chairman and says:

> When you take the fiscal year 1994 defense authorization bill to the House floor, I urge you to support the funding level approved by the Senate Armed Services Committee.

That level, of course, is $3.4 billion, and I also can quote from something Secretary of Defense Aspin said when unveiling the bottom-up review. Basically what he asserted is:

> What we have here is a near-term problem of theater ballistic missile threats to the United States, our allies, our friends and American forces stationed around the world. That's here and now. That starts from Iraq. That we saw in Desert Storm. That is a near-term threat right here and now.

Mr. Chairman, I fully agree with Secretary Aspin, and I hope you do, too. The theater missile threat is here and now. This amendment puts a damper on our ability to say that we will develop a defense for this threat at any time in the near future.

Mr. HEFLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me just say, to put this in perspective, if we want to get back to where the committee felt we ought to be, that is not the Schroeder amendment. That approach was rejected in markup. I say to my colleagues, if you want to sustain the position of the committee, you vote no on this amendment.

Mr. Chairman, I yield the balance of my time to the gentleman from South Carolina [Mr. SPRATT].

The CHAIRMAN pro tempore. The gentleman from South Carolina is recognized for 2½ minutes.

Mr. SPRATT. Mr. Chairman, I thank the gentleman from Colorado [Mr.

HEFLEY] for yielding this time to me because what this allows me to do is speak on behalf of an amendment that I offered in committee. In committee, Mr. Chairman, I offered an amendment which would restore $255 million to the $1 billion that had been cut off the administration's request for ballistic missile defense. To review the bidding quickly and briefly, the Bush administration would have sought this year $6.3 billion for all of the basket of programs called ballistic missile defense. The Aspin-Clinton budget cut that to 3.8 billion. Our committee cut it to 2 billion. But when it came from subcommittee, Mr. Chairman, it was at about 2.8 billion, and the gentlewoman from Colorado [Mrs. SCHROEDER] would take it back to 2.8 billion. We, however, saw fit in committee to raise it by $250 million for two purposes.

Primarily what we wanted to do, Mr. Chairman, was to restore money so we could fully fund THAAD and so that we could fully fund GBI, the ground-based interceptor, at the level the administration had requested. Now I think there has been consensus throughout this debate from general debate to every amendment that has been offered that we want to fund and go forward with the theater based ballistic defense system. These are important because if there is any lesson learned from the Persian Gulf, it is that we want to intercept and destroy incoming missiles over enemy territory.

Mr. Chairman, I am addressing the cut in the THAAD program that this particular amendment might affect, and I say if any lesson is learned from the Persian Gulf, it is that we want to intercept incoming missiles, but preferably we want to intercept them as far in enemy territory as possible, not over Riyadh and not over territories like our own troops, and not over Tel Aviv, but over enemy territory higher up and farther out, and that is the purpose of THAAD, to give us a capability that clearly we need and clearly was shown to be critical lacking in the Patriot in the Persian Gulf theater, and I think there has been consensus out here on the floor. So, when the bill came before us in committee, Mr. Chairman, I offered an amendment which would restore THAAD or at least give us enough money in the bill to fully accommodate the requests for the theater high altitude intercept system known as THAAD.

□ 1750

That is $125 million, not a lot of money in the total context of this bill.

Mr. Chairman, in addition, we asked for another $125 to $130 million so that we could fully fund the request of about $230 million for the ground based interceptor.

Now, what is the ground based interceptor, the so-called GBI? The GBI, in truth, is all that is left, all that remains of the strategic defense.

Now, there is the ballistic missile defense system communication system, sensors, radars, test beds, all the ancillary equipment that is funded here, with a lot of other technology development programs. But the central key component is the GBI.

Mr. Chairman, this amendment would simply restore funding for the GBI and for the THAAD. I think there has been agreement out here on the floor that the THAAD deserves to be fully funded. That is all the bill would allow, and this amendment would prohibit that.

Mrs. SCHROEDER. Mr. Chairman, I rise in support of my amendment to reduce funding of the Ballistic Missile Defense Program to $2.8 billion, the same amount as reported by the Subcommittee on Research and Technology.

U.S. plans for ballistic missile defense have been in an almost constant state of flux since the strategic defense initiative was announced in 1983. As reported by the GAO, through 1993 the United States will have spent $30.4 billion on the program. The efficient pursuit of research and development in the program has been thwarted by frequently changing program objectives and the executive branch making plans and starting projects on the basis of unrealistic and overly optimistic funding requests and schedules through fiscal year 1993. It's time to end that lack of realism in the Ballistic Missile Defense Program.

Under the Clinton administration, priorities for the Ballistic Missile Defense Program have been changed. Initially, the change in priorities were reflected by freezing the administration's budget request at the fiscal year 1993 appropriation level—$3.8 billion—pending the results of the bottom up review. While this funding level does represent a major change from the optimistic requests of the past, I would note that the budget request was developed early this year, shortly after the administration took office, and well before the results of the bottom up review were announced. In short, it was an interim, but timely, step toward realism in the Ballistic Missile Defense Program.

The House Armed Services Research and Technology Subcommittee, which I chair, recommended funding ballistic missile defense at $2.8 billion during fiscal year 1994. This plan was also developed from the bottom up in anticipation of the results of the administration's bottom up review.

The plan followed the principles for the BMD Program which are reflected in the full committee report:

Priority to theater missile defense over national missile defense.

Priority to those systems that can be deployed sooner rather than later.

Priority to those systems which are critical to meeting agreed objectives over those that augment or modestly improve on existing or planned systems.

The country can no longer afford large numbers of systems with overlapping capabilities. Tough choices must be made.

Programs should not be funded in fiscal year 1994 that cannot be funded adequately in future years.

Higher priority to systems that are in compliance with the Anti-Ballistic Missile Treaty, over those that pose serious problems with treaty provisions.

The subcommittee plan that is reflected in this amendment provides a Ballistic Missile Defense Program which meets administration priorities:

It funds the administration's critical "core" theater missile defense programs.

By reducing funding in fiscal year 1994 below the budget request, it forces selection of the most cost-effective and critical early deployable systems, eliminating overlapping capabilities.

It supports a prudent level of research and development required to develop technology for a national missile defense.

It eliminates funding for non-ABM Treaty-complaint systems.

It avoids investment in fiscal year 1994 in marginal programs that will not be affordable in future budgets.

It frees $229 million for the technology reinvestment project. The TRP, the keystone to our conversion program, has attracted nearly 3,000 applicants, from all parts of the country, requesting over $8 billion in Government matched funds.

During full committee markup, the Research and Technology Subcommittee recommendation was amended to raise the total authorized for the Ballistic Missile Defense Program to $3.084 million, and to combine the separate program elements into a single program element to provide maximum flexibility to the administration in adapting the program to the results of the bottom up review.

The bottom up review has now been completed and did not speak to the fiscal year 1994 budget request. As will be seen, however, a funding level of $3.1 billion for fiscal year 1994 cannot be justified in light of the reduction proposed in the program for the period fiscal year 1995 through fiscal year 1999.

Last week, as a part of his briefing on the bottom up review, Secretary Aspin announced a Ballistic Missile Defense Program which would total $18 billion over the fiscal year 1995 through fiscal year 1999 period. Of that total $3 billion would be for development of technology for national missile defense—including the Brilliant Eyes Program—$3 billion for support and research in other technologies, and $12 billion for theater missile defense.

These totals represent level funding of approximately $3.6 billion per year

for the Ballistic Missile Defense Program during the period: $600 million per year for national missile defense, $600 million for support and other technology, and $2.4 billion for theater missile defense, including procurement.

A more realistic approach to research and development, however, is to assume level funding at a sustained level of effort for technology development and a realistic, modest funding ramp of perhaps 15 percent in the Theater Missile Defense Program. This would lead to a TMD Program increasing from approximately $1.8 billion in fiscal year 1995 to approximately $3.0 billion in fiscal year 1999 and stay with the totals projected by Secretary Aspin.

Extending the ramp back to fiscal year 1994 would lead to a fiscal year 1994 funding requirement of $1.5 million for TMD, and a total of $2.7 million overall for the Ballistic Missile Defense Program. In fact, the Research and Technology Subcommittee recommended an overall funding level of approximately $2.8 million for the Ballistic Missile Defense Program in fiscal year 1994.

Quite frankly, funding in excess of this level would be wasted as the program is forced to ramp down from the fiscal year 1993 funding level to the level projected for fiscal year 1995 and beyond. Failure to do this would result in a program which would inevitably grow beyond the total funding for the period that Secretary Aspin projected.

In the bottom up review, the Clinton administration has taken significant steps to put the Ballistic Missile Defense Program on a sound, rational, and prudent basis with the focus where it needs to be—on development and fielding a theater missile defense, on making the hard choices, and on avoiding investment in marginal technologies which will not be affordable in the long term and will not contribute to the defense of U.S. soldiers, sailors, airmen, and marines in the short term.

I believe the Research and Technology Subcommittee anticipated the results of the bottom up review and hit the nail squarely on the head when we recommended a funding level of $2.8 million for the Ballistic Missile Defense Program in the fiscal year 1994 budget. The results of the bottom up review announced last week bear this out.

Mr. Chairman, I urge you and our colleagues to vote for this amendment and affirm the results of the bottom up review on ballistic missile defense in the fiscal year 1994 defense budget request.

The CHAIRMAN pro tempore (Mr. DURBIN). The question is on the amendment offered by the gentlewoman from Colorado [Mrs. SCHROEDER].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 202, noes 227, not voting 9, as follows:

[Roll No. 414]

AYES—202

Abercrombie
Ackerman
Andrews (ME)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bilbray
Blackwell
Bonior
Borski
Boucher
Brown (CA)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Clay
Clayton
Coble
Collins (IL)
Collins (MI)
Condit
Coyne
Danner
de Lugo (VI)
DeFazio
DeLauro
Dellums
Deutsch
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
Eshoo
Evans
Faleomavaega (AS)
Farr
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Furse
Gejdenson
Gephardt
Gibbons
Gilchrest
Glickman
Gordon
Grandy
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Hastings
Hefner
Hilliard
Hinchey
Hochbrueckner
Holden
Hughes
Inslee
Jacobs
Jefferson
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Klug
Kopetski
Kreidler
LaFalce
Lambert
Lantos
Lazio
Leach
Lehman
Levin
Lewis (GA)
Lipinski
Lowey
Maloney
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
McCloskey
McKinney
McNulty
Meehan
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Moran
Morella
Murphy
Nadler
Natcher
Neal (MA)
Norton (DC)
Nussle
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Penny
Peterson (MN)
Pickle
Pomeroy
Price (NC)
Rahall
Rangel
Reed
Reynolds
Ridge
Roemer
Romero-Barcelo (PR)
Rose
Rostenkowski
Roth
Roukema
Rush
Sabo
Sanders
Sangmeister
Santorum
Sawyer
Schenk
Schroeder
Schumer
Serrano
Sharp
Shays
Shepherd
Skaggs
Skelton
Slattery
Slaughter
Snowe
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Thompson
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Upton
Velázquez
Vento
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wise
Woolsey
Wyden
Wynn

NOES—227

Allard
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Brewster
Brooks
Browder
Brown (FL)
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chapman
Clement
Clinger
Clyburn
Coleman
Collins (GA)
Combest
Cooper
Coppersmith
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Darden
de la Garza
Deal
DeLay
Derrick
Diaz-Balart
Dickey
Dicks
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
English (OK)
Everett
Ewing
Fawell
Fazio
Fields (TX)
Fowler
Franks (CT)
Franks (NJ)
Frost
Gallegly
Gallo
Gekas
Geren
Gillmor
Gilman
Gingrich
Gonzalez
Goodlatte
Goodling
Goss
Grams
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hayes
Hefley
Herger
Hoagland
Hobson
Hoekstra
Hoke
Horn
Houghton
Hoyer
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson (GA)
Johnson, Sam
Kasich
Kim
King
Kingston
Knollenberg
Kolbe
Kyl
Lancaster
LaRocco
Laughlin
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Long
Machtley
Mann
Manzullo
Mazzoli
McCandless
McCollum
McCrery
McCurdy
McDade
McHale
McHugh
McInnis
McKeon
McMillan
Meek
Meyers
Mica
Michel
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Murtha
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (FL)
Petri
Pickett
Pombo
Porter
Portman
Poshard
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Richardson
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rowland
Roybal-Allard
Royce
Sarpalius
Saxton
Schaefer
Schiff
Scott
Sensenbrenner
Shaw
Shuster
Sisisky
Skeen
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Spratt
Stearns
Stenholm
Stump
Sundquist
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Torkildsen
Valentine
Visclosky
Walker
Walsh
Weldon
Wilson
Wolf
Young (FL)
Zeliff
Zimmer

NOT VOTING—9

Conyers
Kaptur
Lloyd
McDermott
Myers
Neal (NC)
Vucanovich
Yates
Young (AK)

□ 1817

The Clerk announced the following pair:

On this vote:

Ms. Kaptur for, with Mrs. Vucanovich against.

Mr. COLEMAN and Mr. CHAPMAN changed their vote from "aye" to "no."

Mr. GEJDENSON and Mr. HUGHES changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. EVERETT. Mr. Chairman, I rise in strong opposition to both the Dellums and Schroeder amendments that would reduce funding to the already pared-down Ballistic Missile Defense Program. The cold war may be over, but roughly 30,000 nuclear warheads are sitting in the Republics of the former Soviet Union. As a matter of fact, a recent threat

assessment by CIA analyst Larry Gershwin indicates that Russia will continue to develop new or follow-on ballistic missile systems, including a road mobile ICBM, a silo-based ICBM and a submarine-launched ballistic missile. Let's not forget that China also has the capability to strike the United States with ballistic missiles, and plans further developments that will include a new mobile ICBM and ballistic missile submarine.

The BMD Program has already suffered significant reductions from the administration, followed by even further cuts in this bill as reported out by the Committee on Armed Services. Any further decrements to the funding of this strategic defense program will cripple this Nation's ability to deploy a missile defense system. This is the wrong signal to send to the international community.

I urge all of my colleagues to support the Hefley amendment, but at a minimum, to support the committee position for a reasonable and prudent path to a deployable missile defense system.

Ms. SCHENK. Mr. Chairman. I rise today to express my support for H.R. 2401. The bill which we have before us today is very different from those Congress has considered in the past. This Defense authorization legislation not only provides for our national defense, it begins to tackle the difficult transition from a cold war economy. I commend Chairman DELLUMS and the members of the committee from both sides of the aisle for their hard work.

As you know, my State of California is facing an economic crisis in large part due to reductions in defense spending. Some estimate that 40 percent of the civilian and military jobs lost due to defense retrenchment will be in California. It is essential that this Congress addresses this critical transition, and I believe that H.R. 2401 takes important steps to do that.

This legislation authorizes $2.7 billion funding for defense conversion, reinvestment, and transition assistance including $575 million for the technology reinvestment project. The TRP, which was first authorized in last year's bill, has already proved to be a significant stimulus for ideas and projects designed to take defense technologies and convert them to civilian purposes. From California alone, the Defense Technology Conversion Council has received over 500 proposals.

Although it is clear that this year's $471 million appropriation level and next year's $575 million cannot fund all the worthy proposals, we must recognize the remarkable creativity that the TRP has inspired. The $575 million is $300 million more than the administration's original request. I regret that we will not fund the TRP at a higher level, and I hope that the evident success of the TRP will result in significant future funding.

In addition to increased funding, H.R. 2401 makes some important changes in the TRP program. The bill allows for flexibility by authorizing $200 million in discretionary funding for TRP projects.

H.R. 2401 also recommends certain areas of technological focus. Included in these areas are two of particular interest to me and to San Diego.

The first, marine biotechnology, is important to the California economy and will help the development and deployment of technologies which will help form a new industrial base for the United States. Biotechnology will open new avenues for monitoring the environment and treating disease, provide innovative techniques to restore and protect aquatic ecosystems, increase the food supply through aquaculture, enhance seafood safety and quality, and develop new types and sources of industrial materials and processes.

Second, H.R. 2401 identifies earthquake-resistant bridge composite technology. This technology adapts lightweight composite materials developed for defense applications for use as construction materials which can withstand much greater seismic stresses than materials in current use. The prospects for this composite technology are certainly of great interest in California, but its application is not restricted to earthquake-prone areas. Some experts suggest that bridges constructed of composite materials could theoretically include 20-mile spans. One composite materials project of national scope is centered at the University of California, San Diego. If successful, research on the UCSD bridge project could create a new multibillion dollar industry based on designer materials with properties and performance tailored to specific applications.

H.R. 2401 also includes an important new program to sustain and reinvigorate our domestic, commercial shipbuilding industry. American shipbuilders took up a previous administration's projection of a 600-ship Navy and have concentrated their efforts on military construction for the past 12 years. As a consequence, the industry is not now competitive in world commercial markets, and it is not structured to become competitive because it has been isolated from the international market.

This legislation adopts an initiative which couples technological development and the availability of capital under title XI of the Merchant Marine Act in order to create incentives for the industry to build commercial ships and offset the declining shipbuilding orders on the Navy. The bill authorizes $200 million to be transferred from the Department of Defense to the Maritime Administration for loan guarantees and shipyard modernization loans. The bill also directs the Secretary of Defense to establish a Maritime Science and Technology office within the Advanced Research Projects Agency to conduct shipbuilding manufacturing and related technology investigations to support the industry.

Mr. Chairman, there are many other important provisions in this legislation that address the problems faced by cities, like San Diego, which are impacted by military and defense industry retrenchment. I don't have time to enumerate them all. Let me say that overall this is a good bill. It is an important bill, and it moves us in a responsible way toward the transition to an economy less dependent on defense expenditures. I urge my colleagues' support for H.R. 2401.

Mr. DELLUMS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

According, the Committee rose; and the Speaker pro tempore. (Mr. BACCHUS of Florida) having assumed the chair, Mr. DURBIN, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill (H.R. 2401) to authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1994, and for other purposes, had come to no resolution thereon.

WITHDRAWAL OF NAME OF MEMBER AS COSPONSOR OF H.J. RES. 117 AND H.R. 634

Mr. DOOLEY. Mr. Speaker, I ask unanimous consent to withdraw my name as a cosponsor of House Joint Resolution 117 and H.R. 634.

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

There was no objection.

CUTTING THE SIZE OF GOVERNMENT

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

Mr. HORN. Mr. Speaker, President Clinton and Vice President GORE have somehow stumbled onto a novel, brilliant idea—cutting down the size of government. If you are asking yourselves why Republicans did not think of this first, you have been living in a cave for the last several decades.

Republicans have pleaded, cajoled, begged, and demanded that the Democratic majority in this Congress reduce the size of government. Those pleas fell on deaf ears.

I hope the President is more successful with his friends here on Capitol Hill than the rest of us have been. But I remain a bit skeptical. After all, the Rules Committee where the Democratic Party has a 9-to-4 voting majority, turned down twice the freeze proposal backed by a number of us in this Chamber. If adopted, the freeze on expenditures would have cut the size of government. It would have also given the President the authority he needs to do the job. He does not have that now.

Mr. Speaker, if the Democrats are serious about cutting the size of government, they will spend the next 3 months cutting Federal spending. Let us hope the President keeps this promise.

I include for the RECORD the relevant sections and the cosponsors of H.R. 1099.

H.R. 1099 was introduced by Mr. Horn and include as cosponsors Gingrich, Armey, Hyde, McCollum, DeLay, Burton, Blute, Crapo, Doolittle, Fowler, Grams, Greenwood, Herger, Houghton, Hutchinson, Inhofe, Knollenberg, Lewis (CA), Machtley, Schaefer, Smith (MI), Talent, Torkildsen, and Zeliff.

Programs exempted from the freeze in versions presented to the Committee on Rules by Messrs. Burton and Horn were: Social Security, Medicare, civil and military retirements, Head Start, and interest on the national debt.

Proposed level of cuts were 2.5% from FY93 appropriations and 5.0% from the FY94 and FY95 appropriations. Last version presented included a cap of plus 2.0%. That amendment was also rejected.

Proposed flexibility for the President as stated in H.R. 1099:

Section 2. Across-the-board sequestration of federal spending—

(b) Applicability.—

(3) Flexibility with respect to certain accounts.—The President may, with respect to any account, exempt that account from sequestration or provide for a lower uniform percentage reduction than would otherwise apply. But to the extent the President exercises authority under the preceding sentence, the applicable uniform percentage reduction necessary to carry out subsection (a) [the provisions for sequestration] shall be increased for all other non-exempt accounts. In no case shall the uniform percentage reduction for a fiscal year exceed by more than 10 percentage points the lower uniform percentage reduction for that fiscal year provided by the President for any account * * *.

LEGALIZED GAMBLING IN D.C. IS A REAL LOSER

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

Mr. WOLF. Mr. Speaker, when Members were away from Washington, DC, over the summer district work period, the Washington Post and Washington Times reported that D.C. Mayor Sharon Pratt Kelly will soon make a decision whether to bring casino gambling to Washington. In fact, this decision may come sooner than anyone could have realized because the Mayor has apparently put the proposal on the fast track. Assistant City Administrator George Brown has asked lottery officials to study this initiative, he and other city officials have visited New Orleans to learn about Louisiana's recent decision to allow casino gambling in the French Quarter, and they plan on continuing their information-gathering in Reno later this month. Mayor Kelly has also assembled a panel of local business people to advise her on the merits of this proposal. I am opposed to bringing casino gambling to the District, and will offer a motion of disapproval if this plan gets the green light from the District government.

Let me say from the outset that it is with sincere reluctance that I rise in opposition to Mayor Kelly's proposal to bring casino gambling to Washington. I support the current home rule for the District and respect the Mayor's prerogative as the popularly elected top executive of D.C. to make decisions and recommendations regarding the fiscal operations of the city. Furthermore, I respect the Mayor's desire to bring some semblance of fiscal sanity and security to the District. I also appreciate her desire to create job opportunities and broaden D.C.'s tax base to help the less fortunate of the city. Regardless of her good intentions, however, I must respectfully disagree that bringing casino gambling to D.C. will help ameliorate the District's financial troubles and, therefore, must publicly take issue with this proposal.

My opposition to casino gambling in the District arises from my concern that it will detrimentally affect the entire Washington Metropolitan Area. I have worked on many initiatives over the years that have benefited the region. I have worked to appropriate the necessary funding for Metro. I have joined with area leaders on initiatives to improve Beltway safety. I was part of the effort of many interested citizens in creating a locally controlled airports authority. These initiatives have improved the quality of life for those who live in the District, suburban Maryland, and northern Virginia. Because I represent a part of the Washington community, I must oppose any initiative that I believe will be destructive to the entire region, and not just Washington. If this proposal were being made in Virginia, I would oppose it also.

Mr. Speaker, Mayor Kelly and other supporters of casino gambling argue that gaming will bring new jobs to D.C. residents, increase the tax base, and generally revitalize a staggering economy. City officials believe gambling can be used as a tool of economic development and as a means of financing a proposed $500 million convention center. The scenario goes something like this: Build casinos and they will come—come dump millions of dollars into the D.C. economy, provide thousands of jobs to otherwise unemployed Washingtonians, fill the D.C. coffers, and revitalize the dilapidated neighborhoods of this proud city. Recall the old maxim: If something sounds too good to be true, it probably is. I am concerned that this proposal is indeed too good to be true. Columnist William Raspberry recently wrote,

> [M]y real concern, though, is that Mayor Kelly and the residents of the District will succumb to the idea of windfall as panacea and, like too many lottery winners, wind up deeper in debt and utterly dependent on the annual lottery check.

Casino gambling won't be the cure-all many hope it will be, but rather could wind up being a bitter pill with serious side effects.

The hopes of D.C. officials are similar to those shared by Chicago Mayor Daley, Louisiana Governor Edwards, and other State and local officials who believe that gambling will be a painless remedy for their urban troubles. Their judgment is clouded by the same lure of easy money which plagues the addicted gambler. Instead of bringing more jobs, increased tax revenues, and economic development, casino gambling may threaten the very tourist industry officials predict would be enhanced, and attract organized crime.

One need only examine the experience of Atlantic City, NJ, to realize that the promise of easy money, jobs, and urban renewal is wishful thinking. In 1976, casino gambling was sold to voters of Atlantic City as an urban renewal device. Seventeen years later, the promises of urban renewal are still that—promises.

A number of studies have attempted to identify the socioeconomic pluses and minuses of casino gambling in Atlantic City. The preponderance of these studies have concluded that casino gambling has contributed greater social and economic costs than benefits to the city. Paul Teske and Bela Sur, researchers from SUNY-Stoney Brook and the University of Nebraska at Lincoln, have concluded that the quality of life of Atlantic City residents has not materially improved.

> The economic benefits have not spread beyond the casinos; the anticipated "multiplier effect" has not moved much beyond the core industry. Many local residents are still poor and unemployed, half the population still receives public assistance, and city services continue to be substandard. Social problems, including increased crime and prostitution, are worse than ever. Since most people holding the better casino jobs live in Atlantic City suburbs, they contribute little directly to the city.

One must ask why would Washington, D.C.'s experience with gambling be any different from that of Atlantic City? The facts are in and the conclusions drawn are clear—there are more detrimental effects than positive ones.

The hidden social costs of casino gambling which plague Atlantic City may very well occur in Washington, DC. Criminals, particularly those associated with organized crime, are well known to be involved in gambling as part of their racketeering efforts. Organized crime is associated with gambling because of the huge amounts of cash involved which makes it an easy target of money launderers. Drug money, extortion money, and prostitution money can all be laundered through such operations. Also, organized crime has infiltrated the labor unions at many casinos. In fact, in the early 1980's, the Justice Department frustrated organized crime's involvement with the Hotel and Restaurant International Union Local 54 in Atlantic City by forcing it to accept Federal supervision. Washington has enough of a crime problem without luring organized crime into the city to infiltrate gambling establishments.

Not only does D.C. have more crime than it can deal with already, but it also has limited resources with which to deal with the crime problem. Because of the crime problem associated

with casino gambling, regulatory agencies in New Jersey spend $59 million annually to monitor Atlantic City's casinos. This is a hidden cost that New Jersey never counted on. In 1992, the Wall Street Journal reported that since 1976, Atlantic City's police budget has tripled to $24 million while the local population has decreased 20 percent. It is well known that Washington's serious crime epidemic is already straining city police resources. How can the city possibly consider bringing casinos into a situation where criminals run rampant and the crime problems that already exist cannot be controlled?

Another hidden cost of casino gambling is the proliferation of compulsive or pathological gamblers. Addictive gambling is socially and economically disruptive. Instead of spending money on food, clothing, or an education for his or her family, the pathological gambler will forgo his or her responsibilities and risk it all in the casinos. Families, already strained by other mounting economic burdens, don't need the destructive pressures that a compulsive gambler brings to bear at home. As Diane M.B. Savage, former blackjack dealer and now Washington lawyer, writes in a column in the Washington Post:

> Players just came with whatever money they thought they could "afford" to lose and wound up losing much more than that. It was a vicious cycle—losing made players bet more so they could have a chance to win, and winning made them bet more too. The only real winner was the casino. [A] casino exists to take money in as quickly as possible, to always make room for another sucker at the table.

We should not be encouraging such destructive behavior, but rather should encourage the breadwinner to take his or her paycheck home Friday evening to spend on the family's needs—not to lose it to the heartless roulette wheel or craps table.

Particularly troubling is the use of casinos by those under 18. The Atlantic City Gamble reported that between May and July 1981, Atlantic City casinos turned 41,000 minors away from their doors, and 10,000 minors were escorted off the casino floors. Who knows how many remained on the floor through their use of fraudulent identification? Parents and officials know how difficult it is to keep teenagers from illegally purchasing alcohol. Now parents will have to worry about their sons and daughters leaving their homes in Reston, McLean, Arlington, Silver Spring, or Bethesda to waste their money in the casinos of D.C.

The Atlantic City Gamble also reported that in a study of Atlantic City high school students, 72 percent admitted to gambling in casinos, a quarter admitting to gambling often. Doesn't D.C. have enough problems with truants, drop-outs, low test scores, and violence in the schools without creating a group of young, compulsive gamblers? Gambling is just another of the many mounting pressures that will be brought to bear on the gullible, inexperienced teenager. If the gambling teen gets in over his head, you can be sure the loan shark will enforce the rules of delinquent payment.

Additionally, casino gambling in Atlantic City is no longer as profitable as it once was, which leads to extreme competition to keep casinos in the black. This necessarily leads one to the inevitable conclusion that the city government will not reap the financial benefits that it generously predicts. In 1988, 7 of the 12 Atlantic City casinos lost money and some faced bankruptcy. As the casino industry's financial position becomes more precarious, industry, employee, and government stakeholders have been forced to give more power over development decisions to the casinos. Needed regulation has been dramatically relaxed, which seriously calls into question the original purpose of allowing gambling into Atlantic City. Indeed, the job of casino owners and operators, like other businesses, is first and foremost to turn a profit for their investors. It is unrealistic to believe that the best interest of the city and its residents will be the determining factor in running a profitable casino. If the Washington casinos begin to falter, what regulations will be relaxed? Perhaps, instead of closing down at 2 a.m., casinos would be allowed to stay open until 5 a.m. to squeeze the last penny out of their patrons. Last call will never exist. What about bet limits? Many casinos used to have them, but, in the quest for the almighty dollar, they disappeared with the hope of the fast money.

Also, the cultural make-up of the typical gambler has changed. No longer are casinos frequented by the James Bond type of blacktie, sophisticated high-roller. The modern casino, like state lotteries, prey on the lower middle-income players who spend hours working out with the metallic one-armed bandits which weren't designed for high-rollers. Atlantic City has over 18,000 slot machines ready to eat one's money and dash one's dreams of a huge, effortless payoff. What this new gambling culture tends to encourage is hermit-like behavior. Gamblers today, who generally play the slots or electronic gambling games, are usually day-trippers who don't spend money outside of the casino in other restaurants or shops. Instead they spend the day feeding coins into the machines and then leaving in the evening. This type of behavior does not benefit noncasino business, and could actually hurt the local economy.

Lastly, allowing casino gambling in our Nation's capital is totally inappropriate. Visitors to Washington should leave remembering Washington's great monuments, buildings, the Kennedy Center, the Smithsonian, not rows of clanging slot machines gobbling up the hard earned money of our citizens. When high school students make class trips from De Moines, Peoria, or Wichita to visit the city, they will have the opportunity to visit gambling parlors as well as the seat of government. This is not the image the "Capital City" should project. The city is already trying to shake its image as the murder capital of the country; I don't believe it should also be known as the gambling capital.

In conclusion Mr. Speaker, because I am concerned about the social and economic well being of the entire Washington area, I call on the District government to abandon this misguided attempt to bring casino gambling to the nation's capital. I ask unanimous consent to insert into the RECORD at this time a recent article by columnist William Raspberry who supports this position as well as the text of two articles from the Washington Post Close to Home section.

[From the Washington Post, Aug. 25, 1993]

CASINOS? SURE, BUT NOT IN WASHINGTON

(By William Raspberry)

You can practically see the bright lights in Mayor Sharon Pratt Kelly's eyes, hear the clickety-clickety of the roulette wheel echoing in her ears, feel the fiscal hope coursing through her veins.

The mayor has found salvation, and she spells it c-a-s-i-n-o.

A short time ago, it was just another money-raising scheme to run up the flagpole. But then some unlikely people saluted. Virginia's Thomas J. Bliley Jr., the ranking Republican on the House District Committee, said he wouldn't interfere with the city's efforts to bring casinos here. Public response, D.C. officials say, has been running better than 2-to-1 pro-casino. Even some of the local clergy have been cautiously supportive. And now Kelly's tentative idea is taking on the air of mission.

I say it's time for re-mission. Casinos are not the answer to the city's financial problems.

I know it must seem so. Just think of all the tourists and conventioneers who will leave their money at our casinos. Think of all the jobs for dealers and security people and technicians. And think of all those lovely taxes: real estate taxes, business taxes, entertainment taxes, liquor taxes, income taxes. You can practically see the city's budget deficit disappearing before your very eyes.

What I see before my eyes are the incursions of crime—organized and disorganized. I won't say it's automatic that where legalized gambling goes the Mafia soon follows, but experience does suggest the likelihood. And what seems a certainty is an increase in the number of muggings, armed robberies and maybe even murders of strangers on the street. It's tough enough on visitors who only come here to bring the kids and visit the monuments. Picture the tipsy casino patron, an improbable winner at the blackjack tables, trying to find his way back to his hotel.

Oh, you say, but surely the city would provide protection for casino customers. To which I reply: Why can't it provide protection for those of use who live here now?

Ah, you say, but don't you see that's the whole point? The millions generated by casinos would make it possible to hire the extra

police officers, install brighter lights, maybe even run city-owned jitneys from casino to hotel and back again. That's the wonderful thing about money.

No, I say, that's the mind-numbing thing about the lure of money. It's no trouble at all to imagine a windfall solving all our problems. Ed McMahon calls our name, and we burn the mortgage, pay off the credit cards and guarantee the children's education. The debts that have been causing us so much stress vanish like a puff of smoke. Our worries about our future financial security evaporate. All clean and legal, with the taxes paid.

In addition to making easier the things we were doing already, the windfall also tempts us into some things we'd only dreamt about: exotic vacations, a bigger home, new cars, more generous gifts (the church choir does need new robes, you know). And soon you start to understand why so many lottery winners wind up in deeper financial trouble than ever before.

It's not the money, it's the attitude regarding the money. The Kelly administration, it seems to me, has the deadly dreamer's attitude toward money. It wants the money as a substitute for responsible management—no tax hikes, no downsizing of government, no serious effort to live within its budget. The mayor keeps looking for a jackpot in the guise of a commuter tax, a professional tax, new taxes on goods and services. Some genius in her administration even proposed installing tollbooths at the entrances to the city. How's that for three cherries?

No, I don't have a big moral problem with casino gambling. I've done it myself, from Atlantic City to Monte Carlo. Nor will I say that legalized gambling automatically ruins a town; it might even improve some of them. (What would Las Vegas or Reno be without gambling?) But I will say that casino gambling inevitably changes the character of a town. I'm not sure I want to live in a Washington—even a Washington with a balanced budget—where the price of fiscal solvency is a transformation into Atlantic City on the Potomac.

My real concern though, is that Mayor Kelly and the residents of the District will succumb to the idea of windfall as panacea and, like too many lottery winners, wind up deeper in debt and utterly dependent on the annual lottery check.

A casino is an unreal place where a silly vacationer can spend a few relatively harmless hours. But it's no place to live.

Come on, Mayor Kelly. It's time to come home to reality.

TESTIMONY OF A BLACKJACK DEALER

(By Diane M.B. Savage)

I practice law in the D.C. courts. But before going to law school, I was a blackjack dealer in Las Vegas. During that time, I learned a lot about who gambles and why, and about the effects gambling has on people and their families. And I think casino gambling would be a disaster for the District.

First, it won't be the rich who frequent the blackjack tables. My experience in Las Vegas showed me that the opposite is true. My repeat players were people earning little, trying to make extra money. Inevitably, the casino wiped them out.

I was always amazed that people who came to my table knew so little about the game. These same people would not spend $20 on a shirt without checking something about it—color, size, material—but at the blackjack table, no questions were asked.

Players just came with whatever money they thought they could "afford" to lose and wound up losing much more than that. It was a vicious cycle—losing made players bet more so they could have a chance to win, and winning made them bet more too. The only real winner was the casino.

Let's not raise money for our troubled city off the backs of the people who live here. Casino gambling will bring troubles that an inexperienced observer cannot imagine.

I saw the same people come to my table every week as soon as they had cashed their paychecks. Most went home losers, and many of them drunk to boot, after trying to forget their bad luck with booze. I had wives and children come to me after my shift, begging me to send their husbands and fathers home when they appeared at my blackjack table.

From the outside looking in, casino gambling looks like harmless glitz and glitter. From the inside looking out, it makes anyone with a conscience think twice before supporting it.

One thing should be obvious to all—a casino exists to take money in as quickly as possible, to always make room for another sucker at the table. Casinos are not at all concerned with the citizens of the District, but shouldn't we be?

THE MAYOR'S SUCKER SOLUTION—ODDS ARE CASINOS WON'T GET THE DISTRICT OUT OF THE RED

(By Dorothy A. Brizill)

On Aug. 20 most D.C. residents, lawmakers and businesspeople learned about Mayor Kelly's proposal to bring casino gambling to Washington. The administration says casinos will spur economic development, finance a $500 million convention center, create jobs for local residents and serve as a magnet for hotels, restaurants and tourists. In short, the mayor is presenting casinos as a painless quick fix for the District's financial problems.

Making the District a safer, more attractive place in which to live and do business and stanching the suburban flight of businesses and middle-class citizens are the only real long-term solutions to the District's severe financial problems. But the Kelly administration instead looks for a miracle cure for its fiscal ailments—a commuter tax, which could never pass congressional review; professional and advertising taxes, which alienated Washington's only healthy industries; and a pie-in-the-sky plan to make Washington "Hollywood on the Potomac," a center of film and record production.

Kelly has abolished the Office of Business and Economic Development and the D.C. Office of International Business and created an economic development cluster instead. The few individuals and offices in this cluster apparently are focusing on Jack Kent Cooke Stadium, a new convention center and making the District into a "Las Vegas on the Potomac."

What's wrong with casino gambling for the District? Everything, even putting aside the moral issue.

As more states approve various forms of gambling, the limited market is spread thinner. Exciting "sin cities" like Las Vegas may make a profit, but cities that try for "dignified," "tasteful" gambling will have a limited and local appeal.

For example, Davenport, Iowa, lost more than $600,000 before its riverboat casinos pulled anchor. Cripple Creek, Black Hawk and Central City, all in Colorado, have made money with casinos—but at the cost of increased crime, huge tax increases for other businesses, the loss of other businesses and a general deterioration in the quality of life.

Atlantic City has lost 20 percent of the population in the past 15 years, and its neighborhoods have deteriorated badly since casinos opened in 1978. Since gambling drives out other businesses, Atlantic City is now a one-industry town: 90 percent of its revenues come from gambling. As one Atlantic City resident summed it up, "All we get is the fumes from the buses as they drive by."

And let's not forget the influence of the mob on organized gambling. Ward 2 council member Jack Evans said recently that the role of the mob in casino gambling "may be just the cost of doing business." With that attitude, Washington, with its existing crime problems, will pay a high cost.

William Eadington, director of the Institute for the Study of Gambling and Commercial Gaming at the University of Nevada at Reno, says, "As casinos continue to spread, some locales will turn up losers because there will simply be too many places to place your bet . . . most—though not all—cities, states and Indian tribes should resist the lure of the green felt and find other answers to their economic woes.

"The belief that every town or reservation can capture a lion's share of the tourist pot is as unrealistic as it is for players around a poker table."

□ 1820

SAVINGS IN AMERICA

The SPEAKER pro tempore (Mr. BACCHUS of Florida). Under a previous order of the House, the gentleman from Idaho [Mr. LAROCCO] is recognized for 5 minutes.

Mr. LAROCCO. Mr. Speaker, in the First District of Idaho, I represent many diverse interests from sugarbeet and potatogrowers to loggers and millworkers; from silver miners to whitewater guides; from computer chip makers to corporate boardrooms. But as disparate as these interests in my State may seem, they all are in the same boat on one issue: the rate of savings in America which is the lowest in the industrialized world.

Saving is the seedcorn of our capital society. You plant it. It grows. It reproduces itself. Investing turns savings and ordinary money into factories, bridges, roads, runways, and schools, and into machines that make machines and productive assets that create real wealth.

Here's the formula: Savings equals investment equals improved productivity, which—in turn—equals increased standards of living and quality of life. The magic of capitalism is this process of turning savings into investments that generate both incomes and more savings that can be turned into investments and planted anew.

In her book, "Reviving the American Dream," Alice Rivlin, the noted economist and now Deputy Director of the Office of Management and Budget, writes that:

Between 1940 and 1973, population rose by 60%. But total output of the economy soared

by 255%. This surge in the nation's per capita production of goods and services made it possible for almost everyone to live better and the nation to improve both its public and private capital at the same time. But since then total government spending rose faster than GNP. The increase however was for payments to individuals, especially older people under Social Security and other entitlement programs—not for public investment.

If we pull the plug on this process of investment and reinvestment, spend our savings on rent and groceries—worse than that, if we borrow for daily expenses, current operations, expendables—consumption—it's just like a farmer gobbling up the seedcorn. It's killing the laying hens for poultry, slaughtering the breeding cows for beef. That's what we have been doing as a country for 20 years.

Princeton University's Douglas Bernheim in "The Vanishing Nest Egg," writes:

When a society fails to save, its members must ultimately pay the price * * *. Low rates of saving depress investment, thereby depriving the economy of new plant and equipment that are necessary for continued growth and prosperity.

The personal savings rate of American households today is 5.5 percent of net disposable income. But factoring in the Government's borrowing rate reduces the net national savings rate to 2.7 percent. Low savings in the 1980's cost the U.S. economy about 15 percent of its capital stock and about 5 percent of its potential output. If you think the roads and bridges, tunnels and waterworks are in bad shape now—at our present rate of saving, the rate of decline and fall of capital stock and output will double by the end of the century, taking disposable income down commensurately.

Discovering the root causes of the shrinking U.S. savings rate may hold the key to setting the American economy back on sound footing. And address those causes we must, though we are woefully in the dark as to why Americans do or do not save and why savings incentives by Government have not worked.

We really don't know. Saving may be a cultural phenomenon or an animal instinct—the squirrel burying nuts in the back yard.

Or societies may save simply because they have no choice. One generation has to take care of the next, on its own, without government waiting in the wings to help.

Or, perhaps individuals may not feel the need to save when everything is coming up roses—the stock market, real estate values, personal income. Also, successful economies produce desirable consumer goods, thus diverting savings.

Or, individuals may save because times are so good, so golden—like the 1950's and 1960's in this country—spending just cannot keep up with earnings. Incomes exceed expenses without a conscientious effort to save. The saving just happens.

Tax incentives have had a limited effect on overall savings rates. Savings may not be driven by taxes. The money that was going to be saved anyway simply crosses from one side of the street to the other. But the total rate of saving does not change.

Saving may be a function of cutting disposable income off at the pass, the availability of payroll saving plans and dividend reinvestment programs that force us to keep hands off our paychecks before it can touch our hands and get spent.

The role for public policy initiatives in improving personal savings is unclear. The savings rate may be solely the function of demographics: baby boomers growing up, getting married, having children. Then one day, the children grow up, leave the nest, expenses wind down. And a bulge of one-time baby boomers now moves through the cycle from consumer to saver. Savings more may be one result of the low overhead of an empty nest and scaled down lifestyle not a manifestation of new-found thrift and virtue.

As a former stockbroker and a student of the savings rate issue, the question for me remains, How can we get Americans to save enough for our growth and prosperity?

Mr. Speaker, this is an issue which I am planning to address in the coming months and on which I will have more to say.

OMAHA JOBS ARE BEING STOLEN FROM SPOKANE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska [Mr. BEREUTER] is recognized for 5 minutes.

Mr. BEREUTER. Mr. Speaker, the giant sucking sound you hear isn't jobs being sucked to Mexico; it is farm credit bank jobs being sucked from Omaha, NE to Spokane, WA. Farm credit officials in both Omaha and Washington State have plotted to merge their respective banks and headquarter the new bank in Spokane. Currently, the Omaha and Spokane banks employ approximately 100 employees each, and it is estimated that the new bank in Spokane will have a work force of about 110 employees.

Mr. Speaker, these top-level farm credit jobs are being hijacked, and the worst part about this hijacking is that it is an inside job. It is mighty hard to stop this theft of jobs and regional decisionmaking authority when the Democrats control the White House and both Houses of Congress—and House Speaker FOLEY is from Spokane. This Member doesn't represent Omaha, but this Member hopes that the Omaha community won't roll over and play dead on this issue. It is too important to our region, to our Midwest and Great Plains farm communities, and to our job market. Unfortunately, if Omaha won't fight it, there isn't much a Congressman from Nebraska's First District, outside Omaha, can do about the job theft.

Mr. Speaker, this deal does not even pass the smell test. It is such a blatant case of job theft and dealmaking by the Presidents of the two merging banks to feather their own nests, that I can't believe the people involved have the nerve to try it. Surprising isn't it that current president and CEO of the Spokane bank, Mr. Doyle L. Cook, is being vigorously promoted for chairmanship of the Farm Credit Administration in Washington, DC. Recently, this position was vacated with the resignation of Mr. Harold Steele and offered to another candidate who has now declined and given Mr. Cook the unusual opportunity to move from Washington State to Washington, DC. Yes, and you might have guessed that the Farm Credit Administration is the chief regulator of the farm credit system and is comprised of a three-member board—to include Mr. Cook if he is appointed by President Clinton—which will ultimately be asked to approve or disapprove of the merger. FCA's general counsel does say that only two of the three board members will be available to approve the Omaha-Spokane merger and that may not include Mr. Cook. Finally, to make sure everyone involved in the deal is happy, preliminary plans for the merger would plant Jim Kirk, president of the Omaha bank, firmly back in Washington State, where he was educated and has ties, as president and CEO of the merged bank.

Mr. Speaker, this proposed merger is one more example of an outsider seizing control of a Nebraska-based institution or corporation and then pirating the jobs back to his home, or desired, location. It has happened too often in recent years, and it will happen again unless this region's political and business leaders unite and raise hell about it.

Mr. Speaker, it figures that Jim Kirk wants to take these jobs and his position back to Washington State, but were, pray tell, are the farm credit board members who supposedly represent the communities and farmers in four State regions? Unfortunately, farmer stockholders do not have a say in whether the merger can go forward. Therefore, will the association boards act only as rubber stamp outfits for an all-powerful Jim Kirk or other top-level appointees? And, are the people back home asking their representative board members tough questions about their cooperation and complicity in this act of piracy?

Now Mr. Speaker, to be sure, we are going to hear phony justifications of all kinds for this job theft—comments about complementarity and diversity. Nebraskans and Iowans know we have

little in common with the timber interest and fruit growers of the Pacific Northwest. This merger makes no business sense; it would create a bank district stretching more than halfway across the United States. No, clearly this merger and its supposed rationale are the dreamed-up excuses of farm credit bank officials to justify their original intent to move the jobs and power from Omaha to Spokane.

Mr. Speaker, board members who will be responsible for approving or disapproving this merger, should go to the farm communities around Pawnee City, Ponca, and Broken Bow, NE; Dubuque, IA; or Sioux Falls, SD; to explain why they will get better decisions and support out of Spokane, WA, than from the heartland location of Omaha. As this Member said before, farm leaders in our region will know this is a power play when they actually learn what is happening.

□ 1830

UPDATE ON THE REPUBLICAN CRIME BILL

The SPEAKER pro tempore (Mr. BACCHUS of Florida). Under a previous order of the House, the gentleman from Florida, Mr. MCCOLLUM, is recognized for 5 minutes.

Mr. MCCOLLUM. Mr. Speaker, every evening Americans tune into television news programs and hear stories of violent crime committed by repeat offenders who should not have been out on the street in the first place.

Each year nearly 5 million people in the United States are victims of violent crime. The amount of violent crime has increased 531 percent since 1960, yet violent criminals are serving shorter sentences. Studies show the expected punishment for committing a serious crime has tumbled by two-thirds since the 1950's. Violent offenders serve an average of just 37 percent of the time sentenced. With our prisons overcrowded and violent criminals serving only fractions of their sentences, is it any wonder we have such an alarming amount of violent crime?

To address this crisis in our criminal laws, House and Senate Republicans introduced a comprehensive crime bill in early August.

This legislation proposes a complete overhaul of our Federal criminal justice system and is designed to develop a partnership with States to restore certainty and swiftness of punishment and to lock up violent criminals and throw away the keys.

Our criminal justice system cannot work effectively without the element of deterrence. We must take violent criminals off the streets. We must lock them up and keep them locked up. We must put deterrence back into our criminal justice system.

The Republican crime bill strengthens our system with the establishment of an unprecedented Federal-State partnership. Through this partnership, regional prisons would house really bad State-convicted violent criminals and drug traffickers.

The bill provides $3 billion over 3 years and requires a 50 to 50 cost sharing arrangement. In order to be eligible for participation, States must meet several requirements: They must enact truth-in-sentencing laws to ensure that those convicted of a violent crime or of major drug trafficking serve at least 85 percent of the time sentenced; they must institute 10 year minimum mandatory sentences for twice convicted felons who commit a violent crime with a gun or are involved in a sexual assault; they must provide pretrial detention; and they must challenge court-ordered consent decrees capping prison populations.

In order to help States meet their share of the costs and to build more prisons of their own, the bill adds correctional facilities to the list of tax-exempt projects for which private activity bonds may be used. The legislation also provides $2 billion over 5 years in grants to cities and counties with high crime rates to increase the police presence in these communities. Unlike other grant programs, this bill allows local authorities to allocate these funds in the manner best suited for the individual community's local law enforcement needs.

In addition, the Republican crime bill would: Provide for the immediate deportation of criminal aliens as soon as their sentences are served or, in some cases, even sooner; nearly double the number of border patrol officers and immigration service criminal investigators; restore the death penalty for heinous Federal crimes; reform habeas corpus laws to stop the endless appeals of death row inmates; change the rules of evidence to make it easier to admit evidence to get more convictions; initiate a point of purchase instant check system to screen out convicted felons who attempt to purchase guns from gun dealers; put new sexual offender laws on the books to make it easier to get rape and other sexual offense convictions; provide new resources to local police; put new laws on the books to protect children and make schools safer; and make acts of terrorism specific Federal crimes.

So as not to add to the deficit, the spending in this legislation is fully paid for by cutting Federal administrative overhead expenses across the board by 5 percent and by capping the administrative overhead expenses for university research grants at 90 percent of their current levels.

Republicans are eager to work with President Clinton on these matters and hope the legislation he is drafting tracks our bill.

However, it is disturbing that President Clinton has embraced Senator BIDEN's bill "The Habeas Corpus Reform Act of 1993." Senator BIDEN's bill contains provisions that are far worse than current law. We desperately need to reform the process of habeas corpus to stop the endless appeals of death row inmates; however, Senator BIDEN's bill will create added layers of litigation and introduce further delay into the process. The Republican proposal, on the other hand, will delete loopholes that have allowed capital cases to drag on for decades.

In addition, Republicans strongly disagree with members of the Clinton administration who appear to want to eliminate mandatory minimum sentences. We should be encouraging States to enact mandatory minimum laws and abolish parole to restore certainty to our criminal justice system. Only if we restore swiftness and certainty of punishment and remove the violent criminals from society and keep them locked up can we deter violent crime and make our streets safe again.

Republicans and Democrats working together can do this.

NBC: NUCLEAR, BIOLOGICAL, OR CHEMICAL WARFARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 5 minutes.

Mr. DORNAN. Mr. Speaker, is the gentleman from California, Mr. DUNCAN HUNTER, in the Chamber, Mr. Speaker? Front and center, DUNCAN, lieutenant, 173d Airborne Brigade.

Mr. Speaker, is Mr. BURTON of Indiana in the Chamber? Would the gentleman come over to the other microphone?

I do not want to gloat now because of these two votes, but I just want to discuss the nuclear threat building around the world, do a little intro here, and then ask for some counsel from my distinguished colleagues from southern—southern California and Indiana.

Mr. Speaker, many countries have developed weapons of mass destruction and the means to develop them and to deliver them. Others are developing these weapons as we speak. There is a real possibility that some nation in the future is going to be motivated to use NBC, nuclear, biological, or chemical warfare, against the United States or some of our allies. They would use them maybe in regional confrontations, threatening our U.S. interests abroad, and we must do something about it. And the reason I take the well today is we just did do something.

□ 1840

There is hope, coming back from a long district work period break, and I was feeling very good about where this Congress was going, but we just defeated the Dellums-DeFazio amendment to gut strategic defense and ballistic missile defense even further. We

defeated it 271 to 160, and we defeated the Schroeder amendment 227 to 202.

Now, that is pretty good, these last two votes. We are still in the House below the Senate numbers and below the Clinton administration request for research and development and eventually deployment of a ballistic missile theater defense.

We owe our men and women in uniform nothing less and I wonder when we are going to get around to deploying something to defend our homeland, as it says in the preamble, "Provide for the common defense."

Mr. Speaker, I am glad to yield to the distinguished gentleman from Indiana [Mr. BURTON].

I am not so sure about the gentleman's glasses. I feel like I am in a Mexican nightclub or something.

Mr. BURTON of Indiana. Well, I will take those off. I would not want to offend my colleague.

Let me just say, there is an old saying, "An ounce of prevention is worth a pound of cure."

The gentleman is absolutely right. Mu'ammar Qadhafi, the ayatollah, the Indian Government, a lot of countries have nuclear weaponry and they are developing or are in the process of developing delivery systems, probably short range at first, then intermediate and then intercontinental. For us to give up on a system that would say that New York City and millions of people who live there, or Chicago or Los Angeles, I think would be a terrible step in the wrong direction, especially since we have spent so much money already heading in the right direction as far as perfecting a ballistic missile defense system.

Mr. DORNAN. A footnote: New York City sure as heck does not know how to make picante sauce, but Rush Limbaugh lives and works there. That alone is a reason to protect it against an errant nuclear missile.

Mr. BURTON of Indiana. I did not know that. That is interesting. We are going to protect Rush Limbaugh.

Mr. DORNAN. The gentleman thought he was still broadcasting out of Indianapolis, I know.

Mr. BURTON of Indiana. Well, all levity aside, I really believe that the gentleman is absolutely correct. I think it was very wise of our body here today not to make those kind of cuts that they were talking about in the area of strategic defense, because you never know, one day in the future one of these crazies in the world might have a delivery system with a nuclear weapon or biological weapon, and we certainly do not want a large segment of our population wiped out because we did not have foresight to perfect a defense system.

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

Mr. HUNTER. Mr. Speaker, I thank the gentleman for taking out this special order on this very important issue, and I thank my friend, the gentleman from Indiana.

Mr. DORNAN. Not to gloat, but to further elucidate the issue.

Mr. HUNTER. I just want to say that we have a short breathing space, or respite, if you will, because we won the cold war. We have a number of countries that the gentleman from Indiana [Mr. BURTON] has alluded to. Those include Libya, Egypt, Iraq, South Africa, Saudi Arabia, Syria, Pakistan, Iran, North Korea, India, and China, building delivery systems. Not all those countries are our enemies, but some of them are. Some of them are absolute adversaries that I think we can count on to attack the United States if they get to the point where they feel they have enough of a delivery system and in some cases a nuclear device to cause us great harm.

Now, we think of this defense and strategic planning that we carried out in the United States for years and years as being something that is done at a very high level by men of great foresight and women of great foresight, but actually if you look at the gulf war when that Scud was fired at American troops and we fired the Patriot missile, which really was just an air defense system built not to shoot down missiles, but it was developed to shoot down aircraft. When we fired that first Patriot up there and it intercepted that missile in midair, it did what Ronald Reagan had said about 10 years earlier could be done, you could hit a bullet with a bullet, hit a missile with another missile.

Those people, including liberals who earlier, like Walter Mondale, had said, "I am not going to have war in the heavens. I am not going to have star wars," and all the names that were attached, derogatory names and descriptions that were attached to the strategic initiative, those people said, "Thank Heaven," and liberals and conservatives said, "Thank Heaven," because we fired this missile, what you might call the model-T of ballistic missiles, the Scud that goes very slow and has a very short range, under 500 kilometers, and we hit it. We hit it with the only system that we had that had the capability of bringing it down. Now, where that leaves us is with the understanding that we have the capability of knocking down Scud's.

NBC: NUCLEAR, BIOLOGICAL, AND CHEMICAL WARFARE.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. HUNTER] is recognized for 5 minutes.

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

Mr. DORNAN. Mr. Speaker, I just wanted to point out something that reinforces what the gentleman was saying, and I thank the gentleman from California for yielding to me; but one of the CIA analysts recently, not only upstairs, but openly to the public, pointed out the following, that the potential capabilities of some of these countries, the ones that the gentleman from California [Mr. HUNTER] and the gentleman from Indiana [Mr. BURTON] were mentioning, are comparable to and in some cases more lethal than the Soviet Union in 1960–61. That is right before the Cuban missile crisis, the closest we have ever come to a third world war.

It says with leaders like Qadhafi and Sadam Hussein, the gentleman mentioned the Ayatollah, he is long gone, I can hear the crackling flames, but the gentleman meant Rafsanjani and the ilk that have kept his evil image alive, and in many cases these governments are weak, unstable, or illegitimate.

Our classic notions of deterrence hold much less promise of assuring the security of the United States and its allies.

To my two colleagues, may I tell a short story, a little anecdote. In 1960, I sold my car, the fifth baby was on the way, I sold this car that I had bought with my flight pay in the Air Force to a psychologist at the Atascadero mental hospital for the sexually screwed up, and I wanted to make sure this guy was really a doctor, because he had a very bad toupee. His name was Edward James. I use the name because he did me out of half the money on my car. I was selling it to make way for a fifth child. I never got the money, but I delivered the car to Atascadero. On the way I went by the Vandenberg Air Force Base, June, 1960. We had just erected, and these were above the ground, silos were not constructed yet, the first three Atlas intercontinental ballistic missiles. The gentleman has been to Vandenberg. He knows a lot of beautiful rolling hills around there. I parked my car, the last time I ever drove it, on a hill. I looked at these three missiles down on one of these hills. The sun was going down on the beautiful Pacific Coast.

I thought, we are entering, for my four children and one on the way, one of the most terrifying periods in all of recorded history. The Soviet Union had surprised us by developing a hydrogen bomb. They were surprising us with everything. They had so many security leaks. This country was crawling with spies, according to both Democrat and Republican Presidents during all that period of time.

I thought, how long will it take us to get out of this?

People are acting like we are out of it. People in this Chamber who never raised a finger to win the cold war are now saying, "We won the cold war," like all of them who tried to disarm us unilaterally year in and year out were part of it, and yet here we are with

these feelings that we have rolled history back to 1959, that there are no ICBM's targeting anybody.

Here is an analyst during a Democratic administration in the Central Intelligence Agency saying that some of these illegitimate governments are more lethal than the Soviet Union in the early sixties at the height of the evil empire.

Mr. HUNTER. Mr. Speaker, if the gentleman will yield, according to our new CIA Director, Mr. Woolsey, a number of those countries are much more inclined to use nuclear weapons and the delivery capability that we speak of in new missiles than the Soviet Union was.

Mr. DORNAN. Exactly. There was a bizarre stability to the evil empire. As evil as they were, they had script on the world's case. They sort of followed a script where some of these people just out of sheer pathetic religious zealotry would lob one missile and say, "What are you going to do now, eliminate my country off the face of the Earth and kill all these peasants that I abused just because we got rid of New York City?"

No, we are in a bizarre situation now and now is not the time to hollow out our forces and start cutting back on the research and development that gives promise to some day providing for the common defense, right out of the preamble to our beautiful Constitution, and defending the American homeland.

□ 1850

REDEFINING/REINVENTING GOVERNMENT

The SPEAKER pro tempore (Mr. BACCHUS of Florida). Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 60 minutes.

Mr. BURTON of Indiana. Mr. Speaker, I do not want to take much time because I know you have a previous engagement, and we do not want to hold you up, but I would like to yield to the gentleman from California [Mr. DORNAN] to conclude his remarks.

Mr. DORNAN. Mr. Speaker, I am just going to conclude with one thing I brought up during the debate today, the general debate on the defense budget, strategic matters that we touched on today. Here is a page from all the books on redefining/reinventing government that were on the White House lawn yesterday with our Chief of State and Igor at his side, his strong right arm, and it says right in there, and listen to this. I said today that I believe this is the smoking gun on the bottom-up review, that it was not geared toward strategic needs and a proper analysis of our national security situation, but was really a budgetary consideration. Listen to this line, and for all intents and purposes this is the President speaking, or it is certainly the Vice President:

> We examined every Cabinet department and ten agencies. At two departments, Defense and Health and Human Services, our work paralleled other large-scale reviews already under way.

Now brace yourselves, Mr. and Mrs. America and all the ships at sea.

> Defense had launched a bottom-up review to meet the President's 1994–1997 spending reduction target.

Explanation: The President says:

> Here is my target. Cut this out of the military. Not the 50 billion that I talked about last year, and, although I feel you defense workers' pain, I want 127–128 billion cut out. Now give me a bottom-up review and a strategic analysis to fit my budgetary demand.

Mr. Speaker, that is not the way to analyze providing for the common defense.

I thank the gentleman from Indiana [Mr. BURTON] for this extra bit of time.

Mr. BURTON of Indiana. Mr. Speaker, if the gentleman from California [Mr. DORNAN] wants to stick around for just a bit, there is one other subject that is very important.

Vice President GORE, along with President Clinton, announced, and I think it was yesterday, that they are going to try to streamline and cut the size of government, cut the bureaucracy, to the tune of 252,000 people over a 5-year period, and I think people across this country applaud that objective. For the past 10 or 11 years, President after President, administration after administration, Congress after Congress, have talked about cutting the size of government and streamlining it, and, although I disagree with the President on many issues and the Vice President on many issues, this objective I agree with, and I think most of my colleagues, both Democrats and Republicans, agree with it.

However, I am very concerned that there needs to be a hard and fast plan to deal with this, and the gentleman from Iowa [Mr. NUSSLE], and the gentleman from Pennsylvania [Mr. GREENWOOD], members of the Republican research task force—I think they are the chairman of that on government downsizing working with the chairman of that committee, the gentleman from California [Mr. HUNTER], have come up with a plan to help President Clinton and Vice President GORE implement their objectives of cutting the size of government by 252,000. And today I cosigned a letter along with them that he would, in effect, set up a Federal employee reduction and realignment commission not unlike the Base Closure Commission which we so desperately needed to close down some of the unnecessary military installations in this country. And so we have sent to the President this letter today, I believe, and we urged him to review this and to work with the Congress to set up this Commission to actually do the job of cutting out a quarter of a million unnecessary people in the government through a number of different ways, one of which would be retirement, and other ways. And so we support that.

Now the one thing that concerns me, Mr. Speaker, is during the talks and the description of the plan that they were talking about they were talking about raising some fees and some other maybe taxes to deal with some of these problems, and I would just like to say, if the President were here, that we just had the budget reconciliation bill with the largest tax increase in history. Most of the spending cuts in that bill are in the third, fourth and fifth year and probably will not be realized.

So, we are going to have the tax increases, and many of the spending cuts, I do not think, will ever happen, and so I do not think the American people want any fee increases, and they do not want any more taxes, and that is one thing that I cannot support. However I, and I think the gentleman from California [Mr. HUNTER], and the gentleman from California [Mr. DORNAN], and many of our colleagues would be more than willing to support downsizing government, setting up a commission to work with the administration to downsize government and to get this economy moving in the right direction through, in part, cutting the size of this government bureaucracy. We all want to do that.

I have talked to people over the weekend back in my district in Indiana, and they all said, "Boy, don't you think it's a great idea that the President has come up with to try to cut the size of government," and I agree with that, and I think we ought to help him, and I think this Commission is the giant step in that direction. But we do not need any more taxes and any more fees. We need to get on with really cutting the size of government.

I yield to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. We do not need so-called sin taxes either when someone is out playing a softball game during this great summer, August, and there are people trying to recover from all the pain from the flood, and they are worried about Emily running up the coast here, and they go to a baseball game and pop open a cold beer. They do not really think to themselves, "I'm just sinning here, and I should be taxed more." At a ball game, the only sin you see is somebody charging Nolan Ryan and Nolan Ryan punishing him a little bit for trying to come out there to the pitcher's mound.

But any kind of taxes; the country is simply overtaxed.

To quote Ronald Reagan, and the gentleman from California [Mr. HUNTER] came to office on his coattails, and the gentleman has admitted that to me as many times as I am willing to

listen to it. But he said, "We're not suffering from too much government—too little government. We are suffering from too much government." I have said it so many times that I am getting it in reverse.

But I agree with the gentleman, and what I say to people when they ask me about this redefining government thing is:

Good. I call them, and I up the ante. Whatever they want to cut, I want to cut more, and, if they have taken a lot of Republican pages out of our notebook, so be it. We have all said we are going to help the President as he sent a letter over here today not to shut down the last nuclear production missile line, the D-5 missile. He sent over a pretty good letter here today. So did Aspin. I expected a great letter and got one from Gen. Colin Powell.

But we have helped the administration today so that he is on watch while we remain a superpower, but he better look at the rest of the Defense budget, and, when he is talking about cutting the size of Government, it better be something other than Defense in 1994, or 1995 and 1996, or he is not going to be around in 1997 when those cuts in spending are supposed to come up. The outyears they call them now.

Mr. Speaker, we are going to run through a series of one-term Presidents if we do not redefine this Government because the American people have had a snoot full, and I can see it again when all of these people that have joined Ross Perot's organization that he says he is only the caboose on, United We Stand America. They were cheering loudly over in the Rayburn Building in the Gold Room this morning when JIM INHOFE broke one of the secrecy rules around here that we cannot expose to the public a public document that sits at the end of this long teller's desk here, that discharge petition process.

So I say to my colleagues, You better believe that DUNCAN HUNTER'S research committee task force on reforming Government has been swallowed by the President and AL GORE. Now let us see if they can digest it.

Mr. BURTON of Indiana. Mr. Speaker, I appreciate the remarks of the gentleman from California [Mr. DORNAN], and I would just like to reiterate the one statement made earlier, and that is that we want to work with him. We do not want any more taxes or fees. And we want to set up a Commission like the Base Closure Commission to downsize the Government, the size of Government, and that would assist him in his goal and the Vice President's goals of cutting that 252,000 people out of the work force.

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

Mr. HUNTER. Mr. Speaker, I thank the gentleman for yielding. I thank the kind gentleman from California from north of me in Orange County, the champion of national security, my friend, BOB DORNAN, for his kind words and I thank the gentleman from Indiana [Mr. BURTON] for talking about this important issue today, and you know I think it is clear, and this came out in all the media when this announcement was made by the President and by Vice President GORE. It is clear that recommendations for downsizing the Federal bureaucracy have been made many times in the past. We are not short of recommendations in Washington, DC. What we are short of is the political will to implement those recommendations.

So, we, as Republicans, are saying, "You want to cut 250,000 bureaucrats out of the system, and you're going to go on a road show and talk to people about this. It's very popular in the polls, and you are going to get a lot of good press. The only thing we request as Republicans is this, that you do it——

Mr. DORNAN. Exactly.

Mr. HUNTER. And the way to do it is by having a Commission with eight commissioners appointed by the President. We chartered this Commission like we did the Base Closure Commission because we all know, as the Washington Post said this morning I think very appropriately, much of the success of this downsizing depends on who? Congress. And we all know that chairmen and senior members of committees that have agencies under their wing will come out and fight for the turf of their agencies to keep from being downsized. It is going to be very analogous to base closing when Members know that bases have to be closed, but they do not want bases in their districts to be closed.

So, Mr. Speaker, we put together a Commission. The President puts it together with the consent and the advice and consultation of Congress, and this Commission goes out and makes an on-the-merits analysis, lets the chips fall where they may. It comes back in with recommendations for the exact number that the President asked for in reductions. That is 250,000 Federal positions in the bureaucracy.

□ 1900

They come up with those recommendations, and Congress either goes up or down, no amendments, no logrolling, no changes, and the President goes up or down. We can do this in 3 or 4 months. This can be done. So we are throwing the ball back to the President. Let us do it.

Mr. BURTON of Indiana. Let me just say one more thing. I think once the Commission is set up, if the President would go along with it, and once we get the job done, that the Commission should stay in existence and try, on an annual basis, to review the bureaucracy in Washington and around the country, and try to cut, as much as possible, on an ongoing basis the size of Government. Sure 252,000 sounds like a lot, but we have millions and millions and millions of people in Government. A lot of that is duplication of effort. If we get through the 252,000 in cuts, I see no reason why a Commission could not go and make a recommendation to Congress on a yearly basis on how to streamline and make Government more efficient.

Mr. DORNAN. If the gentleman will yield further, that is an excellent idea. We may get to discuss this on the House floor tomorrow, because the gentlewoman from Colorado [Mrs. SCHROEDER] has an amendment to expand the Base Closing Commission to include overseas bases. There is an opening to talk about the Commission in general with our good friend, the Chairman of the Base Closing Commission, Jim Courter, and say folks, this took a lot of pain out of the House and Senate in having to close down bases in people's districts, where they were major employers, and good men and women, both civilian and uniformed, serving at those bases, it was painful. We found a good way to do it.

Thank God for the gentleman from Texas [Mr. ARMEY], a top economist from the State of Texas in the House now, that came up with this idea.

This idea, and I blush when I say to the gentleman from California [Mr. HUNTER], is brilliant. I am going to work on it. As long as the gentleman from Indiana [Mr. BURTON] buys off on it, so do I. Let us see if when we retire to our rocking chairs on a porch somewhere if we cannot see this Commission doing what a lot of folks do not have the guts to do around here, and that is not just slow the rate of growth, but shut some things down that cannot be justified in their existence any longer.

Mr. HUNTER. Mr. Speaker, if the gentleman will yield further, this is the baby of the gentleman from Iowa [Mr. NUSSLE] and the gentleman from Texas [Mr. GENE GREEN], this task force. This is going to be an important issue. I think they are the ones that should receive any credit.

Mr. DORNAN. They would never have come up with the idea if the gentleman from California [Mr. HUNTER] did not set them up in a task force. The gentleman stimulated them.

Mr. HUNTER. I appreciate the compliments of the gentleman from California [Mr. DORNAN]. Let me suggest another thing too, and that is that there are 400,000 what I call headquarters employees in Washington, DC. That means every agency that we have got, whether it is Immigration or EPA, and I am talking about civilian agencies, not our intelligence agencies, not DOD, there are 400,000 headquarters employees in Washington, DC.

It is kind of interesting. If you talk to a postal worker in your district or

to a border patrolman or somebody else in the Federal work force, and you talk to them about what they think about headquarters, it is like talking to a GI in the field. You say, "Do you think that the officers in headquarters could be downsized a little bit?" Let me tell you, they have got some opinions on it. Contrary to what a lot of people might think, the Federal work force is not against us.

I think that when this comes about, if this is done on the merits by a commission that looks at the real need for efficiency in the Federal Government, you are going to see a lot of the headquarters employees, a lot of the employees of agencies located in Washington, DC., taking a number of the cuts, in the higher level of bureaucracy, and you are going to see less of the policeman on the beat, the cop on the beat, the border patrolman, the guy delivering the mail in your district, taking these cuts.

Mr. BURTON of Indiana. Mr. Speaker, I want to thank my colleagues very much for their participation. I hope maybe the administration is paying attention tonight and will look with favor upon the recommendations we have put forth and are sending to them via the mail.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. YATES (at the request of Mr. GEPHARDT) for today, on account of illness.

Mr. NEAL of North Carolina (at the request of Mr. GEPHARDT) for today and the balance of the week, on account of medical reasons.

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. RAMSTAD) to revise and extend their remarks and include extraneous material:)

Mr. WOLF, for 5 minutes, today and 60 minutes, each day on September 9 and 10.

Mr. BEREUTER, for 5 minutes, today.

Mr. MCCOLLUM, for 5 minutes, today.

Mr. FRANKS of New Jersey, for 5 minutes, on September 9.

Mr. KIM, for 5 minutes, on September 9.

Mr. KOLBE, for 60 minutes, each day on September 8, 9, 13, 14, 15, 16, 21, 22, 23, 27, 28, 29, 30, October 4, 5, 6, 7, 11, 12, 13, 14, 19, 20, 25, 26, 27, and 28.

Mr. DORNAN, for 5 minutes, today.

(The following Members (at the request of Mrs. MALONEY) to revise and extend their remarks and include extraneous matter:)

Mr. LAROCCO, for 5 minutes, today and on September 9.

Mr. PALLONE, for 5 minutes, today and on September 9 and 10.

Mr. HAYES, for 60 minutes, on September 9.

Mr. RANGEL, for 60 minutes, on September 15.

Mr. CONDIT, for 60 minutes, on October 27.

Mr. MFUME, for 60 minutes, on September 14.

(The following Member, at his own request, to revise and extend his remarks and include extraneous material:)

Mr. HUNTER, for 5 minutes, today.

(The following Members (at the request of Mr. BURTON of Indiana) to revise and extend their remarks and include extraneous material:)

Mr. DORNAN, for 5 minutes each day, on September 14, 15, and 16.

Mr. FALEOMAVAEGA, for 60 minutes, on September 9.

Mr. MCDERMOTT, for 60 minutes, each day, on September 9, 10, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 27, 28, 29, and 30, and October 1.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. RAMSTAD) and to include extraneous matter:)

Mr. SOLOMON in five instances.
Mr. COMBEST.
Mr. GILCHREST.
Mr. DORNAN.
Mr. COBLE.
Mr. LEWIS of Florida.
Mr. ARMEY.
Mr. WOLF.
Mr. GALLEGLY.
Mr. GILMAN.
Mr. BURTON of Indiana.

(The following Members (at the request of Mrs. MALONEY) and to include extraneous matter:)

Mr. LIPINSKI in two instances.
Mr. APPLEGATE.
Mrs. SCHROEDER.
Mr. KANJORSKI in two instances.
Mr. FOGLIETTA.
Mr. FAZIO in two instances.
Mr. MAZZOLI.
Mr. HAMILTON in seven instances.
Mr. BERMAN in two instances.
Mr. MANN.
Mr. BONIOR.
Mr. STOKES.
Ms. WOOLSEY.
Mr. MANTON.
Mr. CARDIN.
Mr. FORD of Michigan.
Mr. TORRES.
Mr. JOHNSON of Georgia.
Mr. DURBIN.
Mr. POMEROY.
Mr. PARKER.

(The following Members (at the request of Mr. BURTON of Indiana) and to include extraneous matter:)

Mr. ROHRABACHER.
Mr. WILLIAMS in two instances.
Mr. DIXON.
Mr. CONYERS.

SENATE BILL, JOINT RESOLUTIONS, AND CONCURRENT RESOLUTIONS REFERRED

A bill, joint resolutions, and concurrent resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 424. An act to amend the Securities Exchange Act of 1934 with respect to limited partnership rollups; to the Committee on Energy and Commerce.

S.J. Res. 124. Joint resolution designating September 6, 1993, as "Try American Day"; to the Committee on Post Office and Civil Service.

S.J. Res. 125. Joint resolution designating September 1993, as "Childhood Cancer Month"; to the Committee on Post Office and Civil Service.

S.J. Res. 126. Joint resolution designating September 10, 1993, as "National POW/MIA Recognition Day" and authorizing the display of the National League of Families POW/MIA flag; to the Committees on Post Office and Civil Service and Veteran's Affairs.

S. Con. Res. 38. Concurrent resolution to authorize the reprinting of the book entitled "The United States Capitol: A Brief Architectural History"; to the Committee on House Administration.

S. Con. Res. 39. Concurrent resolution to authorize the printing of a new annotated edition of Glenn Brown's "History of the United States Capitol," originally published in two volumes in 1900 and 1903, prepared under the auspices of the Architect of the Capitol; to the Committee on House Administration.

S. Con. Res. 40. Concurrent resolution to authorize the printing of the book entitled "Constantino Burmidi: Artist of the Capitol," prepared by the Office of the Architect of the Capitol; to the Committee on House Administration.

S. Con. Res. 41. Concurrent resolution to authorize the printing of the book entitled "The Cornerstones of the United States Capitol"; to the Committee on House Administration.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 490. An act to provide for the conveyance of certain lands and improvements in Washington, District of Columbia, to the Columbia Hospital for Women to provide a site for the construction of a facility to house the National Women's Health Resource Center;

H.R. 2034. An act to authorize major medical facility construction projects for the Department of Veterans Affairs for fiscal year 1994, and for other purposes;

H.R. 2264. An act to provide for reconciliation pursuant to section 7 of the concurrent

resolution on the budget for the fiscal year 1994;

H.R. 2348. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 1994, and for other purposes;

H.R. 2667. An act making emergency supplemental appropriations for relief from the major, widespread flooding in the Midwest for the fiscal year ending September 30, 1993, and for other purposes;

H.R. 2900. An act to clarify and revise the small business exemption from the nutrition labeling requirements of the Federal Food, Drug, and Cosmetic Act, and for other purposes;

H.J. Res. 110. Joint resolution to authorize the Administrator of the Federal Aviation Administration to conduct appropriate programs and activities to acknowledge the status of the county of Fond du Lac, Wisconsin, as the "World Capital of Aerobatics," and for other purposes; and

H.J. Res. 157. Joint resolution to designate September 13, 1993, as "Commodore John Barry Day."

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. ROSE. from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills and joint resolutions of the House of the following title:

On August 5, 1993:

H.R. 416: An act to extend the period during which chapter 12 of title 11 of the United States Code remains in effect, and for other purposes, and

H.R. 798: An act to amend title 38, United States Code, to codify the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans as such rates took effect on December 1, 1992.

On August 6, 1993:

H.R. 631: An act to designate certain lands in the State of Colorado as components of the National Wilderness Preservation System, and for other purposes.

On August 10, 1993:

H.J. Res. 110: Joint resolution to authorize the Administrator of the Federal Aviation Administration to conduct appropriate programs and activities to acknowledge the status of the county of Fond du Lac, Wisconsin, as the "World Capital of Aerobatics", and for other purposes;

H.J. Res. 157: Joint resolution to designate September 13, 1993, as "Commodore John Barry Day";

H.R. 490: An act to provide for the conveyance of certain lands and improvements in Washington, DC, to the Columbia Hospital for Women to provide a site for the construction of a facility to house the National Women's Health Resource Center:

H.R. 2034: An act to authorize major medical facility construction projects for the Department of Veterans Affairs for fiscal year 1994, and for other purposes;

H.R. 2264: An act to provide for reconciliation pursuant to section 7 of the concurrent resolution on the budget for the fiscal year 1994;

H.R. 2348: An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 1994, and for other purposes;

H.R. 2667: An act making emergency supplemental appropriations for the relief from the major, widespread flooding in the Midwest for the fiscal year ending September 30, 1993, and for other purposes; and

H.R. 2900: An act to clarify and revise the small business exemption from the nutrition labeling requirements of the Federal Food, Drug, and Cosmetic Act, and for other purposes.

ADJOURNMENT

Mr. BURTON of Indiana. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 7 minutes p.m.) the House adjourned until tomorrow, Thursday, September 9, 1993, at 10 a.m.

MOTION TO DISCHARGE A COMMITTEE

SEPTEMBER 8, 1993.

To the CLERK OF THE HOUSE OF REPRESENTATIVES:

Pursuant to clause 4, rule XXVII, I, JAMES M. INHOFE, move to discharge the Committee on Rules from the consideration of the resolution (H. Res. 134) amending the Rules of the House of Representatives to cause the publication of Members signing a discharge motion, which was referred to said committee March 18, 1993, in support of which motion the undersigned Members of the House of Representatives affix their signatures, to wit:

1. James M. Inhofe.
2. John J. Duncan, Jr.
3. Howard P. "Buck" McKeon.
4. Peter Hoekstra.
5. Dan Miller.
6. Richard W. Pombo.
7. Y. Tim Hutchinson.
8. Bob Inglis.
9. Elton Gallegly.
10. Bob Franks.
11. Jack Quinn.
12. David A. Levy.
13. John M. McHugh.
14. Rod Grams.
15. Jack Kingston.
16. Peter T. King.
17. Bill Paxon.
18. Rick Lazio.
19. Scott McInnis.
20. James M. Talent.
21. Donald A. Manzullo.
22. Peter G. Torkildsen.
23. Michael A. "Mac" Collins.
24. Joe Knollenberg.
25. Stephen E. Buyer.
26. Thomas W. Ewing.
27. Michael Huffington.
28. Peter Blute.
29. Michael D. Crapo.
30. Bob Goodlatte.
31. Bill Baker.
32. Deborah Pryce.
33. Terry Everett.
34. Roscoe G. Bartlett.
35. Wally Herger.
36. Stephen Horn.
37. Sam Johnson.
38. John L. Mica.
39. Rob Portman
40. Porter J. Goss.
41. James C. Greenwood.
42. John Linder.
43. Jim Ramstad.
44. Jim Bunning.
45. Larry Combest.
46. Howard Coble.
47. David Dreier.
48. Eric Fingerhut.
49. John T. Doolittle.
50. Charles H. Taylor.
51. Wayne Allard.
52. Randy "Duke" Cunningham.
53. Harold Rogers.
54. Frank R. Wolf.
55. Jim McCrery.
56. Michael N. Castle.
57. Dan Burton.
58. C.W. Bill Young.
59. Dean A. Gallo.
60. Ernest J. Istook, Jr.
61. Tom DeLay.
62. Don Young.
63. Nick Smith.
64. David L. Hobson.
65. Jay Dickey.
66. Bob Stump.
67. John A. Boehner.
68. Cliff Stearns.
69. Bill McCollum.
70. Dave Camp.
71. Mel Hancock.
72. Sonny Callahan.
73. Nancy L. Johnson.
74. Philip M. Crane.
75. Bill Barrett.
76. Alfred A. McCandless.
77. Joel Hefley.
78. J. Dennis Hastert.
79. Richard H. Baker.
80. Helen Delich Bentley.
81. Wayne T. Gilchrest.
82. Cass Ballenger.
83. Ileana Ros-Lehtinen.
84. Olympia J. Snowe.
85. F. James Sensenbrenner, Jr.
86. James V. Hansen.
87. Jan Meyers.
88. Jim Lightfoot.
89. Craig Thomas.
90. Robert H. Michel.
91. Robert S. Walker.
92. Gerald B.H. Solomon.
93. Ronald K. Machtley.
94. William F. Clinger, Jr.
95. Lincoln Diaz-Balart.
96. Edward R. Royce.
97. Jennifer Dunn.
98. Charles T. Canady.
99. Spencer T. Bachus III.
100. Ron Packard.
101. Arthur Ravenel, Jr.
102. Jay Kim.
103. Tillie K. Fowler.
104. Christopher Cox.
105. Fred Upton.
106. Rick Santorum.
107. Ken Calvert.
108. Jon Kyl.
109. William M. Thomas.
110. Dan Schaefer.
111. Richard K. Armey.
112. Martin R. Hoke.
113. Bill Emerson.
114. Henry J. Hyde.

115. Joe Skeen.
116. Henry Bonilla.
117. Sherwood L. Boehlert.
118. Lamar S. Smith.
119. Robert K. Dornan.
120. Dana Rohrabacher.
121. Paul E. Gillmor.
122. Pat Roberts.
123. William H. Zeliff, Jr.
124. Michael Bilirakis.
125. John Edward Porter.
126. Newt Gingrich.
127. Thomas E. Petri.
128. Bob Livingston.
129. Toby Roth.
130. Joseph M. McDade.
131. Jim Saxton.
132. Christopher Shays.
133. E. Clay Shaw, Jr.
134. Susan Molinari.
135. Amo Houghton.
136. John R. Kasich.
137. Dick Zimmer.
138. Don Sundquist.
139. Thomas J. Bliley, Jr.
140. Herbert H. Bateman.
141. Fred Grandy.
142. Carlos J. Moorhead.
143. Duncan Hunter.
144. Marge Roukema.
145. Jim Nussle.
146. Jack Fields.
147. Barbara F. Vucanovich.
148. Joe Barton.
149. Harris W. Fawell.
150. Steve Gunderson.
151. James H. (Jimmy) Quillen.
152. William F. Goodling.
153. Steven Schiff.
154. Bill Archer.
155. Scott L. Klug.
156. Curt Weldon.
157. Christopher H. Smith.
158. Gary A. Franks.
159. Floyd Spence.
160. J. Alex McMillan.
161. Doug Bereuter.
162. Hamilton Fish, Jr.
163. Robert F. (Bob) Smith.
164. James A. Leach.
165. Tom Lewis.
166. George W. Gekas.
167. Thomas J. Ridge.
168. Greg Laughlin.
169. Gary A. Condit.
170. Douglas Applegate.
171. James A. Traficant.
172. James T. Walsh.
173. Tim Valentine.
174. Bud Shuster.
175. Mike Parker.
176. Ralph M. Hall.
177. Jill L. Long.
178. Dick Swett.
179. Bart Stupak.
180. Jim Kolbe.
181. Robert E. (Bud) Cramer, Jr.
182. Owen B. Pickett.
183. Pat Danner.
184. J. Roy Rowland.
185. Pete Geren.
186. Charles W. Stenholm.
187. W.J. (Billy) Tauzin.
188. L.F. Payne.
189. Douglas (Pete) Peterson.
190. Glenn Poshard.
191. Gene Taylor.
192. Frank Pallone, Jr.
193. Timothy J. Penny.
194. Peter A. DeFazio.
195. James H. Bilbray.
196. Paul McHale.
197. Jim Slattery.
198. Nathan Deal.
199. Ralph Regula.
200. Michael G. Oxley.
201. Constance A. Morella.
202. Jerry Lewis.
203. George E. Sangmeister.
204. Andrew Jacobs.
205. James A. Barcia.
206. William O. Lipinski.
207. Jerry F. Costello.
208. Karen Shepherd.
209. Jay Inslee.
210. Maria Cantwell.
211. Karan English.
212. Jane Harman.
213. Jim Bacchus.
214. Martin T. Meehan.
215. Thomas H. Andrews.
216. James A. Hayes.
217. Robert E. Andrews.
218. Marjorie Margolies-Mezvinsky.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1729. A letter from the Assistant Secretary, Marketing and Inspection Services, U.S. Department of Agriculture, Assistant Attorney General, transmitting a report to the Congress on the extent and effects of domestic and international terrorism on animal enterprises; to the Committee on Agriculture.

1730. A communication from the President of the United States, transmitting an amendment to the fiscal year 1994 request for appropriations for the Department of Justice, pursuant to 31 U.S.C. 1107 (H. Doc. No. 103-128); to the Committee on Appropriations and ordered to be printed.

1731. A letter from the Comptroller General of the United States, transmitting a monthly listing of new investigations, audits, and evaluations; to the Committee on Appropriations.

1732. A communication from the President of the United States, transmitting notification making available appropriations of $402.4 million for the Departments of Agriculture, Education, Labor, and Transportation, and for the Legal Services Corporation (H. Doc. No. 103-130); to the Committee on Appropriations and ordered to be printed.

1733. A letter from the Director, Standards of Conduct Office, Department of Defense, transmitting a report of individuals who filed DD Form 1787, Report of DOD and Defense Related Employment, for fiscal year 1992, pursuant to 10 U.S.C. 2397; to the Committee on Armed Services.

1734. A letter from the Secretary of Defense, transmitting the 1993 Joint Military Net Assessment, pursuant to 10 U.S.C. 113(1); to the Committee on Armed Services.

1735. A letter from the Under Secretary of Defense, transmitting Selected Acquisition Reports [SARS] for the quarter ending June 30, 1993, pursuant to 10 U.S.C. 2432; to the Committee on Armed Services.

1736. A letter from the Acting General Counsel, Department of Defense, transmitting a draft of proposed legislation to amend title 10, United States Code, and the National Defense Authorization Act for Fiscal Years 1992 and 1993 to extend test program of leases of real property for activities related to special forces operations; to the Committee on Armed Services.

1737. A letter from the Acting Assistant Secretary for Defense Programs, Department of Energy, transmitting revised notice of intent to prepare a Programmatic Environmental Impact Statement for Reconfiguration of the Nuclear Weapons Complex; to the Committee on Armed Services.

1738. A letter from the Acting General Counsel, Federal Emergency Management Agency, transmitting a draft of proposed legislation to authorize appropriations for civil defense programs for fiscal year 1994, pursuant to 31 U.S.C. 1110; to the Committee on Armed Services.

1739. A letter from the Secretary of Defense, transmitting a report entitled "The Bottom-Up Review: Forces for a New Era"; to the Committee on Armed Services.

1740. A letter from the Director, Export-Import Bank of the United States, transmitting a report involving United States exports to the Republic of Malaysia, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

1741. A letter from the Director, Export-Import Bank of the United States, transmitting a report involving United States exports to the Republic of Colombia, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

1742. A letter from the Director, Export-Import Bank of the United States, transmitting a report involving United States exports to Algeria, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

1743. A letter from the Director, Export-Import Bank of the United States, transmitting a report involving United States exports to Luxembourg, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

1744. A letter from the Director, Export-Import Bank of the United States, transmitting a report involving United States exports to the State of Israel, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

1745. A letter from the Director, Export-Import Bank of the United States, transmitting a report involving United States exports to the State of Bahrain, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

1746. A letter from the Director, Export-Import Bank of the United States, transmitting a report involving United States exports to Romania, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

1747. A letter from the Acting Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's report on comparability of pay and benefits, pursuant to Public Law 101-73, section 1206 (103 Stat. 523); to the Committee on Banking, Finance and Urban Affairs.

1748. A letter from the Acting Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-75, "Insurance Regulatory Trust Fund Act of 1993," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

1749. A letter from the Acting Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-76, "Managing

General Agents Act of 1993", pursuant to the D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

1750. A letter from the Acting Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-77, "Required Annual Financial Statements and Participation in the NAIC Insurance Regulatory Information System Act of 1993," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

1751. A letter from the Acting Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-78, "Standards to Identify Insurance Companies Deemed to be in Hazardous Financial Condition Act of 1993," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

1752. A letter from the Acting Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-79, "Holding Company System Act of 1993," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

1753. A letter from the Acting Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-80, "Tenant Assistance Program Payment Limitation Amendment Act of 1993," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

1754. A letter from the Acting Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-91, "Risk Retention Act of 1993," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

1755. A letter from the Acting Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-92, "Reinsurance Intermediary Act of 1993," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

1756. A letter from the Acting Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-94, "Law on Examinations Act of 1993," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

1757. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-95, "Life Insurance Actuarial Opinion of Reserves Act of 1993," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

1758. A letter from the Acting Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-96, "Property and Liability Insurance Guaranty Association Act of 1993," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

1759. A letter from the Acting Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-97, "Business Transacted with Producer Controlled Insurer Act of 1993," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

1760. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-107, "Technical Amendments Act of 1993," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

1761. A letter from the Acting Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-93, "Annual Audited Financial Reports Act of 1993," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

1762. A letter from the Secretary of Education, transmitting Final Regulations—Cooperative Education Program: General; Administration Projects; Demonstration Projects; Research Projects; and Training Projects, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1763. A letter from the Secretary of Education, transmitting Final Regulations—Patricia Roberts Harris Fellowship Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1764. A letter from the Secretary of Education, transmitting Final Regulations—Robert C. Byrd Honors Scholarship Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1765. A letter from the Secretary of Education, transmitting Final Regulations—Paul Douglas Teacher Scholarship Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1766. A letter from the Secretary of Education, transmitting Final Regulations—Urban Community Service Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1767. A letter from the Secretary of Education, transmitting a copy of Final Regulations—Library Education and Human Resource Development Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1768. A letter from the Secretary of Education, transmitting a copy of Final Regulations—College Facilities Loan Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1769. A letter from the Secretary of Education, transmitting a copy of Notice of Final Priority—Training, Technical Assistance, and Transition Assistance for the Centers for Independent Living Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1770. A letter from the Principal Deputy Inspector General, Department of Health and Human Services, transmitting a copy of the Superfund Financial Activities at the National Institute of Environmental Health Sciences for fiscal year 1993, pursuant to 31 U.S.C. 7501 note; to the Committee on Energy and Commerce.

1771. A letter from the Administrator, Environmental Protection Agency, transmitting the Toxic Substances Control Act report for fiscal years 1990 and 1991, pursuant to 15 U.S.C. 2608(d); to the Committee on Energy and Commerce.

1772. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed Letter(s) of Offer and Acceptance [LOA] to Korea for defense articles and services (Transmital No. 93-33), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1773. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the agreement between the United States Government and the Government of Israel relating to a War Reserve Program in Israel for defense articles and services (Transmital No. 93-31), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1774. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Departments of the Army's proposed Letter(s) of Offer and Acceptance [LOA] to the Coordination Council of North American Affairs for defense articles and services (Transmittal No. 93-32), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1775. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Departments of the Air Force's proposed Letter(s) of Offer and Acceptance [LOA] to Turkey for defense articles and services (Transmittal No. 93-27), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1776. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Army's proposed lease of defense articles to Canada (Transmittal No. 13-93), pursuant to 22 U.S.C. 2796a(a); to the Committee on Foreign Affairs.

1777. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Army's proposed lease of defense articles to Australia (Transmittal No. 14-93), pursuant to 22 U.S.C. 2796a(a); to the Committee on Foreign Affairs.

1778. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Departments of the Navy's proposed Letter(s) of Offer and Acceptance [LOA] to Thailand for defense articles and services (Transmittal No. 93-34), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1779. A letter from the Director, Defense Security Assistance Agency, transmitting the listing of all outstanding Letters of Offer to sell any major defense equipment for $1 million or more; the listing of all Letters of Offer that were accepted, as of June 30, 1993, pursuant to 22 U.S.C. 2776(a); to the Committee on Foreign Affairs.

1780. A letter from the Acting Director, Defense Security Assistance Agency, transmitting the Department of the Army's proposed lease of defense articles to Denmark (Transmittal No. 12-93), pursuant to 22 U.S.C. 2796a(a); to the Committee on Foreign Affairs.

1781. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of the President's intent to exercise the authority of section 610(a) of the act to transfer funds made available for section 23 of the AECA to the Economic Support Fund providing assistance to the Government of Mexico for the repatriation of illegal Chinese migrants, pursuant to 22 U.S.C. 2318(b)(2); to the Committee on Foreign Affairs.

1782. A communication from the President of the United States, transmitting the bimonthly report on progress toward a negotiated solution of the Cyprus problem, including any relevant reports from the Secretary General of the United Nations, pursuant to 22 U.S.C. 2373(c); to the Committee on Foreign Affairs.

1783. A communication from the President of the United States, transmitting a report regarding activities taken and money spent pursuant to the emergency declaration (H. Doc. No. 103-127); to the Committee on Foreign Affairs and ordered to be printed.

1784. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions by nominees to be Ambassadors designate, and members of their families, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1785. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the report of political contributions by John D. Negroponte, of New York, to be Ambassador to the Republic of the Philippines, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1786. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the report of political contributions

by Peter F. Romero, of Florida, to be Ambassador to the Republic of Ecuador and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1787. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the report of political contributions by William Green Miller, of Virginia, to be Ambassador to the Ukraine, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1788. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original reports of political contributions by David P. Rawson, of Michigan, to be Ambassador designate to the Republic of Rawanda, and members of his families, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1789. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

1790. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

1791. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on the Khmer Rouge violations of the U.N. peace agreement and the U.S. response to those violations; to the Committee on Foreign Affairs.

1792. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to restore equal treatment of foreign military sales and direct commercial sales in nonrecurring cost recoupment; to the Committee on Foreign Affairs.

1793. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1998 resulting from passage of S. 1295, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-582); to the Committee on Government Operations.

1794. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1998 resulting from passage of H.R. 2264, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-582); to the Committee on Government Operations.

1795. A letter from the General Services Administration, transmitting the Administration's Annual Report for Fiscal Year 1992; to the Committee on Government Operations.

1796. A letter from the Clerk, U.S. House of Representatives, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period April 1, 1993 through June 30, 1993, pursuant to 2 U.S.C. 104a (H. Doc. No. 103-131); to the Committee on House Administration and ordered to be printed.

1797. A letter from the Deputy Associate Director for Collection and Disbursement, 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 Natural Resources.

1798. A letter from the Deputy Associate Director for Collection and Disbursement, 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 Natural Resources.

1799. A letter from the Deputy Associate Director for Collection and Disbursement, 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 Natural Resources.

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1801. A letter from the Deputy Associate Director for Collection and Disbursement, 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 Natural Resources.

1802. A letter from the Chairman, Advisory Council on Historic Preservation, transmitting a copy of the 1992 activities report to the President and Congress, pursuant to 16 U.S.C. 470(b); to the Committee on Natural Resources.

1803. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to provide for increases in authorization ceilings for development in certain units of the National Park System, for operation of the Volunteers in the Parks Program, and for other purposes; to the Committee on Natural Resources.

1804. A letter from the Chairman, Merit Systems Protection Board, transmitting the Board's report entitled "Federal Personnel Offices: Time for Change?"; to the Committee on Post Office and Civil Service.

1805. A letter from the National Advisory Council on the Public Service, transmitting the Council's report entitled "Ensuring the Highest Quality National Public Service," pursuant to Public Law 101-363, section 8 (104 Stat. 427); to the Committee on Post Office and Civil Service.

1806. A letter from the Director, Office of Personnel Management, transmitting a plan to establish a separate pay and classification system for law enforcement officers, pursuant to Public Law 101-509, section 412 (104 Stat. 1469); to the Committee on Post Office and Civil Service.

1807. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a draft of proposed legislation to modify the project for flood control at Halstead, KS, to authorize the Secretary of the Army to construct the project at a total cost of $11,100,000; to the Committee on Public Works and Transportation.

1808. A letter from the Secretary of Transportation, transmitting notification of the actions the Secretary has taken with regard to Murtala Muhammed International Airport [LOS], Lagos, Nigeria, pursuant to section 1115(e)(3) of the Federal Aviation Act; to the Committee on Public Works and Transportation.

1809. A communication from the President of the United States, transmitting his intent to designate Peru as a beneficiary of the trade-liberalizing measures provided for in the Andean Trade Preference Act, pursuant to 19 U.S.C. 3202 (H. Doc. No. 103-129); to the Committee on Ways and Means and ordered to be printed.

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 references to the proper calendar, as follows:

[Pursuant to the order of the House on August 6, 1993, the following report was filed on August 31, 1993]

Mr. BROWN of California: Committee on Science, Space, and Technology. H.R. 2820. A bill to authorize appropriations for the Federal Aviation Administration for fiscal years 1994 1995, and 1996 for research, engineering, and development to increase the efficiency and safety of air transport; with an amendment (Rept. 103-225). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Ms. NORTON (for herself and Mrs. MORELLA):

H.R. 3019. A bill to amend title 5, United States Code, to provide for a temporary extension and the orderly termination of the performance management and recognition system, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. FILNER:

H.R. 3020. A bill to amend the Water Quality Act of 1987 relating to the treatment works being constructed by the International Boundary and Water Commission in San Diego, CA; to the Committee on Public Works and Transportation.

By Mr. GALLEGLY:

H.R. 3021. A bill to prohibit the admission to the United States as refugees of individuals who have served in the armed forces of Iraq during the Persian Gulf conflict; to the Committee on the Judiciary.

By Mr. HALL of Texas:

H.R. 3022. A bill to amend title 10, United States Code, to restore the eligibility of former members of the uniformed services who are entitled to retired or retainer pay or equivalent pay, or a dependent of such members, and who are eligible for hospital insurance benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) for prescription pharmaceuticals through the military medical system; to the Committee on Armed Services.

By Mr. MORAN:

H.R. 3023. A bill to amend title 10, United States Code, to eliminate the disparity between civilian and military retiree cost-of-living adjustments caused by the Omnibus Budget Reconciliation Act of 1993; to the Committee on Armed Services.

By Mr. RAMSTAD (for himself, Mr. MICHEL, Mr. GINGRICH, Mr. ARMEY, Mr. HYDE, Mr. MCCOLLUM, Mr. DELAY, Mr. HUNTER, Mr. PAXON, Mr. CRAPO, Mr. COBLE, Mr. SHAYS, Mr. EMERSON, Mr. KIM, Mr. PORTMAN, Mr. GILCHREST, Mr. CANADY, Mr. BARTON of Texas, Mr. HERGER, Mr. SPENCE, Mr. EWING, Mr. POMBO, Mr. DOOLITTLE, Mr. ROHRABACHER, Mr. SMITH of Michigan, Mr. ZIMMER, Mr. GOSS, Ms. FOWLER, Mr. BAKER of California, Mr. SMITH of Texas, Mr. WOLF, Mr. MCMILLAN, Mr. NUSSLE, Mr. SAXTON, Mr. MANZULLO, Mr. KNOLLENBERG,

Mr. ROYCE, Mr. TAYLOR of North Carolina, Mr. GALLO, Mr. DREIER, Mr. COX, Mr. CAMP, Mr. MYERS of Indiana, Mr. QUINN, Mr. SUNDQUIST, Mr. STUMP, Mr. INHOFE, Mr. BUYER, Mr. LINDER, Mr. UPTON, Mr. MOORHEAD, Mr. GOODLATTE, Mr. KING, Mr. WALKER, Mr. SAM JOHNSON of Texas, Mr. FIELDS of Texas, Mr. ROTH, Mr. HOEKSTRA, Mr. BLUTE, Mr. CUNNINGHAM, Mr. BURTON of Indiana, Mr. GEKAS, Mr. BARRETT of Nebraska, Mr. BUNNING, Mr. ROGERS, Mr. CRANE, Mr. HANSEN, Mr. THOMAS of Wyoming, Mr. CONDIT, Mr. KLUG, Mr. ROBERTS, Mr. TORKILDSEN, Mr. SENSENBRENNER, Mr. DICKEY, Mr. WELDON, Mr. MICA, Mr. SCHAEFER, Mr. PORTER, Mr. STEARNS, Mr. TALENT, Mr. WALSH, Mr. SKEEN, Mr. BOEHNER, Mr. GILMAN, Mr. GRAMS, Mr. MACHTLEY, Mr. HANCOCK, Mr. SOLOMON, Ms. DUNN, Mr. OXLEY, Mr. HASTERT, Mr. MCKEON, Mr. HORN, Mr. FRANKS of Connecticut, Ms. SNOWE, Mr. ZELIFF, Mr. DORNAN, and Mr. HOBSON):

H.R. 3024. A bill to eliminate the retroactive tax increases contained in the Revenue Reconciliation Act of 1993; to the Committee on Ways and Means.

By Mrs. SCHROEDER (for herself, Mr. DURBIN, Mr. SYNAR, and Ms. NORTON):

H.R. 3025. A bill to prohibit the distribution of free samples of smokeless tobacco products and for other purposes; to the Committee on Energy and Commerce.

By Mrs. SCHROEDER (for herself, Mr. DURBIN, Mr. ANDREWS of Texas, Mr. SYNAR, and Ms. NORTON):

H.R. 3026. A bill to amend the Internal Revenue Code of 1986 to increase the excise taxes on smokeless tobacco to an amount equivalent to the tax on cigarettes and to use the resulting revenues to fund a trust fund for programs to reduce the use of smokeless tobacco; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. SMITH of Michigan (for himself, Mr. ARMEY, Mr. BACHUS of Alabama, Mr. BARCIA of Michigan, Mr. BARLOW, Mr. BARTLETT of Maryland, Mr. DELAY, Mr. FISH, Mr. HOEKSTRA, Mr. HUNTER, Mr. KNOLLENBERG, Mr. MICA, Mr. SPENCE, Mr. TALENT, Mr. MYERS of Indiana, Mr. GILMAN, Mr. HYDE, and Mr. PAXON):

H.R. 3027. A bill to amend the Internal Revenue Code of 1986 to provide an expanded medical expenses deduction; to the Committee on Ways and Means.

By Mr. SMITH of New Jersey (for himself, Mr. INGLIS of South Carolina, Mr. CLAYTON, Mr. RANGEL, Mr. GALLEGLY, Mr. WELDON, Mr. MCHALE, and Mr. HYDE):

H.R. 3028. A bill to direct the Secretary of Health and Human Services to establish a program to provide pregnant women with certificates to cover expenses incurred in receiving services at maternity and housing services facilities and to direct the Secretary of Housing and Urban Development to provide assistance to nonprofit entities for the rehabilitation of existing structures for use as facilities to provide housing and services to pregnant women; jointly, to the Committees on Energy and Commerce and Banking, Finance and Urban Affairs.

By Mr. SMITH of New Jersey (for himself, Mr. LIGHTFOOT, Mr. MAZZOLI, Mr. UPTON, Mr. PORTER, Mr. INGLIS of South Carolina, Mr. BONIOR, Mr. JOHNSON of South Dakota, Mr. PARKER, Mr. LAFALCE, Mr. EMERSON, Mr. HALL of Ohio, Mr. SCHIFF, Mr. RANGEL, Mr. WALSH, Mr. GALLEGLY, Mr. SOLOMON, Mr. WELDON, Mr. PAXON, Mr. HUTTO, Mr. RIDGE, Mr. OBERSTAR, Mr. VISCLOSKY, Mrs. VUCANOVICH, Mr. ZIMMER, Mr. WOLF, Mr. HYDE, and Mr. KYL):

H.R. 3029. A bill to establish grant programs and provide other forms of Federal assistance to pregnant women, children in need of adoptive families, and individuals and families adopting children; jointly, to the Committees on Energy and Commerce, Banking, Finance and Urban Affairs, Education and Labor, Post Office and Civil Service, Armed Services, Merchant Marine and Fisheries, and Ways and Means.

By Mr. ZIMMER (for himself, Mr. LIGHTFOOT, and Mr. PORTMAN):

H.R. 3030. A bill to repeal the increase in the tax on transportation fuels made by the Revenue Reconciliation Act of 1993: to the Committee on Ways and Means.

By Mr. ZIMMER (for himself, Mr. LIGHTFOOT, and Mr. PORTMAN):

H.R. 3031. A bill to repeal the reduction in the deductible portion of business meals and entertainment made by the Revenue Reconciliation Act of 1993: to the Committee on Ways and Means.

By Mr. RAMSTAD (for himself, Mr. GINGRICH, Mr. ARMEY, Mr. HYDE, Mr. MCCOLLUM, Mr. DELAY, Mr. HUNTER, Mr. PAXON, Mr. ARCHER, Mr. CRAPO, Mr. COBLE, Mr. EMERSON, Mr. KIM, Mr. GILCHREST, Mr. CANADY, Mr. HERGER, Mr. SPENCE, Mr. EWING, Mr. POMBO, Mr. DOOLITTLE, Mr. ROHRABACHER, Mr. SMITH of Michigan, Mr. ZIMMER, Mr. GOSS, Ms. FOWLER, Mr. BAKER of California, Mr. SMITH of Texas, Mr. WOLF, Mr. MCMILLAN, Mr. NUSSLE, Mr. SAXTON, Mr. MANZULLO, Mr. KNOLLENBERG, Mr. ROYCE, Mr. GRAMS, Mr. TAYLOR of North Carolina, Mr. GALLO, Mr. DREIER, Mr. COX, Mr. CAMP, Mr. MYERS of Indiana, Mr. QUINN, Mr. SUNDQUIST, Mr. STUMP, Mr. INHOFE, Mr. BUYER, Mr. LINDER, Mr. UPTON, Mr. MOORHEAD, Mr. GOODLATTE, Mr. KING, Mr. SAM JOHNSON of Texas, Mr. FIELDS of Texas, Mr. ROTH, Mr. HOEKSTRA, Mr. BLUTE, Mr. CUNNINGHAM, Mr. BURTON of Indiana, Mr. GEKAS, Mr. BARRETT of Nebraska, Mr. BUNNING, Mr. ROGERS, Mr. CRANE, Mr. HANSEN, Mr. THOMAS of Wyoming, Mr. KLUG, Mr. ROBERTS, Mr. TORKILDSEN, Mr. SENSENBRENNER, Mr. DICKEY, Mr. WELDON, Mr. MICA, Mr. SCHAEFER, Mr. PORTER, Mr. STEARNS, Mr. TALENT, Mr. SKEEN, Mr. BOEHNER, Mr. GILMAN, Mr. WALSH, Mr. HANCOCK, Mr. SOLOMON, Ms. DUNN, Mr. OXLEY, Mr. HASTERT, Mr. MCKEON, Mr. HORN, Mr. FRANKS of Connecticut, Ms. SNOWE, Mr. ZELIFF, Mr. DORNAN, and Mr. HOBSON):

H.J. Res. 256. Joint Resolution proposing an amendment to the Constitution of the United States prohibiting Federal laws and rules that impose liability for conduct occurring before the date of enactment or issuance; to the Committee on the Judiciary.

By Mr. SMITH of New Jersey (for himself, Mr. WOLF, Mr. HYDE, and Mr. EMERSON):

H.J. Res. 257. Joint resolution to designate the period commencing on November 21, 1993, and ending on November 27, 1993, and the period commencing on November 20, 1994, and ending on November 26, 1994, each as "National Adoption Week"; to the Committee on Post Office and Civil Service.

By Mr. LEVIN (for himself, Mr. GILMAN, Mr. BONIOR, Mr. LEWIS of Georgia, Mr. SOLOMON, Mr. OBERSTAR, Mr. WOLF, Mr. KNOLLENBERG, Mrs. KENNELLY, Mrs. MEEK, Mr. MCNULTY, Mr. PALLONE, Mr. KING, Mr. KLEIN, Ms. KAPTUR, and Mr. PAYNE of New Jersey):

H. Con. Res. 140. Concurrent resolution expressing the sense of the Congress that the 60th anniversary of the Ukraine famine of 1932–33 should serve as a reminder of the brutality of Stalin's repressive policies toward the Ukrainian people; to the Committee on Foreign Affairs.

By Mr. STEARNS (for himself, Mr. MANZULLO, Mr. GALLEGLY, Mr. KLECZKA, Mr. HALL of Texas, Mr. FROST, Mr. BILIRAKIS, Mr. CANADY, Mr. FIELDS of Texas, Mr. ANDREWS of Texas, Mr. SAM JOHNSON of Texas, Mrs. THURMAN, Mr. LANCASTER, Mr. EWING, Mr. WOLF, Mr. RAHALL, Mr. BEVILL, Mr. GENE GREEN of Texas, Mr. WELDON, Mr. HOLDEN, Mr. GALLO, Mr. INHOFE, Mr. CRANE, Mr. DELAY, Mr. COSTELLO, Mr. STUMP, Mr. DOOLITTLE, and Mr. BILBRAY):

H. Con. Res. 141. Concurrent resolution regarding the resettlement of enemy prisoners of war; to the Committee on the Judiciary.

By Mr. RAMSTAD (for himself, Mr. GINGRICH, Mr. ARMEY, Mr. HYDE, Mr. MCCOLLUM, Mr. DELAY, Mr. HUNTER, Mr. PAXON, Mr. ARCHER, Mr. CRAPO, Mr. COBLE, Mr. EMERSON, Mr. KIM, Mr. GILCHREST, Mr. CANADY, Mr. BARTON of Texas, Mr. HERGER, Mr. SPENCE, Mr. EWING, Mr. POMBO, Mr. DOOLITTLE, Mr. ROHRABACHER, Mr. SMITH of Michigan, Mr. ZIMMER, Mr. GOSS, Mrs. FOWLER, Mr. BAKER of California, Mr. SMITH of Texas, Mr. WOLF, Mr. MCMILLAN, Mr. NUSSLE, Mr. SAXTON, Mr. MANZULLO, Mr. KNOLLENBERG, Mr. ROYCE, Mr. TAYLOR of North Carolina, Mr. GALLO, Mr. DREIER, Mr. COX, Mr. CAMP, Mr. MYERS of Indiana, Mr. QUINN, Mr. SUNDQUIST, Mr. STUMP, Mr. INHOFE, Mr. BUYER, Mr. LINDER, Mr. UPTON, Mr. MOORHEAD, Mr. GOODLATTE, Mr. KING, Mr. WALKER, Mr. SAM JOHNSON of Texas, Mr. FIELDS of Texas, Mr. ROTH, Mr. HOEKSTRA, Mr. BLUTE, Mr. CUNNINGHAM, Mr. BURTON of Indiana, Mr. GEKAS, Mr. BARRETT of Nebraska, Mr. BUNNING, Mr. ROGERS, Mr. CRANE, Mr. HANSEN, Mr. THOMAS of Wyoming, Mr. CONDIT, Mr. KLUG, Mr. ROBERTS, Mr. TORKILDSEN, Mr. SENSENBRENNER, Mr. DICKEY, Mr. WELDON, Mr. MICA, Mr. SCHAEFER, Mr. PORTER, Mr. CRAMER, Mr. STEARNS, Mr. TALENT, Mr. SKEEN, Mr. BOEHNER, Mr. GILMAN, Mr. PENNY, Mr. WALSH, Mr. PORTMAN, Mr. GRAMS, Mr. MACHTLEY, Mr. HANCOCK, Mr. SOLOMON, Ms. DUNN, Mr. OXLEY, Mr. BEREUTER, Mr. HASTERT, Mr. MCKEON, Mr. HORN, Mr. FRANKS of Connecticut, Ms. SNOWE, Mr. ZELIFF, Mr. DORNAN, and Mr. HOBSON):

H. Res. 247. Resolution amending the Rules of the House of Representatives to establish a point of order against considering any provision of any measure that contains a retroactive tax increase; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HASTINGS:

H.R. 3032. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade of the United States for the vessel *Gallant Lady* (official number 986167) and the vessel *Gallant Lady* (official number 936769); and for other purposes; to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 28: Mr. YATES and Mr. BLACKWELL.
H.R. 88: Mr. ARMEY.
H.R. 106: Mr. GREENWOOD.
H.R. 123: Mr. DICKEY, Mrs. BENTLEY, and Mr. GOODLATTE.
H.R. 124: Mr. PASTOR.
H.R. 173: Mr. ARMEY.
H.R. 322: Mr. LEWIS of Georgia, Mr. HILLIARD, and Mr. POSHARD.
H.R. 323: Mr. PORTER and Mr. LEWIS of Florida.
H.R. 349: Mr. BARCA of Wisconsin, Mr. SANDERS, and Mr. RUSH.
H.R. 369: Mr. FAWELL, Mr. HANCOCK, and Mr. KASICH.
H.R. 396: Mr. BAKER of California.
H.R. 411: Mr. DREIER and Mr. WILLIAMS.
H.R. 412: Mr. GINGRICH.
H.R. 455: Mr. YOUNG of Alaska and Mr. ANDREWS of Maine.
H.R. 456: Mr. ENGEL.
H.R. 465: Mr. ARMEY.
H.R. 476: Mr. MACHTLEY.
H.R. 495: Mr. CONYERS.
H.R. 509: Mr. DUNCAN, Mr. CUNNINGHAM, Mr. DORNAN, Mr. PORTMAN, and Mr. QUILLEN.
H.R. 769: Mr. BORSKI and Mr. UNDERWOOD.
H.R. 777: Mr. SENSENBRENNER.
H.R. 790: Mr. HINCHEY, Mrs. MINK, and Mr. OBERSTAR.
H.R. 794: Mr. BALLENGER and Mr. DICKEY.
H.R. 796: Mr. MINETA and Mr. KLEIN.
H.R. 799: Mr. FINGERHUT, Mr. DORNAN, and Mr. BAKER of California.
H.R. 830: Mr. BILBRAY, Mr. CASTLE, Mr. HAYES, Mr. HASTINGS, Mr. CANADY, Mr. HALL of Texas, Mr. COPPERSMITH, Mr. WYDEN, Mr. WOLF, Mr. GALLO, Mr. SARPALIUS, Mr. WALKER, Mr. KASICH, Mr. ROYCE, Mr. LINDER, and Mr. COSTELLO.
H.R. 859: Mrs. CLAYTON, Mr. ENGEL, Mr. GENE GREEN of Texas, Mr. KILDEE, Mr. MACHTLEY, Mr. MCCLOSKEY, Mr. MFUME, Mr. OWENS, Mr. SANDERS, Mr. TOWNS, Mr. SMITH of New Jersey, Mr. ANDREWS of New Jersey, Mr. DELLUMS, and Mr. BORSKI.
H.R. 876: Mr. DE LA GARZA, Mr. SCOTT, Mr. FROST, Mr. HOLDEN, Mr. ZELIFF, Mr. KOPETSKI, Mr. SERRANO, and Mr. MURTHA.
H.R. 898: Mr. JOHNSON of South Dakota, Mr. BISHOP, Mr. DIXON, Mr. LEWIS of Florida, Ms. FOWLER, Mr. JACOBS, Mr. GUNDERSON, Mr. HANSEN, Mr. BILIRAKIS, Mr. SMITH of Texas, and Mr. HAMBURG.
H.R. 911: Mr. SERRANO, Mr. ROBERTS, and Mr. UNDERWOOD.
H.R. 921: Ms. PELOSI, Ms. CANTWELL, and Mr. BILBRAY.
H.R. 924: Mr. GILCHREST, Mr. MURPHY, Mr. KLUG, and Mr. GALLEGLY.
H.R. 972: Mr. SANDERS, Ms. NORTON, Mr. RAHALL, Mr. BORSKI, and Mr. UNDERWOOD.
H.R. 1015: Mr. SHAYS.
H.R. 1025: Mr. UNDERWOOD.
H.R. 1133: Mr. TRAFICANT, Mrs. ROUKEMA, Mr. BISHOP, Mr. KLUG, Mr. MCINNIS, Mr. MATSUI, and Mr. PRICE of North Carolina.
H.R. 1151: Mr. DARDEN, Mr. RAHALL, Mr. JOHNSON of Georgia, Mr. BAESLER, and Mr. SARPALIUS.
H.R. 1155: Mr. UNDERWOOD.
H.R. 1181: Mr. SCOTT, MS. FURSE, and Mrs. UNSOELD.
H.R. 1191: Mr. ROYCE and Mr. BAKER of California.
H.R. 1202: Mr. BLACKWELL, Mrs. MEEK, Mr. HASTINGS, Mr. RANGEL, Mr. WATT, and Mr. DELLUMS.
H.R. 1205: Mr. CRANE.
H.R. 1209: Mr. JACOBS.
H.R. 1234: Mr. FRANK of Massachusetts and Mrs. VUCANOVICH.
H.R. 1258: Mr. SENSENBRENNER.
H.R. 1272: Mr. RAMSTAD.
H.R. 1277: Mr. LINDER and Mr. HOKE.
H.R. 1295: Mr. MCINNIS, Mr. HOEKSTRA, Mr. DELAY, Mr. MCCOLLUM, Mr. HASTERT, and Mr. GRANDY.
H.R. 1380: Mr. RUSH.
H.R. 1383: Mr. BAKER of Louisiana, Mr. FINGERHUT, Mr. GILCHREST, and Mrs. MORELLA.
H.R. 1393: Mr. BEREUTER.
H.R. 1406: Mr. WILLIAMS, Mr. TORKILDSEN, Mr. MOLLOHAN, Mr. COLLINS of Georgia, and Mr. TORRICELLI.
H.R. 1437: Mr. RUSH.
H.R. 1459: Mr. BAKER of California.
H.R. 1464: Ms. BROWN of Florida, Mrs. KENNELLY, Miss COLLINS of Michigan, Mr. MFUME, and Mr. RUSH.
H.R. 1470: Mr. PICKLE.
H.R. 1489: Mr. SCOTT.
H.R. 1493: Mr. ARMEY.
H.R. 1529: Mr. HAYES.
H.R. 1532: Mr. HORN, Mr. QUINN, Mr. SCHIFF, Mr. TORKILDSEN, Mr. LEVY, Mr. MCCRERY, and Mr. SUNDQUIST.
H.R. 1552: Mr. SANDERS and Ms. ROS-LEHTINEN.
H.R. 1555: Mr. WILLIAMS, Mr. SABO, Mr. NEAL of Massachusetts, and Mr. MINGE.
H.R. 1560: Mr. MINGE.
H.R. 1604: Mrs. MALONEY.
H.R. 1620: Mr. KIM and Mr. ROHRABACHER.
H.R. 1671: Mr. FROST.
H.R. 1687: Mr. ENGLISH of Oklahoma, Mr. KOPETSKI, and Mr. MINGE.
H.R. 1697: Mr. DELAY, Mr. EVERETT, Mr. MAZZOLI, Mr. BEREUTER, Mr. SHAYS, and Mr. CALVERT.
H.R. 1709: Mr. REYNOLDS, Mr. APPLEGATE, Mr. LINDER, Mrs. KENNELLY, Mr. STEARNS, Mr. MURPHY, Ms. FURSE, Mr. KNOLLENBERG, Mr. MICA, Mr. SARPALIUS, Mrs. FOWLER, Mr. ROTH, Mr. THOMAS of Wyoming, Mr. BONILLA, Ms. WOOLSEY, Mr. GREENWOOD, Mr. COYNE, Mr. DEAL, Mr. KING, Ms. SHEPHERD, Mr. BARLOW, and Ms. ESHOO.
H.R. 1720: Mr. HUGHES.
H.R. 1738: Mr. BROWN of California and Ms. ROS-LEHTINEN.
H.R. 1788: Mr. FINGERHUT.
H.R. 1796: Mr. SYNAR, Mr. GONZALEZ, Mr. ENGEL, Mr. DE LA GARZA, Mr. ISTOOK, Mr. MACHTLEY, and Mr. SLATTERY.
H.R. 1827: Ms. BYRNE.
H.R. 1863: Mr. ISTOOK, Mr. MACHTLEY, Mr. DELAY, Mr. INHOFE, Mr. ROGERS, and Mr. SENSENBRENNER.
H.R. 1897: Mr. YATES, Mr. GILLMOR, Mr. UNDERWOOD, Mr. BAESLER, and Mr. ROSE.
H.R. 1900: Mr. STUDDS, Mr. RUSH, Ms. ESHOO, Mr. MINGE, Mr. COSTELLO, Mr. COLEMAN, and Mr. HAMILTON.
H.R. 1996: Ms. BYRNE.
H.R. 2032: Mr. RAMSTAD.
H.R. 2130: Mr. RUSH.
H.R. 2135: Mr. SYNAR.
H.R. 2137: Ms. MCKINNEY and Mr. ANDREWS of Maine.
H.R. 2140: Mrs. THURMAN, Mr. OLVER, Mr. RUSH, and Mr. ANDREWS of Maine.
H.R. 2175: Mr. RUSH.
H.R. 2220: Mr. DELAY.
H.R. 2326: Mrs. FOWLER, Mr. STRICKLAND, Mr. MINGE, Mr. PRICE of North Carolina, Mr. FISH, Mr. PACKARD, Mr. KNOLLENBERG, Mr. PETERSON of Minnesota, Mr. CRAPO, Mr. HEFNER, Mr. KILDEE, Mr. YOUNG of Alaska, and Mr. QUILLEN.
H.R. 2331: Mr. BONIOR and Mr. ANDREWS of Maine.
H.R. 2346: Mr. GORDON.
H.R. 2375: Mr. OLVER, Mr. NEAL of Massachusetts, Mr. ANDREWS of Maine, Mr. BISHOP, Mr. FALEOMAVAEGA, Mr. KING, and Mr. COLEMAN.
H.R. 2394: Mr. RUSH, Mr. TUCKER, and Mr. FISH.
H.R. 2395: Mr. RUSH, Mr. TUCKER, and Mr. FISH.
H.R. 2414: Mr. BURTON of Indiana, Mr. ANDREWS of Maine, Mr. BISHOP, and Mr. FISH.
H.R. 2452: Mr. BARCA of Wisconsin.
H.R. 2461: Mr. JACOBS.
H.R. 2481: Mrs. THURMAN, Mr. OLVER, Mr. SANDERS, Mr. BURTON of Indiana, Mr. ANDREWS of Maine, Mr. FISH, and Mr. CANADY.
H.R. 2488: Mrs. CLAYTON and Mr. MINGE.
H.R. 2500: Mr. YATES.
H.R. 2501: Ms. CANTWELL, Mr. EDWARDS of California, Mr. HASTINGS, Mr. LEWIS of Georgia, and Mr. PRICE of North Carolina.
H.R. 2553: Mr. BISHOP.
H.R. 2565: Mr. GILLMOR and Mr. LIPINSKI.
H.R. 2566: Mr. GILLMOR and Mr. LIPINSKI.
H.R. 2571: Mr. SCOTT, Mr. JOHNSON of South Dakota, Mr. MARTINEZ, and Mr. FISH.
H.R. 2575: Mr. CALVERT.
H.R. 2576: Mr. DIXON.
H.R. 2586: Mr. HUGHES and Mr. LAFALCE.
H.R. 2597: Mr. SCOTT.
H.R. 2599: Mr. VALENTINE and Mr. SHAYS.
H.R. 2602: Mr. ENGEL and Mr. STEARNS.
H.R. 2606: Mr. DARDEN.
H.R. 2615: Mr. ARMEY.
H.R. 2641: Mr. KOPETSKI, Mr. MCCLOSKEY, Mr. FORD of Michigan, Mr. MAZZOLI, Mr. BARLOW, Mr. DARDEN, Mr. EVANS, Mr. MURPHY, Mr. DEFAZIO, Mr. NEAL of Massachusetts, and Mr. RAMSTAD.
H.R. 2705: Ms. ROS-LEHTINEN.
H.R. 2706: Mr. FISH.
H.R. 2721: Mr. BAESLER and Mr. SCOTT.
H.R. 2741: Mr. ACKERMAN, Mr. TOWNS, and Mr. PAYNE of New Jersey.
H.R. 2787: Mr. FRANK of Massachusetts.
H.R. 2814: Mr. SPRATT.
H.R. 2834: Mr. MINGE and Mr. MAZZOLI.
H.R. 2835: Mr. MINGE and Mr. MAZZOLI.
H.R. 2841: Mr. FRANK of Massachusetts and Mr. COSTELLO.
H.R. 2858: Ms. ROS-LEHTINEN.
H.R. 2859: Mr. GOODLATTE, Mr. KNOLLENBERG, Mr. ROTH, Mr. BARTLETT of Maryland, Mr. DORNAN, and Mr. PICKETT.
H.R. 2872: Mr. FIELDS of Texas, Mr. MACHTLEY, Mr. WALSH, Mr. DICKEY, Mr. TALENT, Mr. ROTH, and Mr. ARCHER.
H.R. 2884: Mr. HOYER and Mr. FALEOMAVAEGA.
H.R. 2888: Mr. LANCASTER and Mr. BEILENSON.
H.R. 2896: Mr. FRANK of Massachusetts and Mr. TALENT.
H.R. 2898: Mr. BEILENSON and Mr. YATES.
H.R. 2921: Mrs. CLAYTON, Mr. GORDON, Mr. LEWIS of Georgia, Mr. STARK, and Mr. THORNTON.

H.R. 2951: Mr. SARPALIUS and Mr. FAZIO.

H.J. Res. 38: Mr. JOHNSON of Georgia.

H.J. Res. 86: Mr. PORTER, Mr. PETERSON of Minnesota, Mr. PACKARD, Mr. KLUG, Mr. REGULA, Mr. MOLLOHAN, Mr. MACHTLEY, Mr. KINGSTON, Mr. HOLDEN, Mr. CONYERS, Mr. CASTLE, Mr. ANDREWS of New Jersey, Mr. WYNN, Mr. CLYBURN, Mr. BISHOP, Mr. HOYER, Mr. BAKER of California, Mr. ROBERTS, Mr. GINGRICH, Mr. BACCHUS of Florida, Mr. SUNDQUIST, Ms. PRYCE of Ohio, Mr. COOPER, and Mr. DEUTSCH.

H.J. Res. 106: Mr. ANDREWS of Maine, Mr. BLILEY, and Ms. SLAUGHTER.

H.J. Res. 122: Mr. KLUG and Mr. DELAY.

H.J. Res. 129: Mr. ROYCE and Mr. BAKER of California.

H.J. Res. 137: Mr. HALL of Ohio and Mr. SAWYER.

H.J. Res. 155: Mr. STUMP, Mr. HINCHEY, Ms. ESHOO, Mr. MAZZOLI, Mr. LEWIS of California, Mr. DURBIN, Mr. BARTLETT of Maryland, Mr. COYNE, Mr. DOOLITTLE, Mr. GORDON, Mr. MCDERMOTT, Mr. LEACH, Mr. SANGMEISTER, Mr. GILMAN, Mr. BLILEY, Mr. HOYER, Ms. PELOSI, Mr. ANDREWS of New Jersey, Mr. UPTON, Mr. LANCASTER, Mr. POSHARD, Mr. BEREUTER, Mr. KLINK, Mr. BARCIA of Michigan, Mr. JOHNSON of South Dakota, Mr. BILBRAY, Mr. BARRETT of Wisconsin, Mr. HASTERT, Mr. SLATTERY, Mr. CRANE, Mr. PORTMAN, Mr. FAWELL, Mr. HOEKSTRA, Mr. HALL of Ohio, Mr. HOLDEN, Mr. HOBSON, Mr. HILLIARD, Mr. NUSSLE, Mr. KENNEDY, Mr. CRAMER, Mr. HORN, Mr. MATSUI, Mr. WELDON, Mr. ANDREWS of Maine, Mr. RIDGE, and Mr. MARKEY.

H.J. Res. 165: Mr. SOLOMON, Mr. ROMERO-BARCELO, Mr. EVANS, Mr. BOEHLERT, Mr. MCHUGH, Mr. ANDREWS of Maine, Mr. TORRICELLI, Mr. DINGELL, Mr. VALENTINE, Mr. BISHOP, Mr. HAYES, Ms. SCHENK, Ms. LOWEY, Mr. LAZIO, and Mr. OXLEY.

H.J. Res. 173: Mr. BACHUS of Alabama.

H.J. Res. 185: Mr. BLILEY, Mr. CLYBURN, Mr. DELAY, Mr. GILLMOR, Mr. KINGSTON, and Mr. KOPETSKI.

H.J. Res. 199: Mr. OBERSTAR, Mr. MACHTLEY, Mr. SARPALIUS, Ms. MALONEY, Mr. POSHARD, Mr. SAXTON, Mr. FIELDS of Texas, Mr. MCDERMOTT, Mr. KLEIN, Mr. MORAN, Mr. KNOLLENBERG, Mr. FARR, Mr. LEVIN, Mr. SCHAEFER, Mr. COBLE, Mr. ACKERMAN, Mr. GALLO, and Mr. FISH.

H.J. Res. 205: Mr. EMERSON, Mr. HOEKSTRA, Mr. SWETT, Ms. THURMAN, Mr. ANDREWS of Maine, Mr. OLVER, Mr. PAYNE of Virginia, Mr. LIVINGSTON, Mr. PICKLE, Mr. MONTGOMERY, Mr. SANDERS, Mr. TAUZIN, Mr. LAFALCE, Mr. RUSH, Mr. BREWSTER, Mr. VALENTINE, Mr. BOEHLERT, Mr. BEVILL, Mr. UPTON, Mr. SMITH of New Jersey, Mr. SAXTON, Mr. BLILEY, Mr. SHAYS, Mr. PALLONE, Mr. BARRETT of Nebraska, Mr. WHITTEN, Ms. FURSE, Ms. LOWEY, Mr. VISCLOSKY, Mr. FAZIO, Mr. GALLO, Ms. SLAUGHTER, Mr. MOORHEAD, Mr. STUDDS, Mrs. MINK, Mr. LEWIS of California, Mr. DELLUMS, Mr. KREIDLER, Mr. HUTTO, Mr. TRAFICANT, Mr. RAMSTAD, and Mr. SCHAEFER.

H.J. Res. 206: Mr. SISISKY, Mr. MINETA, Mr. MOLLOHAN, Mrs. KENNELLY, Mr. CARR, Mr. DOOLITTLE, Mr. FORD of Michigan, Mr. GALLO, Mr. GEKAS, Mr. HASTINGS, Mr. HOYER, Mr. JEFFERSON, Mr. MEEHAN, Mr. PAYNE of Virginia, Mr. REED, Mrs. ROUKEMA, Mr. SHAW, Mrs. UNSOELD, Mr. WYDEN, Mr. LANTOS, Mr. CLYBURN, Mr. MCDADE, Mr. GUTIERREZ, Mrs. VUCANOVICH, Mr. FRANKS of New Jersey, Ms. THURMAN, Mr. MOORHEAD, Mr. CARDIN, Mr. COOPER, Mr. EWING, Mr. RAHALL, Mr. LANCASTER, Mr. BALLENGER, Mr. SHAYS, Mr. MONTGOMERY, Mr. FALEOMAVAEGA, Mr. HANSEN, Ms. FURSE, Mr. LAFALCE, Mr. ENGEL, Mr. GOODLING, Mr. PORTER, Ms. BROWN of Florida, Mr. KNOLLENBERG, Mr. DE LA GARZA, Mr. MYERS of Indiana, Mr. PETERSON of Florida, Mr. WELDON, Mr. BARCIA of Michigan, Mr. PICKETT, Mr. POMEROY, Mr. TAUZIN, Mr. TORKILDSEN, Mr. GILMAN, Mr. INHOFE, and Mr. TRAFICANT.

H.J. Res. 219: Mr. SAXTON, Mr. QUILLEN, Mr. MCDADE, Mr. PORTER, Mr. HOCHBRUECKNER, Mr. DELLUMS, Mr. SHAW, Mr. DARDEN, Mr. LEWIS of Georgia, Mr. TAYLOR of North Carolina, Mr. BARRETT of Nebraska, Mr. ROHRABACHER, Mr. SAM JOHNSON, Mr. MANZULLO, Mr. FISH, Mr. BEREUTER, Mr. DORNAN, Mr. LEWIS of California, Mr. MCHUGH, Mr. LEWIS of Florida, Mr. DUNCAN, Mr. TOWNS, Mr. HUGHES, Mr. SCHUMER, Mrs. COLLINS of Illinois, Mr. NADLER, Mr. MFUME, Mr. BURTON of Indiana, Mr. WYNN, Mr. MENENDEZ, Mr. WYDEN, Mr. DELAY, Mr. LIVINGSTON, Mr. CALVERT, Mr. KING, Mr. LEVY, Ms. FOWLER, Mr. KIM, Mr. MAZZOLI, Mr. MCKEON, Mr. FORD of Michigan, Mr. SWETT, Mr. PAXON, Mr. GILCHREST, Mr. DICKEY, Mr. COLEMAN, Mr. ACKERMAN, Mr. RANGEL, Mr. DE LUGO, Mr. HASTINGS, Mr. PAYNE of Virginia, Mr. FORD of Tennessee, Mr. MYERS of Indiana, Mr. MCCLOSKEY, Mrs. MINK, Mr. TORRES, Mr. HALL of Ohio, Mr. TORRICELLI, Mr. PASTOR, Mr. KENNEDY, Mr. MARKEY, Mr. FRANK of Massachusetts, Ms. LOWEY, Mr. HINCHEY, Ms. SLAUGHTER, Mr. PICKLE, Mr. HOYER, Mr. SHAYS, Mr. ORTIZ, Mr. HAYES, Mr. HANSEN, Mr. GINGRICH, Mr. GEKAS, Mr. ROSE, Mr. BORSKI, Mr. HOAGLAND, Mr. RIDGE, Mr. BATEMAN, Mr. HERGER, Mr. KOLBE, Mr. WILSON, Mr. ENGEL, Mrs. CLAYTON, Mr. BROWN of California, Mr. RAHALL, Mr. SAWYER, Mr. RICHARDSON, Mr. BARCIA of Michigan, Mr. CALLAHAN, Mr. MCCRERY, Mr. BAKER of Lousiana, Mr. HUTTO, Mr. RAMSTAD, Mr. DREIER, Mr. GALLO, Mr. DEUTSCH, Mr. TRAFICANT, Mr. WHITTEN, Mr. MURPHY, Mr. VALENTINE, Mr. CLINGER, Mr. BISHOP, Ms. MALONEY, Mr. HOLDEN, Mr. JOHNSTON of Florida, Mr. KLECZKA, Mr. EMERSON, Mr. PRICE of North Carolina, Mr. CRANE, Mr. LANTOS, Mr. GEJDENSON, Mr. NEAL of North Carolina, Mr. PALLONE, Mr. PETERSON of Florida, Mr. SABO, Mr. BAESLER, Mr. SCHIFF, Mrs. VUCANOVICH, Mr. BAKER of California, Mrs. BENTLEY, Mr. HORN, and Mr. MONTGOMERY.

H.J. Res. 242: Mr. KREIDLER, Mr. WALSH, Mr. GORDON, Mrs. MORELLA, Mr. MCDERMOTT, Mr. LIPINSKI, Mr. CALLAHAN, Mr. CONYERS, Mr. JOHNSON of South Dakota, Mr. MURPHY, Mr. ACKERMAN, Mr. BLUTE, Mr. KASICH, Mr. MEEHAN, Mr. DURBIN, Mr. PETERSON of Florida, Mr. SERRANO, Mr. CLYBURN, Mr. MCCLOSKEY, Mr. BLILEY, Ms. MOLINARI, Mr. TOWNS, Mr. MENENDEZ, and Mr. SARPALIUS.

H.J. Res. 245: Mr. BAKER of Louisiana, Mr. BACHUS of Alabama, and Mr. CANADY.

H. Con. Res. 6: Mr. DICKEY.

H. Con. Res. 13: Mr. KLUG, Mr. DICKEY, and Mr. GALLEGLY.

H. Con. Res. 51: Ms. FOWLER, Mr. GALLEGLY, and Mr. KIM.

H. Con. Res. 107: Mr. CLAY, Mrs. CLAYTON, Mr. GILMAN, Mr. JACOBS, Mrs. JOHNSON of Connecticut, Mr. KOPETSKI, Mr. KREIDLER, Mr. LAFALCE, Mr. LANTOS, Mr. NADLER, Mr. NEAL of Massachusetts, Mr. PETERSON of Minnesota, Mrs. ROUKEMA, Mr. ROTH, Mr. HALL of Texas, Mr. FISH, Mr. SCHUMER, and Mr. LEHMAN.

H. Con. Res. 126: Mr. RANGEL, Mr. LIPINSKI, Mrs. MEEK, Mr. GILCHREST, Mr. SCOTT, Mr. MENENDEZ, Ms. THURMAN, and Mr. TRAFICANT.

H. Res. 134: Mr. SCHAEFER, Ms. HARMAN, Mr. MANN, Mr. EVERETT, Ms. DUNN, Mr. ANDREWS of Texas, Mrs. LLOYD, Mr. BARTON of Texas, Mr. BLUTE, Ms. ENGLISH of Arizona, Mr. THOMAS of Wyoming, Mr. CASTLE, Mr. SENSENBRENNER, Mr. STUMP, Mr. BEREUTER, Mr. ANDREWS of Maine, Mr. COMBEST, Mr. STEARNS, Mr. GOODLATTE, Mr. MCHUGH, Mr. WALSH, Mr. COOPER, Mr. POMBO, and Mr. BUYER.

H. Res. 225: Mr. BACHUS of Alabama, Mr. BALLENGER, Mr. BARTLETT of Maryland, Mr. BEREUTER, Mr. COBLE, Mr. COPPERSMITH, Mr. DICKEY, Mr. FINGERHUT, Mr. GLICKMAN, Mr. GRAMS, Mr. HOBSON, Mr. JACOBS, Mr. KINGSTON, Mr. MANN, Mr. MICA, Mr. POSHARD, and Mr. SHAYS.

H. Res. 234: Ms. DUNN, Ms. NORTON, Mrs. MALONEY, Mr. SERRANO, Mr. DARDEN, Mr. PICKLE, Mr. CASTLE, Mr. PARKER, Mr. BOUCHER, Mr. MCNULTY, and Mr. RAHALL.

H. Res. 239: Mr. PETRI, Mr. GOODLING, Mr. INHOFE, Mr. ROTH, Mr. GILMAN, Mr. DOOLITTLE, Mr. BALLENGER, and Mr. COMBEST.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 634: Mr. DOOLEY.

H.J. Res. 117: Mr. DOOLEY.

SENATE—*Wednesday, September 8, 1993*

(Legislative day of Tuesday, September 7, 1993)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable BEN NIGHTHORSE CAMPBELL, a Senator from the State of Colorado.

The PRESIDING OFFICER. Today's prayer will be offered by the Reverend Richard C. Halverson, Jr., Falls Church, VA.

PRAYER

The guest chaplain, the Reverend Richard C. Halverson, Jr., offered the following prayer:

Let us pray:

Father in Heaven, when King Solomon began his reign, he prayed—above all—for wisdom to oversee the kingdom. And he recorded in Your book these inspiring words: *There was a little city, and a few men within it; and there came a great king against it, and besieged it, and built great bulwarks against it: Now there was found in it a poor wise man, and he by his wisdom delivered the city; yet no man remembered that same poor man. Then said I, Wisdom is better than strength: nevertheless the poor man's wisdom is despised, and his words are not heard. The words of wise men are heard in quiet more than the cry of him that ruleth among fools.*—Ecclesiastes 9:14–17.

Lord, as Members of the Senate and their staffs seek to manage this great Nation, we beseech You, once again, for wisdom. We pray for the poor wise man or woman in our midst who may be forgotten or despised. And we ask for ears to hear the quiet words of the wise over the boisterous counsel of the foolish.

We humbly make this request to an omniscient God who, for our deliverance, has already sent us that poor wise man, through the lineage of Solomon, in the person of a gentle Jewish carpenter. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 8, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BEN NIGHTHORSE CAMPBELL, a Senator from the State of Colorado, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond the hour of 9:30 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

The time until 9:30 a.m. shall be under the control of the majority leader or his designee.

Mr. WOFFORD addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. WOFFORD. Mr. President, in the weeks and months ahead, our main order of business in the Congress and the country is to enact comprehensive health care reform that will control costs and guarantee health security to every American throughout their lives, regardless of where they live or work. It will be the most important legislative effort of our generation.

But as we consider the reams of statistics and pages of complex analysis, let us remember the much more down-to-earth realities that are driving us forward toward action: The skyrocketing costs, the growing insecurity, the confusing paperwork that our current health care system is imposing on American families and companies.

I spent a good part of the August recess traveling from one end of Pennsylvania to the other, talking to families and business owners, doctors and nurses about what is wrong with our current health care system; and about the many local and community-based efforts in our State to deliver universal, cost-efficient care which can serve as models for national reform.

During my trip, I went to a backyard barbecue at the home of Jim and Jan McCall in Erie, where I met with northwestern Pennsylvania families who are suffering from the frightening cost and insecurity of our current health care system. One of them was Pat Cooper of Corry, PA. Her husband, Ted, worked for 43 years at CorryHiebert, an office equipment manufacturer. He retired in 1988, secure with a pension and package of health benefits. At least so he thought.

In April of this year, after years of increasing premiums, CorryHiebert announced that it was completely dropping health care coverage for former employees.

Just to show you how absurd our system is, the company continues to cover Pat Cooper, even though she was never an employee herself because she is not as old as Ted. But the Coopers' share of the cost is already more than it was when the company covered both of them. CorryHiebert used to deduct $141 from Ted's pension check to cover both of them. Now it deducts $195 just for Pat's health care benefits.

CorryHiebert's decision to cut off retiree benefits has forced the Coopers to find another insurer for Ted and pay twice what they had been paying for their insurance. All that now remains of Ted's pension check at the end of the month is $16.44. After 43 years of dedication to his company—$16.44 a month.

Mr. Cooper suffers from Parkinson's disease. The Coopers' combined prescription drug bill is about $900 per month. Under Ted's old plan with his former employer, 80 percent of his prescription drug costs were paid for. Since CorryHiebert cut off Ted's retiree health benefits, the Coopers now must pay half of Ted's prescription drug costs over and above their monthly insurance premiums.

The Coopers had hoped to qualify for Pennsylvania's excellent PACE Program, which helps older citizens buy prescription drugs at a discounted rate. But like so many Americans, they are caught in the middle class squeeze—too poor to live comfortably after paying the bills, but not poor enough to qualify for State aid.

Unless we take action, the Coopers' situation is likely to get worse before it gets better. The weak economy has forced CorryHiebert to lay off one-third of its work force. As they continue to cut costs, what remains of the Coopers' health care coverage is likely to be the next thing to be cut.

The Coopers are not alone. Across the country, workers who have given decades of their lives to their companies are being left out in the cold by cutbacks in retiree health benefits—benefits they fought for, worked for, and were promised by their employers. Retirees at the UNISYS Corp. in Blue Bell, PA and Allegheny International in Pittsburgh face a similar crisis.

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

These are people who showed up to work every day, paid their taxes, paid their dues and often took lower wages in order to receive some peace and security in retirement. But, in the last few months, more and more companies have either reduced retiree health benefits or dropped coverage altogether—because costs are out of control.

This problem does not just hurt retirees. It affects all of us. When companies cut off retiree health benefits, what they are really doing is shifting those costs right onto the taxpayers, because many of those older citizens will have to turn to Medicaid or eventually to Medicare.

It is good news, reported in yesterday's Washington Post, that the President's health care proposal will provide for middle and low-income early retirees * * * exactly the people who are often encouraged to retire before they qualify for Medicare and are the most vulnerable to cutbacks. But between now and the time reform delivers that universal coverage, retirees like Ted Cooper are in danger of being left out in the cold.

That is why I have introduced the Retiree Health Benefits Protection Act, which would make it easier for retirees to defend their health benefits in court, and it would require companies to continue to provide benefits, while the lawyers argue.

That is only a stopgap. The central battle for health care security is now upon us. And I sense a real spirit of bipartisanship, a shared commitment among Democrats and Republicans, Congress and the White House, to work together on a plan that will turn the right to affordable health care into a reality for all Americans.

The Coopers celebrated their 46th wedding anniversary over Labor Day weekend. I hope that spirit will help us move forward—and not stop until we have the job done—so that Pat and Ted Cooper celebrate their 47th anniversary, secure in the knowledge that they will not be cut off from the health care they need and deserve.

It will not be an easy job, I know. But to any of those who will give us all the reasons why we cannot change, why we cannot take action on comprehensive reform, the Coopers are two more faces of the health care crisis who answer that we cannot afford not to.

Mr. SMITH addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire [Mr. SMITH] is recognized.

A NEW POW DOCUMENT FROM MOSCOW

Mr. SMITH. Mr. President, I rise today to speak very briefly about a matter of great national importance. I know this is the majority leader's time. I thank him for giving me just a couple of minutes to speak on what should truly be a nonpartisan matter. I am referring to the issue of those American POW's and MIA's who never came home from Southeast Asia some 20 years ago when Operation Homecoming ended on April 1, 1973.

This past weekend in Moscow, the United States concluded its sixth formal meeting with the Russian Government as part of our joint efforts begun 18 months ago to investigate the fate of POW's from past wars. As a Senate Member appointed to this Joint Commission by President Bush last year, I am obligated to report to this Chamber what transpired in Moscow late last week.

Gen. Dmitri Volkogonov, a distinguished Russian historian and close adviser to President Boris Yeltsin and head of the Russian side of the Joint Commission on POW's has turned over to the United States side another dramatic and deeply troubling document concerning American POW's from the Vietnam war which I will briefly describe in just a moment.

But first, to put this newly unearthed document in perspective, let me remind my colleagues that in April of this year, the Russians officially turned over to the United States side another document on American POW's from the Vietnam war. This was a Russian translation of a 1972 North Vietnamese politburo presentation which, in part, referenced the total number of American POW's being held at the time—a number far greater than those who returned a few months later at the end of the war. In fact, it was several hundred more.

The information in the document turned over to us in April was acquired by the Soviet GRU from the North Vietnamese and was officially sent by the GRU to the Central Committee of the Communist Party of the Soviet Union—that is President Brezhnev, Mr. Gromyko, and the top Soviet politburo members at the time. Moreover, the character of this document has been authenticated as genuine by the Russian Government, mainly General Volkogonov, who met with me in my office this past June and personally assured me that the presentation to the North Vietnamese did, in fact, take place in 1972, even though the Vietnamese denied it when this earlier document was discovered this past spring.

I do not want to go into all the details of this earlier document, because that is well known, except to say that I have done a complete analysis of this document which I have sent directly to President Clinton and to Ambassador Toon who heads the United States side to the Joint Commission. I ask unanimous consent to have this analysis appear in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. SMITH. Mr. President, the new archival document just acquired last week is a Russian translation of yet another North Vietnamese politburo presentation, this one from late December 1970—almost 3 years before the end of the war and the return of POW's at homecoming. In the presentation, a North Vietnamese personality is informing his politburo, in secret session, that they are holding 735 captured American fliers in North Vietnam, and that the list of 368 American POW's which they had just provided to the staff of the Senator from Massachusetts, Senator KENNEDY, in Paris in December 1970, was for diplomatic purposes only and did not represent the true number of American POW's held at the time.

Let me just quickly read the exact language from that document.

> Now, I want to stop on one more issue—about the captured American fliers. The total number of captured American fliers in the DRV consists of 735 people. As I have already stated, we published the names of 368 fliers. That's our diplomatic step. If the Americans will agree to withdraw their forces from South Vietnam, we will, for a beginning, return these 368 people to them; and when the Americans finish withdrawing their forces, we will give the rest back to them.

Now, Mr. President, in 1973, only 591 American POW's captured in Southeast Asia by North Vietnamese forces were returned by Hanoi. Yet, based on this new information, and when you add in the pilots captured between 1970 and 1973, several hundred more American POW's should have been returned by the North Vietnamese, and were not, for whatever reason.

I believe I know the reason, and I would invite my colleagues to closely examine the hearing record of the committee I co-chaired last year, the Select Committee on POW/MIA Affairs, to find out why, and I am specifically referring to our hearings on the Paris peace accords.

I will not take any more of the Senate's time this morning to discuss this topic now, except to say that President Clinton, by law, must decide in the next few days whether to renew his authority to maintain our trade embargo against Hanoi, or let it expire on September 14. I have communicated my views to the President in writing on this matter urging him to maintain our leverage on Vietnam, so we can finally, after all these years, negotiate with Hanoi an honorable solution to this issue—and by honorable, I mean a solution that will allow Americans and the POW/MIA families to learn the truth.

Given these new revelations, Mr. President, to do anything less, would in my opinion, constitute abandonment of our remaining POW's and MIA's.

Since this newly found document has just been officially released by the

Pentagon to the National League of POW/MIA Families and to the press, I ask unanimous consent that the official English translation of the document appear in the RECORD following my remarks.

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

(See exhibit 2.)

Mr. SMITH. I congratulate the Pentagon and the State Department for not doing what it did last time around—which was to classify and withhold the earlier document from the American people while at the same time giving it to the Vietnamese. However, I think the Defense Department press talking points on this new document are pitiful. I will let that speak for itself for those who choose to read it.

Thank you, Mr. President, and my thanks to President Yeltsin and General Volkogonov for their efforts to get this information to us. And let me also thank my colleagues who served with me on the Select Committee on POW/MIA Affairs. As those Members know, the efforts of our committee were instrumental last year in forming the Joint Commission on POW's with Russia—specifically our first trip to Moscow in February 1992, and the subsequent staff visits.

I hope the rest of my colleagues will closely review this matter.

I yield the floor.

EXHIBIT 1

REPORT TO AMBASSADOR MALCOLM TOON, CHAIRMAN OF THE UNITED STATES SIDE OF THE JOINT UNITED STATES/RUSSIAN COMMISSION ON POW/MIA'S FROM UNITED STATES SENATOR BOB SMITH, COMMISSIONER, JULY 21, 1993

(An interim analysis of the 1972 translation of a North Vietnamese report concerning United States POW's discovered in 1993 in the archives of the former Soviet Union and subsequently provided to the United States side of the Joint United States/Russian Commission on POW/MIA's)

I. EXECUTIVE SUMMARY

A. Dr. Stephen Morris, the man who first discovered the North Vietnamese report on POWs in Russian language form, deserves special thanks from the United States of America. General Dmitri Volkogonov, head of the Russian side to the U.S./Russian Joint Commission on POW/MIAs, likewise deserves our gratitude for continuing to open the archives of the former Soviet Union in an effort to resolve outstanding humanitarian issues such as the fate of our POWs and MIAs.

B. The report found by Dr. Morris contains numerous statements which can be corroborated by U.S. knowledge. Because of this, I am convinced the presentation took place in 1972. In the absence of convincing evidence to the contrary from Vietnam, I can only assume that from 1964 to 1973, the leadership of North Vietnam withheld the total number and identity of American POWs in Vietnam, Laos, and Cambodia over whom it had direct control.

C. The position of the Socialist Republic of Vietnam that the report in Russian language form is a "pure fabrication" which they "completely reject" is unacceptable to me, and I believe, the majority of the American people. This matter is still wide open.

D. The U.S. Government does not know the fate of many of its missing personnel in Vietnam and Laos, and the U.S. Government should stop believing that it knows the fate of just about everybody. It's time people study the facts, even if it means revisiting "old" issues.

II. DESCRIPTION OF THE REPORT AND ITS CONTENTS

The text of the report which has been provided to the United States is in Russian language form. However, the cover page to the report in Russian language is dated "Moscow—1972" and clearly states that the report is a "translation from Vietnamese into Russian." The Russian language cover indicates that the translation was done by the General Staff of the Armed Forces of the USSR, Main Intelligence Directorate (GRU).

The GRU cover page to the report describes the enclosed report as a "Report of the Deputy Chief of the General Staff of the VNA (Vietnamese People's Army) General-Lieutenant Tran Van Quang at the Politburo Meeting of the TSK PTV 15 September 1972." (TsK PTV is Russian for 'Tsentralnij Komitet Partii Trudyashchikhsya V'etnama' or in english, 'Central Committee of the Workers Party of Vietnam.')

Summary of the Report's Contents

General Quang begins the report by indicating that "today" he will describe measures which have been worked out for implementing the resolutions of the 23rd Plenum of the Central Committee which he supports and that he will give an evaluation of victories which have been gained by North Vietnam during the war from "the period from 30 March 72 to the present."

He indicates that the military situation is developing favorably, and he discloses that several meetings have occurred between the United States and Vietnam "aimed at developing measures on resolving the Vietnam issue. . . ." General Quang indicates that proposals offered by the U.S. side had been rejected.

He then discloses that secret meetings in Paris have taken place between the U.S. and North Vietnam, and that these meetings have once again shown the "deranged nature of the proposals put forward by the American side."

Quang goes on to indicate that North Vietnam had maintained its position during these secret meetings, "the essence of which includes the following: if the U.S. truly wants to resolve the Vietnam issue, then above all else, it must refuse to support the Nguyen Van Thieu regime, and only afterwards will we engage in a discussion about a cease-fire. This demand is the main tenet in our conflict against the American imperalists. If Nixon continues adhering to his policy of 'Vietnamization' of the war and desires to leave the present Saigon Government of Thieu in power, then the peace nogotiations between us and the U.S. will not yield any results."

General Quang then reflects that "during our general offensive", progress had clearly been made, but there had also been shortcomings and mistakes. Quang mentions that he had previously discussed the lessons learned from these mistakes with the Politburo, and that he would now report on "a number of positions regarding the scope of our future offensive."

He then goes into considerable detail on how North Vietnam was succeeding in their plan to win over selected South Vietnamese personalities and "representatives of the Saigon authorities," and that several meetings had taken place. General Quang discusses the details of separate meetings with five South Vietnamese personalities, and how these persons had become critical of Thieu and American policies and actions in Vietnam. Quang sums up by indicating they were also making progress in winning over people from the provinces and towns in the South, and as a result, "we see that we have chosen the correct course. This is also clearly indicated in the resolutions of the 23rd Plenum of the Central Committee."

Quang indicates that the "Ba Be" plan had been developed and was being implemented in the South. He states that the goals of the plan were the elimination of people who "oppose our course", to include those in leadership positions at the province-district level and above, as well as disruptive activities against the Saigon governing apparatus, and the acquisition of materials which "testify to crimes by Americans and their puppets with regard to the Vietnamese people . . ." Quang states they must also attract neutral forces to their side, and describes an incident in which they had succeeded in the "demoralization of the puppet army" through propaganda.

Quang next describes results which "we in the propaganda organization recently achieved among the High Command staff, right up to Saigon Army generals," and he describes meetings they had with two South Vietnamese army generals.

Quang points out that dividing enemy ranks and lowering their will to resist was the goal of the "Ba Be" plan and that this was essential to "help us to attain successes at the Paris negotiations on Vietnam." Quang stresses that forces needed to be inserted as soon as possible so that implementation of this goal would proceed "in the month of October in accordance with indicated deadlines."

Quang concludes with a final pitch for the need to fully implement the "Ba Be" plan by pointing out that "in the Paris negotiations on Vietnam we have met with a series of difficulties in recent days." As a result of "exchanging opinions in private meetings with Kissinger", Quang emphasizes that Nixon was continuing to be stubborn in "continuing the aggressive war and maintaining the status quo." He states that because of this stubbornness, "peaceful solution of the Vietnam issue is not possible . . . that is why we are resolved to carry out the Ba Be plan." Quang stresses that this would be their "first military thrust on the front aimed at resolving the complicated political issue at the present stage."

Finally, in reference to the Ba Be plan, Quang reports that there had been a conference "yesterday" with the cadres responsible for carrying out the plan and that everything had been worked out. He concludes this section of the report stating, "In summing up what is stated above, it can be said that we are going in the right direction in carrying out our plans. . ."

The next part of the report concerns the number of American POWs captured and being held in North Vietnam. Quang states he is reporting "today" on this subject as the Politburo had asked him to. Quang begins this section by stating that their work with American POWs had been contemplated by the Politburo in previous decisions "such as decision No. 21 DST dated 3-3-71, and decision No. 21 E dated 4-4-72." He indicates that both of these earlier decisions concerned exploitation of American POWs. He refers to

comrades "among us" who differ from the position of the Politburo, and urges them to understand that the issue is very complex.

He then begins to tell them that they have captured a very large number of American POWs since "5 August 1964" and that the total number has not been made public. He states, "At today's Politburo session, I will report to you, Comrades, the exact number" of American POWs.

General Quang reports that the total number of American POWs captured to date "comprises 1205 people." He then breaks this number down by country and categories of American servicemen. (Note: For a detailed analysis of the figures presented by Quang, please see Section "VI" of this interim analysis.)

Following this numerical breakdown, Quang reports that these American POWs are presently in 11 prisons in North Vietnam. He states that after the Son Tay raid in 1970, they had expanded the number of prisons to 11 from 4 large prisons which they used to have, and that each prison now had approximately 100 prisoners.

Quang next indicates that they are holding 16 "colonels" together from whom they are attempting to extract material and information, and that 104 "lieutenant colonels" were being held in another location where they were also attempting to extract information from them. Finally, he states that they have 235 "majors" concentrated in two other locations, and that the rest of the POWs were in other prisons.

General Quang then describes a group of 368 American POWs who were showing "progressive" attitudes, and that these POWs would be released first if the progressive peoples of the world were successful in forcing Nixon to move toward a resolution of the political issue.

Quang informs his comrades that "we are carrying out work with this category of POWs to explain to them the aggressive nature of the war being conducted by the Nixon administration and the nature of the Nguyen Van Thieu regime, and also to make them understand the unjust character of this war which is inflicting great damage on the American people. One can assert that this group of POWs is progressive in their political views."

Quang then reports that there are an additional 372 American POWs who hold "neutral" views and 465 American POWs who hold "reactionary" views. He points out that the senior officers held "reactionary" views, i.e.: "they do not condemn Nixon, they do not protest his policies, and they distort our course of action." Quang rationalizes that this is because they are from rich families.

General Quang emphasizes the need to continue their work to make the American POWs understand that U.S. aggressiveness in the war and Nixon's stubbornness only delays their return to their homeland.

Quang notes that they would soon be freeing several POWs to "put pressure on the Nixon administration, observe his reaction and the reaction of the American public, as well as to demonstrate our good intentions in this matter."

He goes on to point out the three principles on which "we may resolve" the issue of the American POWs. The U.S. must comply with a cease-fire and the removal of Thieu, and that while the U.S. was doing this, they would free "several more aviators from the number who are progressively inclined." Next, "Nixon must compensate North Vietnam for the great damage inflicted on it by this destructive war." Quang states that Nixon continues to resist resolving the Vietnamese question, thereby delaying the resolution of the American POW issue.

Quang then repeats that while he has explained this issue to the Politburo, there are still comrades who don't understand the American POW situation correctly. He stresses that the POW issue had to be resolved in the context of setting the military and political aspect of the Vietnamese problem. He emphasizes that they "would lose much" if they took the path of concession toward America and release the POWs.

According to Quang, holding 1205 American POWs had "created certain difficulties for us," but he goes on to point out that this was a great loss to the American military, particularly the Air Force, and that they were succeeding in collecting important data from the POWs. Quang states he is convinced this is the correct position.

He then indicates that 1205 American POWs was a large number, and that "we have officially published a list of only 368" American POWs. He rationalizes that the U.S. government can only speculate on the true number of POWs based on their losses, and that, therefore, "we are keeping the number (of Americans POWs) secret."

Quang again points out that there were comrades questioning the policy being implemented concerning American POWs. He stresses that "this is not political bargaining but rather a key condition and serious argument for successful resolution of the Vietnam problem. That is why the matter of the American POWs has great significance. Quang then condemns the "mistaken views of individuals among us on this matter."

Quang concludes the section of the report on the American POWs by stating, "We firmly hold to our position—when the American government resolves the political and military issues on all three fronts of Indochina, we will set free all American POWs. We consider this a very correct course."

The next part of the report is General Quang's concluding comments on the entire presentation he has given to the Politburo. He mentions the areas he has reported on, stating:

"Today on assignment of the Supreme Command, the State Defense Council and the Military Committee of the Politburo, I reported to you on these matters so that the Politburo could study these problems, could express its opinion on them, and set forth forms and methods for their resolution." He mentions that soon they will be developing new military plans for 1973, but for now they were "occupied with matters of mobilization and training of reinforcements for all three Indochinese fronts. We should mobilize 250,000 men, 200,000 of which would be sent to South Vietnam and 50,000 to Laos and Cambodia." He states that at the next politburo session, he would report on the present situation in Laos and Cambodia.

His final statement is an impassioned defense of their present course of action, emphasizing that the course of the party is correct, and that they are fulfilling the ideals of Marxism-Leninism, the desires of Ho Chi Minh, and freedom for the Fatherlands.

The last sentence of the report reads:

"To the current session of the Politburo I wish successful work. I have completed the presentation of the report."

III. ACQUISITION OF THE REPORT BY THE UNITED STATES

On March 10, 1992, the New York Times reported that the Woodrow Wilson International Center for Scholars in Washington, D.C. was working to set up a conference with officials of the Center for Storage of Contemporary Documentation, formerly the Archives of the Central Committee of the Communist Party of the Soviet Union, located on Il'lynka St. in Moscow. The planning of the conference was led by William Taubman, a political science professor at Amherst College. The conference was described by Professor Taubman as "the first step in opening up the archives." The effort was to be funded largely by a $1 million grant over three years from the MacArthur Foundation and was to be known as the "Cold War History Project."

The major projects which were to be the focus of the research were: 1.) the Berlin Crisis of 1958–61; 2.) the Cuban Missile Crisis of 1962; 3.) the Soviet interventions in Hungary in 1956 and in Czechoslovakia in 1968; and 4.) the Korean War.

Ironically, during this same period, Senator Kerry and myself had traveled to Moscow as co-chairmen of the Senate Select Committee on POW/MIA Affairs in an effort to lay the groundwork for the Joint Commission on POW/MIAs which had been proposed by the Russians in January.

By the end of the year, the Joint Committee was making dramatic progress in archival research and oral interviews. However, in retrospect, the unique arrangement between the Russian Government and the Wilson Center, which permitted access to classified records to selected scholars, held a greater, more immediate promise for the discovery of records on the Vietnam War.

In September, 1992, the Wilson Center submitted to the Russians a list of the American researchers who would be participating in the review of classified Russian archived materials in Moscow at the Center for the Storage of Contemporary Documentation.

One of the scholars who later worked side by side with researchers at the Wilson Center project was Dr. Stephen J. Morris, a 44-year old researcher at the Center for International Affairs and the Russian Research Center at Harvard University in Cambridge, Massachusetts. In April, 1992, Dr. Morris had traveled to Moscow to find out about the possibility of archival access. He was told that access was only being allowed for the period pre-1953, and so he began to research the Soviet-Vietnamese relationship in the early years, to include Ho Chi Minh's younger years in Moscow (1930's).

In October, 1992, while doing research in the pre-1953 archives, he heard about the Wilson Center project at the other archive and went over to speak with some of the researchers there. In Dr. Morris' own words, "I discovered what the arrangement was and that they had nobody working on the history of the Vietnam War, so I immediately determined that I had to become part of this project because it was vital to the work I was doing."

By December, 1992, Dr. Morris was back in Moscow working side by side with other scholars on the Wilson Center team with the permission of the Russian Archives Administration. He focused his energy on gaining access to selected classified records of the Central Committee of the Communist Party of the Soviet Union concerning Vietnam.

Under the arrangement between the Wilson Center and the Center for the Storage of Contemporary Documentation, he requested access on December 14th to a set of "Top Secret" records entitled, "Section of the Central Committee of the Communist Party of the Soviet Union for Communications with Communist and Workers Parties of Socialist Countries." The documents, comprising some 2,000 pages in ten folders, were provided to Dr. Morris the next day by Yuri

Constantinovich Maalov, the Deputy Director of the archives, and the number three man at this particular archive. In January, 1993, in the course of reviewing the documents in detail, he came across a 1972 report by General Tran Van Quang which contained detailed information on American POWs in North Vietnam.

Realizing the significance of his discovery, he arranged for a copy of the report to be given to him and returned to the United States. He contacted a colleague of his who worked as a Congressional staffer in the House of Representatives. Through this contact, he was able to arrange a meeting with Sandy Berger, Deputy National Security Advisor to President Bill Clinton on February 11, 1993. At the same time, he contacted a colleague at Harvard, Dr. Richard Pipes, a Baird Professor of History. Dr. Pipes contacted Secretary of Defense Les Aspin. Following Dr. Morris' meeting with Sandy Berger, Secretary Aspin wrote a letter to Dr. Pipes on February 16, 1993 indicating that he was aware of the discovery of the document and the information would be pursued. Dr. Morris had also met with former National Security Advisor, Dr. Zbigniew Brzezinski, during this period to allow him to review the document and provide his analysis to him.

In late February, 1993, Task Force Russia, the Pentagon's support element for the U.S. side of the Joint U.S./Russian Commission on POW/MIAs, learned of the discovery of the document by Dr. Morris. Colonel Stu Herrington, Deputy Director of Task Force Russia, contacted Dr. Morris in an attempt to learn more about the document. During this period, Mr. Edward W. Ross, the Acting Deputy Assistant Secretary of Defense for POW/MIA Affairs, also contacted Dr. Morris concerning the document.

On March 18, 1993, the Director of Task Force Russia, General Bernard Loeffke, and Norman Cass, an assistant to DASD Ross, traveled to Moscow and were made aware by Lt. Colonel Osipov of the Russian side to the Joint Commission of the existence of the document. General Loeffke, Mr. Cass, and two members of Task Force Russia stationed in Moscow, were able to briefly review excerpted pages from the document but were not provided with an actual copy of the report. They were allowed to xerox the cover page of the record group containing the report. The hope was expressed by the U.S. side that the document could be provided to the U.S. during a scheduled meeting of the Joint Commission in Moscow on April 8, 1993.

On March 22, 1993, the U.S. side to the Joint Commission was briefed on the discovery of the document during a scheduled meeting in preparation for the April 8, 1993 meeting in Moscow. On March 30, 1993, a detailed cable on the contents of the document which had been briefly reviewed by Task Force Russia was sent to Washington from the U.S. Embassy in Moscow.

On March 31, 1993, I wrote the President's National Security Advisor, Anthony Lake, urging him to have President Clinton raise with President Yeltsin the issue of access to GRU records on the Vietnam War, and particularly documents pertaining to the numbers of POWs held by Vietnam. The weekend of April 3rd and 4th, Presidents Yeltsin and Clinton held their summit in Vancouver. The head of the Russian side to the Joint Commission, General Volkogonov, has subsequently indicated that the subject of POWs was raised at this summit, although I do not know if specific requests were made pertaining to access to the Vietnam-related documents in question.

On April 8, 1993, the U.S. side to the Joint Commission was provided with an excerpt dealing with the subject of American POWs from the 1972 report initially discovered by Dr. Morris. The excerpts from the report were passed to the U.S. side by General Volkognonov during a formal commission meeting in the Kremlin in Moscow. In passing the report, General Volkogonov stated:

"It's a delicate issue, but we can't be quiet about it any longer, since it's a humanitarian issue. The official list reported 368 Americans. But there were 1205, in fact. This document has very detailed information, the number of places—11 camps—and so forth. We will continue our search, but you see, the Central Committee of the USSR knew the exact number of POWs in Indochina. This information was known, although, in the past, the Central Committee denied any knowledge. But we are talking about men's fates—a humanitarian issue. There is no political spin—we want to help the families."

On the weekend of April 9–11th, Dr. Morris returned to Moscow to attempt to gain access to additional archival documents. He allowed a reporter from the New York Times in Moscow, Celestine Bohlen, to review the report and write a story on it which was published in the New York Times on Monday, April 12, 1993. Two days earlier on April 10th, the Russian newspaper Izvestia reported that the document had been discussed at the Joint Commission meeting on April 8th.

In addition to the New York Times, the Washington Times also disclosed the existence of the document on April 12th after an interview with Dr. Morris from Moscow on April 11th.

On the morning of April 12th, the Vietnamese Mission at the United Nations in New York was provided with a copy of the report by the Department of State and Department of Defense.

On April 20, 1993, a team of 8 Task Force Russia, Defense Intelligence Agency, and senior policy Defense Department personnel met with Dr. Morris. During this meeting, Dr. Morris provided a copy of a complete Russian language version of General Quang's September, 1972 report which was subsequently translated into English by Task Force Russia at the Pentagon.

On June 21, 1993, a full copy of the same report by General Quang in Russian language form was formally provided to the United States by Russian General Volkogonov.

IV. AUTHENTICITY OF THE REPORT IN RUSSIAN LANGUAGE FORM

There is no doubt whatever that the 1972 report to the North Vietnamese Politburo in Russian language form is authentic—that is, it was clearly acquired by the GRU from the Vietnamese in 1972, translated into Russian, and forwarded to the Central Committee of the Communist Party of the Soviet Union, where it was found more than 20 years later by Dr. Morris. There is overwhelming evidence which conclusively proves this point, some of which is outlined below.

Moreover, the manner in which the document was discovered by Dr. Stephen Morris in the Center for Storage of Contemporary Documentation (formerly the archives of the Central Committee) in Moscow indicates authenticity. According to Dr. Morris:

"I had requested in mid-December a series of about 10 files relating to the events of 1972, a pivotal year in the history of the Vietnam War. One of those files was a file of the Soviet military. The description on the front tells you nothing about what is inside. It read something like Reports of the General Staff of the Armed Forces of the Soviet Union about Political and Military Conditions in North and South Vietnam. When I opened the file I saw lots of documents which all were very interesting although not all of them gave me a very exciting account of what was inside. A lot of them were very general descriptions. But reading through that file, a file which may have contained a dozen different documents—one of 10 files I'd ordered on the same day—I found a lot of interesting, new information."

"One was a report by a Lieutenant General Tran Van Quang, who was the deputy chief of staff for the North Vietnamese army, reporting to his politburo. There were two documents by this general. The first was dated June 26 and the second, September 15. I read the file chronologically and when I got to his first report I was excited because he had new information about the military situation at that time which nobody knew, including a staggering account of the losses they had sustained up to that time, which went far beyond what American analysts of the Vietnam War had estimated . . . it is important to understand this entire file in order to evaluate the particular document. This was a file of the Soviet military and much of it was Soviet military intelligence. They had a very close relationship with the Vietnamese military."

"I was excited by documents, for example, signed by the chairman of the Joint Chiefs in Russia at that time, which talked of politburo meetings about the future overall strategy in the war and the conflict between difference members of the leadership in Vietnam and who took what side in the debate. He gave precise locations of the meetings and so on."

"This was information of an extremely intimate kind, and when it's signed off by the chairman of the Soviet army, then I concluded that there must be a very reliable source in the Vietnamese leadership who is providing information to the Soviet military. Before I had found this document I had come to this conclusion. The first document, by Lieutenant General Quang—and it was one of three documents in the file which were Vietnamese documents—was a report of speeches made during 1972."

"I could see that the Soviets were acquiring secret reports from the Vietnamese leadership even before I came to this particular document. And when I came to the document, the second report by General Quang, dated September 15, I was fascinated because it has a fairly bland description, it talked about things I did not know about—secret events. For example, the clandestine meetings between representatives of the North Vietnamese military and security apparatus with the South Vietnamese politicians for the purpose of feeling them out as to their possible future participation in a coalition government, which was Communist strategy up until that moment. . . ."

". . . Adam Ulam (of Harvard) also says it looks to him like an authentic document. They are specialists on the Soviet Union and they know what Soviet documents should look like. Mark Kramer, who is also an affiliate at Harvard, was with me in the archives when I discovered it. I showed him part of the document and asked his assistance in deciphering the handwritten Russian (see Appendix). So he knew that I had it even while I was in the archive. Kramer had been reading a lot more documents than I had and had been their a lot longer and knew the procedure whereby, I, like everyone else in the project, acquired documents, so it was inconceivable that this was not authentic."

By February, 1993, Dr. Morris had allowed colleagues of his to review the document (as described in Section III of this Interim Analysis). On February 8, 1993, Dr. Richard Pipes, a Professor of History at Harvard wrote a letter stating, "The document, and the accompanying letter to the Central Committee of the Communist Party of the Soviet Union by P. Ivashutin, are, in my opinion, authentic and trustworthy."

Following the official turn-over of the document to the U.S. on April 8th and the subsequent disclosure of the report in the press, several comments were made which further vouch for the document's authenticity.

On April 13, 1993, former U.S. National Security Advisors Dr. Zbigniew Brzezinski and Dr. Henry Kissinger made these comments on the MacNeil/Lehrer Newshour concerning the document's authenticity:

MACNEIL. Dr. Brzezinski, you've stated publicly, and you're quoted in the New York Times as believing the document is genuine. What convinces you?

BRZEZINSKI. Its style, its content, the cover note to the Soviet Politburo. One would have to assume a really very complex Byzantine conspiracy to reach the conclusion that this is not an authentic Soviet document based on a Vietnamese document.

MACNEIL. Dr. Kissinger, what do you think on the question of authenticity, first of all, of the document?

KISSINGER. . . . I agree with Zbig (Dr. Brzezinski) that those parts that I know something about have an authentic ring . . . if that document is authentic, and it is hard to imagine who would have forged it, for what purpose, then I think an enormous crime has been committed, and I do not see how we can proceed in normalizing relations until this is fully cleared up . . . I don't see how we can normalize relations or ease conditions in international agencies until we have cleared up this issue.

(Note: Comments by Kissinger and Brzezinski on the accuracy of the contents of the report, as opposed to the authenticity of the document, are covered in Section VI, Part A, of this Interim Analysis.)

On April 14, 1993, Russian General Dmitri Volkogonov, who formally passed the document to the U.S., was asked about its authenticity and responded as follows:

"We have no doubt this is a real document, a genuine one. This document has been signed by the Chairman of the Joint Chiefs of Staff of Vietnam and it had been officially transferred to the Soviet intelligence . . . These documents were absolutely Top Secret and thus it cannot attest to the fact that they are false documents . . . This is an old document. For almost a quarter of a century, over 20 years, it has been in existence. We have found it in a part of the archives of the Central Committee of the party where they never had any fabricated documents. They didn't have such a habit. I personally don't doubt at all the authenticity and the genuine character of this document."

On April 15, 1993, according to General Vessey, the President's Emissary to Hanoi on the POW/MIA issue, "I talked to General Volkogonov . . ., and he and Ambassador Malcolm Toon assured me that they believed it was an authentic document of the vintage of 1972 . . ."

On April 16, 1993, former KGB official General Oleg Kalugin told the New York Daily News in Moscow that "there is no reason why the (present Russian) government would make it up."

On April 20, 1993, a team of 8 Task Force Russia, Defense Intelligence Agency, and senior policy Defense Department personnel met with Dr. Morris. During this meeting, Dr. Morris provided a copy of a complete Russian language version of General Quang's September, 1972 report which was subsequently translated into English by Task Force Russia at the Pentagon. The conclusion reached by the Office of Deputy Assistant Secretary of Defense for POW/MIA Affairs concerning "authenticity" is described in a memorandum dated the same day as the meeting and reads:

"CONCLUSIONS: By all accounts this document, now more than ever, appears to be authentic . . . All indications are that the Russian archives of the GRU should have a copy of the original Vietnamese version. In order to resolve the issue, we still need to obtain the Vietnamese version."

On April 21, 1993, General Volkogonov again remarked on the authenticity of the document, stating to the New York Times in Moscow, "My opinion is that the document is completely authentic." Again, in a May 12, 1993 letter to me, General Volkogonov stated, "I am convinced that the document which we passed to the American side on April 8, 1993 is genuine. True, I cannot guarantee that its content is a true reflection of past reality. Only the Vietnamese can know this."

On April 22, 1993, the Russian archive spokesman for the Contemporary Documentation Center was reported by Associated Press as saying that "archive officials believe the document is authentic."

On May 26, 1993, General Volkogonov reiterated his belief that the document was genuine in a meeting with Task Force Russia and the political counselor from the U.S. Embassy in Moscow.

In a meeting with me on June 22, 1993, General Volkogonov again reiterated his position that this was an authentic document, and only the Vietnamese know if everything General Quang reported to his Politburo was accurate. General Volkogonov stressed during this meeting that there was no reason for the GRU to believe that the document was not accurate, stating why would they lie in a Top Secret message to their own Politburo.

In a letter to me dated June 22, 1993, former National Security Advisor and Secretary of State Dr. Henry A. Kissinger stated, "From everything I have heard, including from Russian sources, the document which was found in the Russian archives is authentic—that is, it is a document apparently acquired by the GRU from the Vietnamese."

Finally, the fact that there was some deep-rooted opposition on the Russian side to the Joint Commission on turning the document over to the U.S. side adds credibility to the fact that this was considered to be an authentic document by GRU.

V. THE NEED FOR ADDITIONAL INFORMATION FROM RUSSIA

To date, the U.S. side has not been provided with copies of any additional documented information which pertains to the 1972 North Vietnamese report in Russian language form. However, General Volkogonov assures us that he is working hard to find additional documentation or information, and that it is "real detective work." I have no doubt, however, that there are literally thousands of pages in the GRU and Politburo archives dealing with the Vietnam War. It is well-known that there are volumes of information dealing with Soviet relations with their allied countries, and we would be foolish to assume that the Soviets did not have both open and clandestine sources placed in Hanoi during the war to collect information, in addition to the Soviet military presence. General Volkogonov has openly acknowledged the reality that there were "highly placed Soviet advisors" in Vietnam who could have obtained the Quang report, and we have only scratched the surface with the discovery of this document.

The following is a synopsis of information which I believe Russia has the capacity to provide to the U.S. pertaining to this report and the POW issue in Vietnam at the end of the war.

1. First, in December, 1992, Dr. Morris reviewed an additional report by North Vietnamese General Quang dated June 26, 1972, but was not able to obtain an actual copy of this report. However, he was able to take extensive notes on the contents of this second Quang report which he subsequently provided to the U.S. Government. The report was presented at a North Vietnamese politburo session on June 26, 1972, and General Quang is listed as "Deputy Chief of Staff" of the Vietnamese National Army, the same position described in the September, 1972 report. It is imperative for the U.S. to obtain a complete copy of this report is order to fully evaluate current Vietnamese statements that General Quang never addressed the politburo and did not hold the title of Deputy Chief of Staff in 1972. The U.S. formally requested this document on June 4, 1993 and I asked General Volkogonov for a copy on June 22, 1993.

This second report is contained in the same file as the September 15, 1972 report. The file is labeled, "File No. 5, Inventory No. 62, Case No. 4-78"

2. Next, the cover note to the Soviet Politburo enclosing the Russian translation of the report was signed by P. Ivashutin, head of the Soviet GRU, now deceased. Undoubtedly, there were several individuals within the GRU apparatus who were involved in the preparation of this report for Ivashutin's signature. Moreover, the fact that it had been decided by the GRU to send the report to the Central Committee indicates the importance of the preparation of this product and the need for it to have been accurate.

We can reasonably assume that analysts, translators, their supervisors, and others were part of the "quality control" process in passing the report to the Politburo. Moreover, the possibility exists that the GRU footnotes were added to the document in Moscow, as they attempted to determine additional background information on some of the South Vietnamese personalities mentioned in the report, such as Dinh Dzu. (Note: There are two Dinh Dzu's described in the report, although the GRU mistakenly refers to them both as the same person. The U.S., therefore, needs to request access to GRU officials in Moscow who reasonably would have been involved with the preparation of this report in 1972, such as retired Southeast Asia desk officers and analysts.

The actual note by the GRU head to the Soviet Politburo begins with, "I am reporting: Translation of the report of. . . ." The tone of the cover memo and its identification markings suggests that this was but one of many GRU intelligence reports on the situation in North Vietnam and the status of the war there. Therefore, we can assume that there are other reports and speeches from North Vietnamese party and military members. More importantly, this was clearly not the first time the GRU has obtained information from the North Vietnamese politburo. If it was, this would almost certainly have been mentioned in the cover memo.

There is a note on Ivashutin's cover sheet to the Quang report which he sent to his superiors at the Politburo. The handwritten

note back to him is signed by Konstantin Katushev and is written on his cover memo. In other words, as in many offices, a memo is sent into the boss, and the memo comes back out with the boss' response, often handwritten on the memo that had been sent to him. Konstantin Katushev was a Secretary of the Central Committee of the Communist Party. His response to Ivashutin, presumably after reviewing the entire Quang report is "please prepare a short report for the Politburo of the TsK KPSS (Central Committee of the Communist Party of the Soviet Union) about the Prisoners of War." If this is what transpired, then the GRU would have prepared a separate report in response to the Politburo's request focusing on their analysis of the American POW information in the Quang report. The U.S. side needs to request a copy of this report from the GRU through General Volkogonov. If the report cannot be located, the U.S. should obtain a convincing explanation as to why not.

3. Ivashutin's cover memo to the Politburo lists the Quang report as an enclosure labeled as "1 brochure (entry No. 14253, Top Secret, Copy No. 6.) This is a good starting point for pursuing additional information about this report and other reports on Vietnam sent to the Soviet Politburo by the GRU. This may also shed light on the manner in which similar reports were collected in Vietnam. These reports may be traceable by examining GRU logs with lower and higher reference numbers close to No. 14253.

4. The Soviets undoubtedly obtained information from interrogations of American POWs in Vietnam, either directly or through the Vietnamese. U.S. evidence indicates that in some cases, the Soviets submitted detailed technical questions for the Vietnamese to ask American POWs. In other cases, there is evidence that the Soviets directly participated in these interrogations. The GRU must be asked to provide these records to the United States, as they can shed light on the American POW/MIA situation in Vietnam during the war.

5. General Volkogonov has mentioned the possibility that the speech from General Quang may have been translated from a recorded tape of the speech. The GRU should be asked whether any of their collection activities in Vietnam during this period involved recording devices. If the U.S. intelligence community believes this is a real possibility, then the matter should be further pursued by the U.S. side to the Joint Commission with Russia.

6. General Volkogonov indicated in a meeting on June 22, 1993, that the Russian side to the Joint Commission raised the document with a Russian interpreter who might have worked with it in Hanoi. The interpreter, according to General Volkogonov, stated he translated thousands of documents over ten years and had no way of remembering the documents he translated. He would translate documents and then go on to the next one, according to General Volkogonov. The U.S. should aggressively push for access to pertinent POW/MIA information in these "thousands" of other reports translated in Hanoi, to include direct access to the former Soviet translators in Hanoi referenced by General Volkogonov.

7. According to a November 16, 1972 document from the Russian archives, former Soviet Army Chief of Staff N. Ogarkov spoke of ". . . the expanded meeting of the Politburo of the Central Committee of the (North) Vietnamese Workers Party, which took place at the beginning of October this year in the province of Hoa Binh. . ." The U.S. has independent information indicating Politburo sessions were held at the "alternate" meeting place at Doc Cun in Hoa Binh Province. The U.S. should request independent confirmation from the Russian side of the dates on which North Vietnamese politburo sessions were reported to have taken place in 1972.

8. In response to a request by the Senate Select Committee on POW/MIA Affairs in November, 1991, former North Vietnamese Colonel Bui Tin informed the committee in writing of people in the Soviet Union who might know about the POW issue. He specifically referenced a "Mr. Andre (Andrew), translator, Russian-Vietnamese in charge of relations with Vietnam, working in the Defense Ministry (before 1967, he was in the State Department in Moscow.")

The U.S. should seek to further identify and interview the "Mr. Andre" referenced by Bui Tin in an effort to shed additional light on the Quang report and other POW/MIA related matters.

(Note: Ironically, Tin also referenced General Tran Van Quang as someone who "should" know about Russian involvement with American POWs during the war—and this was over one year before the Russian language report by General Quang had been found in the archives in Moscow.)

Conclusion: I believe the 1972 North Vietnamese report by General Quang in Russian language form is perhaps the most direct piece of evidence obtained by the U.S. to date which shows the extent of GRU collection activities during the Vietnam War. The numbering system and the manner in which the report was provided to the Politburo clearly indicate that GRU files contain additional information. There is no question that the information exists. The question is how do we convince the GRU, KGB, and others to be more cooperative in rapidly providing all relevant information to the United States.

VI. GENERAL INTERIM ANALYSIS OF THE CONTENTS OF THE REPORT

Before an examination of specific statements in the report, I would like to note my concurrence with the position of Task Force Russia, mainly that the internal structure, tonal unity, and philosophical development of the Russian language text are such that it appears to be a translation of an authentic North Vietnamese presentation made by General Quang.

In addition, an examination of speeches, reports, and articles by General Quang from 1966 to 1988 show that there are compelling similarities to the speaking style and phraseology exemplified in the September, 1972 presentation (ie: references to protecting the fatherland against the American imperialists, etc. . .)

(Note: Copies of the following speeches and articles by General Quang are contained at the end of this Interim Analysis following the english-language version of the 9/15/72 report)

January, 1966—"The Big Role of Militiamen and Self-Defense Corpsmen in the War Against U.S. Imperialists."

July 7, 1966—"Three Great Experiences of Militia and Self Defense Forces."

January, 1978—"The New Stage of the Revolution and the New Stage of Development of Local Military Work."

January, 1988—"On the Direction of the 1968 Spring Offensive and Uprising in Tri Thien-Hue (Twenty years ago)."

The reader of this report is encouraged to examine the contents of the above-mentioned speeches and articles and compare them with both the September 15, 1972 presentation by General Quang and the excerpts from the June 26, 1972 presentation by General Quang now being reviewed by the U.S. Government.)

In evaluating this report and its collection by the Soviets, it is also critical to study the facts pertaining to the close relationship between the Soviets and North Vietnamese during the war. It strains credulity to believe that President Nixon and President Brezhnev, Dr. Kissinger and Mr. Gromyko would have spent the time they did in 1972 discussing proposals pertaining to the war in Vietnam if they did not believe the Soviets had a close relationship with North Vietnam. Indeed, the record will show that Dr. Kissinger had extensive discussions with the Soviets in Moscow concerning the Vietnam War on May 24, 26, 30, and September 13, 1972, just two days before the reported date of the Quang presentation. Declassified White House/NSC transcripts show that the U.S. was literally presenting proposals to the Soviets which were then discussed in detail and passed on to the North Vietnamese.

In Hanoi, there also continued to be a close relationship with the Soviets, as evidenced by numerous cables and reports uncovered in Russian archives from the former Soviet Embassy in Hanoi, all of which are available from my office. In fact, these documents show that only the Soviets and the Chinese were briefed in Hanoi on the substance of the final Kissinger-Le Duc Tho talks in January, 1973 just days before the Paris agreement was signed. The record shows, that *because* of the sensitivity involved, only the Soviets and Chinese were briefed, and not other socialist allies.

This close relationship continues to the present day as evidenced by the May 25, 1993 trip to Hanoi by Russian Deputy Prime Minister Yuriy Yarov and his meeting with the General Secretary of the Communist Party of Vietnam Do Muoi. According to the official Vietnam News Agency, during the meeting, Secretary Do Muoi "reaffirmed that the Vietnamese people have unswervingly been thankful to the formerly Soviet and now Russian people for their invaluable assistance extended to them in their past and present efforts."

Finally, it should be noted that General Quang himself recognized the closeness of the relationship by visiting the Soviet-Vietnamese Culture House in past years to commemorate Soviet Communist holidays and anniversaries. These visits by General Quang were publicized in Communist publications available to the U.S. Government. Perhaps, the most fascinating aspect of all is the fact that former North Vietnamese Colonel Bui Tin, a prominent North Vietnamese spokesman at the end of the war, indicated to our Select Committee in writing in 1991 before this document ever surfaced that General Quang was someone to talk to concerning Soviet involvement with American POWs during the war.

The following interim analysis of statements by General Tran Van Quang in the 1972 report to the North Vietnamese politburo is in the order in which they appear in the presentation, from beginning to end. (Note: A summary of the report appears in Section II of this Interim Analysis, and the entire English translation of the report from Russian appears in Section X).

A. Statements which are corroborated by U.S. wartime and postwar knowledge.

1. *North Vietnam's Policy Toward the South.*—General Quang's description of the North Vietnamese government policy toward the South, particularly North Vietnam's infiltration efforts and contacts with South

Vietnamese leaders, is corroborated by U.S. intelligence information. If it has not already been done, this intelligence should be immediately assembled and publicly disclosed by the U.S. intelligence community. In addition, former National Security Adviser Dr. Henry Kissinger stated to me in a letter dated June 22, 1993: "Having read the document carefully I can only say that the description of the North Vietnamese government policy toward the South . . . conforms with what we knew to be their position at the time."

2. *The Secret Meetings in Paris During this Period.*—General Quang refers in his September 15, 1972 presentation to the secret meetings in Paris between North Vietnam and the United States which had taken place, and that North Vietnam had been rejecting the U.S. proposals. He also states that they have met with a series of difficulties in the Paris meetings "in recent days" and he refers to the exchanging of opinions in private meetings between North Vietnam and Kissinger where they understood "Nixon as before is being stubborn on settling the situation."

While the existence of earlier secret Kissinger-Le Duc Tho talks in Paris had been publicly disclosed by President Nixon on January 25, 1972, it is noteworthy that several meetings had, indeed, taken place "in recent days."

According to declassified White House/National Security Council records provided to the Senate Select Committee on POW/MIA Affairs, private meetings in Paris took place during this period on the following dates:

July 19, 1972, August 1, 1972, August 15, 1972, September 15, 1972, September 26, 1972, September 27, 1972.

Thus, three, potentially four, meetings had been completed at the time of the presentation by General Quang on September 15, 1972.

Dr. Kissinger's analysis of General Quang's references to the status of the negotiations shows that Quang was accurate. Dr. Kissinger, the principle U.S. negotiator during these private meetings, stated the following during MacNeil/Lehrer on April 13, 1993:

"When they (General Quang) described what their negotiating tactics were, those were the tactics they were using in negotiating with us . . . they say in this document that their proposals were first a cease-fire and the overthrow of President Thieu, after which they would use the prisoners to negotiate whatever other concerns they had. Now, as of the date of that document, those were their proposals. A month later they changed it but I could see if you make a report to the Politburo in the middle of September and you want to summarize what the negotiating position is, this was exactly the negotiating position they had as of the date of that document. To be precise, on October 8th, about three weeks after this document, they changed their position, but up to that time, they had insisted on exactly the conditions that are in that document, and they certainly wouldn't have told anybody that they were proposing to change it. That (negotiating position) could only have been known to a very few people. And they didn't change it for another three to four weeks."

Additionally, on June 22, 1993, Dr. Kissinger stated to me in writing, "Having read the document carefully I can only say that the description of . . . the North's position on negotiations with the United States conforms with what we knew to be their position at the time."

Quang's comments are highly accurate in referencing the North Vietnamese negotiating in important ways which can be corroborated by U.S. documents. For instance, General Quang notes "We intend to resolve the American POW issue in the following manner: 1. The U.S. Government must demonstrate compliance, ie: a cease-fire and the removal of Nguyen Van Thieu, and then both sides can begin discussing the matter of returning POWs to the Nixon government. 2. While the American side is resolving the above-mentioned problems, we can free several more aviators from the number who are progressively inclined. . . . 3. Nixon must compensate North Vietnam for the great damage inflicted on it by this destructive war. Here then are the principles on the basis of which we may resolve the American POW issue . . . when the American government resolves the political and military issues on all three fronts of Indochina, we will set free all American POWs."

In the August 15th Paris meeting, the North Vietnamese had rejected the January 25th US/GVN proposal on the grounds that it would leave Thieu in power. We know this because a declassified White House transcript of an August 17th meeting between Kissinger and Thieu reads:—Kissinger to Thieu:—"At our last meeting, he (Le Duc Tho) said they had not accepted the January 25th proposal because you would still be in power—this is not unreasonable from their point of view . . ." Thieu: "About the prisoners of war, you have nothing?" Kissinger: "I think they are keeping the prisoners as blackmail . . ."

On August 18th, according to a transcript of another meeting between Kissinger and Thieu, Dr. Kissinger stated to Thieu: "They (the North Vietnamese) think they can use the prisoners of war to overthrow you."

Additionally, a declassified White House transcript of a Paris meeting on September 26, 1972 (11 days after the date on the Quang report) notes the following comment by Le Duc Tho: "Regarding the question of prisoners of war, as I told you last time, that the American prisoners in Cambodia, there are none. In Laos, there are very few. But if you satisfactorily solve the political question and the question of reparations then we can find an understanding."

The next day, Dr. Kissinger sent a Top Secret memo to General Haig at the White House stating, "We met with DRV delegates for a total of 11 hours on September 26 and 27. There was no significant progress . . . we held firm on our basic program including political questions . . . in other areas, it emerged clearly both from DRV document and discussions that we remain far apart on a number of major issues . . ."

Thus, it can be seen that the U.S. was privately being told by the North Vietnamese in Paris precisely the same things General Quang discussed with the Politburo during the same time period. The U.S. was holding firm, or being "stubborn" as Quang referenced, and the U.S. was hearing first hand in private from Le Duc Tho exactly what Quang had stated their position to be. It is important to note that neither the content of Quang's report or the content of the Paris meetings in August/September had been publicly disclosed at the time, yet they matched in many important respects. This adds considerable merit to the case that a presentation was, in fact, prepared or presented by General Quang on these matters in September 1972, despite recent Vietnamese denials.

3. The "BA BE" Plan—The description of the BA BE plan is described in the report by General Quang in considerable detail. It is obviously a plan which General Quang felt was essential to achieving North Vietnam's objectives in the war, and from the report, he appears to have had personal involvement in designing the plan. The plan itself called for the elimination of political figures in the South at the province-district level and above, the organization of other disruptive events in the South, and the acquisition of materials to prove the "crimes" of Americans. The plan was to be carried out through the insertion into the South of specially trained cadre from the North.

Unclassified records of U.S. interviews with Vietnamese personnel show that General Tran Van Quang had been Chief of the North Vietnamese Enemy Proselyting Department (EPD), part of the General Political Directorate, in the mid-1950's, and he had headed a conference of the EPD in 1963. During this earlier period, he had supervised efforts to integrate stay-behinds of the French Foreign Legion into the "Viet-Dung" assassination teams. Strategy sessions and conferences were held at the Enemy Proselyting camp at "BA BE" lake in Bac Thai (formerly Bac Kan) Province, North Vietnam. It is probable, though not yet confirmed, that the training conference referenced by Quang in the report as having taken place on September 14, 1972 was at "BA BE" lake, and this is why the plan was called the "BA BE" plan. There is certainly a precedent and evidence that similar assassination planning and training took place at "BA BE" lake as late as 1963. Moreover, General Quang is believed by some to have been involved in directing specific massacres carried out during the Vietnam War. Finally, information from other U.S. sources indicates that the plan described above came to the attention of the United States during 1970 or 1971, and the Phoenix Program/Provincial Reconnaissance Units were deployed to counter it.

4. The Reference to the Impending Release of Some POWs—General Quang makes reference in his presentation to the fact that several POWs would shortly be released "to put pressure on the Nixon Administration, observe his reaction and the reaction of the American public, as well as to demonstrate our good intentions in this matter."

On July 25, 1972, actress and anti-war activist Jane Fonda had returned from a trip to Hanoi where she had met with seven POWs. Immediately following Fonda's trip, former Attorney General and anti-war activist Ramsey Clark visited North Vietnam for two weeks. Upon his return, Clark stated to the press on August 14, 1972, "I urged them (the North Vietnamese) to release some prisoners, and I say frankly, I think they will—a few, I don't know when. But what they tell you—and you know I have a little difficulty arguing with it—is "we can't release pilots when pilots are bombing our children."

On September 2, 1972 (the 27 anniversary of the DRV), the Chief Political Directorate of North Vietnam's People's Army announced that three U.S. POWs would be freed "as a sign of gratitude to that part of the progressive American public which has been calling for the immediate end to U.S. aggression in Vietnam." The announcement further stated the POWs would be turned over to a peace group that would come to Hanoi from the United States.

On September 17, 1972, there was a ceremony in Hanoi connected with the release of the pilots. In attendance were anti-war activists Cora Weiss and David Dellinger from the United States.

On September 25, 1972, the pilots were released to Cora Weiss and the next day the three pilots departed Hanoi with Weiss,

Dellinger, and two other anti-war demonstrators (Coffin and Falk). The POWs and the anti-war group members departed Hanoi aboard a Soviet Aeroflot plane which flew them to China and across the Soviet Union to Moscow where they changed planes for New York, arriving in the United States on September 28th. This was the first release of U.S. POWs by North Vietnam in over three years (since 1969).

Thus, it is certainly clear that General Quang's reference to the impending release to several POWs, and the reasons they were doing this, tracks with known events, and lends credibility to the fact that General Quang made this presentation on September 15, 1972.

5. "For now, we have officially published a list of only 368 POWs"—General Quang's statement that North Vietnam had, to date, only published a list of the names of 368 POWs is entirely accurate and tracks with known events.

On December 22, 1970, the North Vietnamese delegate to the Paris Peace talks, Mai Van Bo, released to representatives of U.S. Senators Kennedy and Fulbright a list of the names of 368 POWs, 20 of whom were listed as having died, and nine of whom had previously been released. (Source: Declassified MFR of a 12/22/70 meeting of the NSC Ad Hoc Group on Vietnam, and a Declassified 12/23/70 Memorandum to President Nixon from Dr. Henry Kissinger referencing the list of "368 names of U.S. POWs" turned over in Paris the day before.)

(Note: a detailed analysis of the total 1205 number of American POWs referenced by General Quang follows in Section VII of this Interim Analysis.)

6. The assignment of General Quang to address the Politburo—In the concluding paragraphs of General Quang's report, he states, "Today on assignment of the Supreme Command, the State Defense Council and the Military Committee of the Politburo, I reported to you on these matters so that Politburo could study these problems, could express its opinion on them, and set forth forms and methods for their resolution."

It is well known by U.S. intelligence that the Central Military Affairs Party Committee ran the war under the Politburo's supervision. It is also well known by U.S. intelligence that General Quang was, in fact, a member of the Central Military Affairs Party Committee or "Military Committee of the Politburo" as referenced in the 1972 report. He was also known to have been a close confidant of General Giap who headed the committee. Therefore, it makes sense for him to state he is addressing the Politburo on assignment of the Military Committee of the Politburo, of which he was a member. I do not know his relation to the "Supreme Command" or the "State Defense Council."

7. The Report's labeling of General Quang as Deputy Chief of Staff—According to the records of the U.S. Joint Public Affairs Office (JUSPAO) at the U.S. Embassy in Saigon in 1972, General Tran Van Quang was being carried as a Deputy Chief of Staff and a member of the Central Military Affairs Party Committee as of 1972. Thus, there appears to be no inconsistency with the title ascribed to General Quang in the Russian language version of the report based on U.S. records.

It is also important to note Russian General Volkogonov's recent statements in June 1993, that "the important point is that General Quang made the reports in question, not the job position which he held at the specific time. This is a technicality."

The Russian side has recently relayed information to the U.S. side which has been represented as the "latest information from GRU." According to the Russians, Quang was actually a Lieutenant General in command of the Fourth Military District (Voyenniy Okrug), but was frequently sent to South Vietnam to evaluate activities and returned to deliver reports to the Politburo. The Russians have said that while the cover page to the document (by GRU) may be technically in error, he, nonetheless, did make the reports of June 26, 1972 and September 15, 1972. (Source: July 2, 1993 Memorandum from U.S. side to the Joint Commission stationed in Moscow based on a July 2, 1993 meeting with the Russian side in Moscow.)

(Note: For more information on this, please refer to Section VIII of this Interim Analysis—"Biographical Information on General Tran Van Quang.")

B. Errors in the Soviet GRU Translation of the Report.—The GRU report on the translation of General Quang's report to the North Vietnamese politburo contains, on its surface, very minor errors. For instance, at the beginning of the report, a GRU footnote improperly identifies a former South Vietnamese political figure as a South Vietnamese general who also had a similar name. However, the South Vietnamese General is properly referred to later in the report. In another area, resolutions of the 23rd Plenum of the Central Committee referenced by General Quang in 1972 would not coincide with a report by General Quang in 1988 which references the 21st Plenum as having taken place in October, 1973.

In short, these errors and the spelling of certain names of POWs, or perhaps even their rank, can be readily dismissed, in my opinion, as typical errors in the collection and translation of the report from Vietnamese to Russian, especially if thousands of reports were being translated during the war. GRU errors would not change the fact that this report on the subjects discussed appears likely to have indeed been presented by Tran Van Quang to the Politburo in 1972. They also do not change the fact that the number 1,205 in 1,205 in Russian, Vietnamese, and English, and thus these numbers should not be cast aside as translation problems, or possibly pertaining to South Vietnamese and Thai soldiers as well. It is clear upon reading General Quang's entire report, as well as all his other speeches over the years, that he has consistently and clearly distinguished when he is discussing American POWs and not the "puppets" from the South. Moreover, we should not lose sight of the startling Vietnamese position maintained to date that this report, or any report remotely resembling it, was never given to their Politburo in 1972. It is truly hard to believe that the Soviets would report to their Politburo on a Vietnamese Politburo sessions that never took place.

Finally, the minor errors in the GRU translation of the report certainly do not change the basic theme of the report—ie: the withholding of the true number of American POWs by North Vietnam for negotiating advantage.

VII. DETAILED INTERIM ANALYSIS OF THE NUMBERS, DESCRIPTIONS, AND LOCATIONS OF AMERICAN POWS REFERENCED IN THE REPORT

I would like to begin this section by stressing that I completely concur with the following analytical assessment prepared by Task Force Russia in May, 1993—"The U.S. should conduct a zero-based review of all information about U.S. POWs and consider alternative models to explain the fates of unaccounted for servicemen ranging from the possible existence of a parallel system of prison camps to a reassessment of Vietnamese behavior and motivation. The burden of disproving the document's assertions does not rest with either the U.S. or Russian governments but with the Government of Vietnam."

Therefore, I have concentrated my review in this section on what the United States knew and did not know as of the date of General Quang's presentation in September, 1972—ie: a "zero-based review."

A. Numbers

The following statements by General Quang concerning the capture and detention of 1,205 American personnel between 1964 and 1972 are examined below in the order they appear (to the extent possible).

1. "At first, the number of American POWs was not large and world public opinion paid little attention to them."

There is no doubt that this statement is accurate. A review of a listing of POW/MIAs by year of loss demonstrates this fact. More importantly, efforts by private U.S. citizens and U.S. Government officials (most notably Secretary of Defense Mel Laird, H. Ross Perot, Sybil Stockdale and other family members) to bring public attention to the plight of POWs did not actively begin until late 1969. For many years, the families had been told not to talk publicly about their loved ones held in Hanoi. Even some U.S. officials had been urged to do likewise.

For example, during a September 21, 1992 hearing of the Senate Select Committee on POW/MIA Affairs, former Secretary of Defense (during this period) Mel Laird stated:

"It was the attitude of our Government at that time that we should not discuss the POW/MIA question, and it was felt that it would somehow hamper the negotiations, the secret negotiations which were going on at the time in Paris. It was my attitude that should be changed . . . I was urged by many people not to go public on this particular issue. I remember Ambassador Harriman coming to see me urging me not to go public, but I felt as Secretary of Defense, it was my responsibility. These were my people."

2. "The number of American POWs in North Vietnam grew day by day after 5 August 1964 when the U.S. imperialists started massive air bombing and off-shore bombardment by the 7th fleet of the territory of North Vietnam, and after having expanded their aggression onto the territories of Laos and Vietnam."

While most Americans do not agree with General Quang's references to American "imperialism" and "aggression," the statement, taken as a whole, has a basis in fact and is well-documented by the United States Government. Most significant is the date selected by General Quang as the beginning of the war against North Vietnam—August 5, 1964. On this date, 1st. Lt. Everett Alvarez, U.S. Navy, became the first American serviceman to be shot down over North Vietnam. His capture was kept secret by North Vietnam, and a Vietnam News Agency bulletin shown to him after his capture stated that, according to the U.S. Government, no one had seen his parachute open and the U.S. Navy assumed him to be lost at sea. Lt. Alvarez was held by North Vietnam for the next nine years and was released during Operation Homecoming in 1973.

3. ". . . the 1,205 American POWs presently in prisons of North Vietnam include 624 aviators captured in North Vietnam; 143 aviators captured in South Vietnam; 47 diversionists and other American servicemen captured in North Vietnam; 391 American servicemen of other categories, which include 283

captured in South Vietnam, 65 in Cambodia, and 43 in Laos . . . The 1,205 American POWs kept in the prisons of North Vietnam represents a large number. For now, we have officially published a list of only 368 POWs. The rest are not acknowledged. The U.S. Government is aware of this, but they do not know the exact number of POWs, or they perhaps only assume an approximate number based on their losses. Therefore, in accordance with the instructions from the Politburo, we are keeping the number secret."

(a) What do U.S. statistics from 1972/73 show? General Quang's presentation of these figures was made in September, 1972. U.S. statistics from April 1, 1972 (five months earlier) give the following information: 412 missing U.S. personnel in NVN and 388 captured U.S. personnel in NVN for a total of 800 POW/MIAs in North Vietnam; 456 missing U.S. personnel in SVN and 96 captured U.S. personnel in SVN for a total of 552 POW/MIAs in South Vietnam (including those lost in Cambodia); 278 missing U.S. personnel from Laos and 5 captured U.S. personnel from Laos for a total of 283 POW/MIAs in Laos. These figures total 1,635 POW/MIAs, and exclude several hundred U.S. personnel listed as killed in action/body not recovered as of April 1, 1972.

From April 1, 1972 to September 14, 1972 (the day before Quang's report), the U.S. lost an additional 56 POW/MIAs in South Vietnam/Cambodia, 7 MIAs in Laos, and 97 POW/MIAs in North Vietnam, for a total of 160 additional POW/MIAs. 1,635+160=1,795 POW/MIAs as of the day before General Quang's report. In addition, there were several hundred more servicemen listed as KIA/BNR. Although the majority of these are confirmed dead, we have subsequently learned that a few were accurately captured.

Taken in the aggregate, General Quang's total figure of 1,205 U.S. POWs is, therefore, plausible based on an analysis of U.S. statistics alone. It is also plausible when the figures are further broken down.

For example, General Quang refers to a combined total of 671 Americans captured in North Vietnam. As of September 14, 1972, the U.S. listed 897 Americans as captured and missing in North Vietnam. At Operation Homecoming (12 February–1 April 1973), 405 POWs captured and held in North Vietnam as of September 15, 1972 returned home alive. Using General Quang's September figure of 671 POWs captured in North Vietnam, this means a remaining 266 POWs, referred to as captured and held in North Vietnam as of September 15, 1972, were not returned at Homecoming five months later.

Moreover, immediately following Operation Homecoming, the U.S. Government listed approximately 430 unaccounted for POW/MIAs lost in North Vietnam prior to September 15, 1972. For General Quang's remaining 266 figure to be accurate, it would mean that slightly more than half of the 430 unaccounted for POW/MIAs lost in North Vietnam before September 15, 1972 survived their incident, were captured, and were held in isolation from the 457 POWs captured in the North by the end of the war who were allowed to return during Homecoming. When a reasonable percentage of this KIA/BNR's from the north is factored in based on subsequent U.S. evidence, as well as the number from the 430 for whom there was evidence of survival or capture (to include recent evidence obtained by the U.S. in Vietnam), we can arrive at a slightly less than 50% survival rate for those men lost in North Vietnam before Quang's report for whom the U.S. had no contemporaneous evidence of capture or death.

Is it plausible that approximately 50% of the 430 missing men could have been captured and held in North Vietnam without the knowledge of the U.S. Government or the POWs who were eventually returned? Again, I believe the answer is yes. Certainly, there were scores of cases during the war where the U.S. did not know for long periods of time whether a particular MIA had, in fact, been captured.

If true, and allowing for a margin of error based on U.S. remains returned by Vietnam since 1973, it would mean Hanoi kept back approximately 25% of the U.S. airmen captured in North Vietnam during the war. When we consider some of the details of the outstanding last known alive discrepancy cases from the North used by General Vessey, in addition to the large number of post-war U.S. intelligence reports beginning in 1973 of pilots allegedly being held after the war, it becomes even more plausible that such an act by Vietnam could have taken place.

On the day of the signing of the Paris accords (January 27, 1973), the U.S. listed over 1,950 personnel as missing or captured in Southeast Asia. North Vietnam returned 591 living U.S. POWs during Homecoming. This left some 1,300 personnel as unaccounted for POWs and MIAs. If General Quang's September 15, 1972 "1,205" number of U.S. POWs is correct, then North Vietnam knew on the day of the signing of the Paris accords that nearly half of all the unaccounted for POW/MIAs not on their January 27, 1973 list of those to be returned were being secretly kept back by them for whatever reason.

In very simplistic terms, we can say that General Quang is reported to have secretly disclosed to his Politburo that a little over 1,200 American POWs were held in September, 1972. About 600 POWs came home 5 months later. That leaves over 600 POWs remaining (how much "over" 600 depends on who was actually captured between September and December, 1972 and not returned). We can then take this "over 600" or "at least" 600 figure and compare it with the 1,284 unaccounted for American POWs and MIAs listed as of May, 1973. In short, it's about half, meaning there existed a roughly 50% survival rate for those cases where the U.S. government had no idea if the man was alive or dead. (Indeed, on May 24, 1973, the Pentagon's POW/MIA chief had told his superiors that the 1,284 POW/MIA list meant that they didn't know if any of these individuals were alive or dead.) Again, I find this scenario to be plausible.

B. What were U.S. expectations and reactions on POW figures?

In evaluating the numbers in General Quang's report, and the plausibility of a few or several hundred POWs having been held back, it is necessary to examine U.S. expectations on the numbers of possible POWs to be returned at the end of the war.

On December 22, 1970, Hanoi's representatives handed over an "official" list of the names of 368 POWs to representatives of Senators Kennedy and Fulbright (including 9 previously released POWs and 20 who were listed as having died in captivity.) Quang's report also accurately acknowledges that the 368 figure was the only officially published list. On Christmas Day, North Vietnamese Premier Pham Van Dong told Canadian newsman Michael Maclear that the list was a "complete and full account" of all the Americans who were prisoners of the North Vietnamese, adding "I swear to you that these men are well-treated."

However, as of December, 1970, the official figures from the DoD's Comptroller's Officer showed 462 POWs, 962 MIAs (hostile missing), and 117 (non-hostile missing) for a total of 1,541 POW/MIAs.

Additionally, the U.S. had gathered information both before and after 1970 indicating that this was not true. Almost a year and a half earlier, on August 5, 1969, USAF Captain Wesley Rumble had been released from over a year in captivity in North Vietnam. On August 7, 1969, during a debriefing at Andrews AFB, he provided a memorized list of 370 U.S. POWs supposedly held captive. When it had become apparent he might be released, fellow POWs had passed the names to him in an effort to get word to the U.S. on which of its missing personnel had been captured.

One year after the Dec. 1970 list was published by North Vietnam, Secretary of Defense Mel Laird held a press conference (in January, 1972) to show that North Vietnam was lying on the total number of prisoners. During his press conference, he used several illustrative cases of men known to have been captured by North Vietnamese forces who were not on the list.

In testimony before the Senate Select Committee on POW/MIA Affairs on June 24, 1992, Secretary Laird stated: "We weren't being critical of the Kennedy list . . . we were glad to get that information, but it was not complete information and we knew of the existence of other POWs when those lists were delivered to us (through Senator Kennedy)."

Additionally, in a statement prepared for release on May, 1971, yet never published at U.S. request, a recently-defected North Vietnamese Army doctor, Dan Tan, had provided the following information in response to Hanoi's "complete" list in December, 1970 and its policy toward POWs:

"Human beings—American POWs held in North Vietnam are being treated as commodities. According to the policies of the Central Committee, the Lao Dong Party (NVN Communist Party) intents to use these American POW's hostages in bargaining to achieve its political objectives. Illustrative of this is the statement made by Hanoi's representatives in Paris that North Vietnam now holds only 367 American POWs in captivity. Ladies and Gentleman, this is untrue. I know that already by mid-1967, when I departed North Vietnam, over 800 American POWs were then in captivity in North Vietnam . . . when will these American POWs be released? It is possible that some will never be released as they are too valuable to North Vietnam as sources of information and for the technical skills they possess . . . I am deeply concerned over the fate of all the American POWs in NVN, but most particularly over 500 or more who were not named by NVN in Paris. These unnamed American POWs will continue to be exploited by NVN and will serve as the tool for NVN in blackmailing the USA . . . My knowledge about American POWs is derived not only from numerous official briefings given by senior cadres of the propaganda and training commission of the Central Committee, but also from discussions with various officials and individuals who were directly and indirectly involved in the exploitation of American POWs."

In a memorandum to Dr. Kissinger on May 10, 1971, the Central Intelligence Agency described that Dr. Tan had "demonstrated himself knowledgeable of North Vietnamese policies with respect to the handling of US prisoners of war," and was reported to have personal acquaintance with "many ranking NVN personalities, particularly Vice Minister of Public Security Pham Kiet and Vice Minister of National Defense, Nguyen Don."

The Defense Intelligence Agency is reported to have listed 1,516 POW/MIAs and an additional 807 KIA/BNRs as of September 30, 1969 when Dr. Tan rallied to the South. Official Defense Department statistics had also shown 847 POW/MIAs at the end of 1967 when Dr. Tan had obtained his 800 figure.

Finally, concerning Dr. Tan's reporting, it is interesting to note his comments in his first CIA debriefing over one year before Hanoi's "official" release of the 368 list. According to CIA, Dr. Tan had relayed the following in November, 1969:

"Names of American POWs, and the number of captivity, are considered to be a state secret and will not be released for political reasons . . . the DRV is deliberately withholding the names of all POWs . . . Any names of POWs which may have been publicized have been made only because this serves specific ulterior motives of the DRV. Tan concludes in these cases that the DRV has gained the cooperation of those individuals whose names it has publicized or who are permitted to write letters."

Indeed, six months before Hanoi's official 368 list was published, the U.S. knew that more than 368 POWs were held, and that Dr. Tan's statements had a ring of authenticity. On July 10, 1970, Acting Secretary of the Army Thaddeus Beal wrote the Secretary of Defense stating:

"In December, 1969, DRV officials began stating that all American PW were permitted to correspond with their families, and the DRV post office referred to 320 such correspondents. The flow of letters began to increase. Using (U.S. anti-war activist) Cora Weiss' Committee of Liaison as an intermediary the enemy has allowed some 336 American PW to write six-line letters home. Of these, 202 were writing home for the first time and some were men who had been missing for nearly five years. At present, Cora Weiss maintains that about 334 Americans are detained by Hanoi. But the facts are that 780 Americans are listed as missing in North Vietnam, and 769 in South Vietnam and Laos. We know with some certainty that of this number, 376 are PW in North Vietnam and 78 are PW elsewhere in Indochina. We expect that among those listed as missing, substantial numbers will eventually turn up as captives . . . To accept Hanoi's indirect admission of responsibility for less than 350 US PW as conduct constituting reasonable, humane, or internationally responsible conduct is to betray those other forgotten Americans." Five months later, Hanoi's "indirect admission" became a "direct admission" when they officially published 368 names, the approximate Cora Weiss number, as a "full and complete" accounting.

The following statement before an August 14, 1993 hearing of the Senate Select Committee on POW/MIA Affairs demonstrates how real the possibility was that persons listed by the U.S. as MIAs had actually been captured:

H. Ross Perot: "If when (news correspondent) Murphy Martin had brought Mrs. Singleton (wife of an MIA) into my office (in 1969) I had said prove that your husband went down in Laos. Was there ever a beeper? She would say well, I don't know. I'd say check with the Air Force or I won't talk to you anymore. She came back in a few days and said there was no beeper. I said, well, he was killed on impact, then. Forget it. Instead, we spent 90 days—this was while the war was going on. We put the Vietnamese feet to the fire—in a brutal way about Jerry Singleton. And finally they got so sick of us they admitted they had him. And they had to account for him. And when I finally got to visit with him after he came home (in 1973), I said Jerry, there wasn't a beeper. And he said Perot, the dumbest thing I ever did in my life was not check the batteries before I flew the mission."

Indeed, there are several other examples which can be cited to illustrate the possibility that an additional 600–700 POW/MIAs could have been held in North Vietnam without the knowledge of the U.S. Government. (Note: The possibility that they were held without the knowledge of fellow prisoners is addressed below under "C. Locations.")

The first letter Lt. Alvarez (the first captured POW in North Vietnam) eventually received was from his wife who told him that no one knew he was alive, and she was, therefore, writing in the hopes he was alive. The Navy had assumed him to be lost at sea.

POW Bill Franke was informed by a fellow POW in North Vietnam that he had been reported killed in action on August 24, 1965. There had been a memorial service for him at the Miramar Naval Air Station in San Diego. His life insurance had been paid to his wife, and she had bought a new house and set about making a new life for herself. (Source: "P.O.W." by John Hubbell, 1976)

Marine PFC Ronald L. Ridgeway had been reported killed in an ambush near Khesanh in 1968, and a subsequent memorial service had been held for him at Jefferson Barracks, MO. He showed up on the Communist POW lists on January 27, 1973, the day the peace accords were signed. Only then, five years later, was he known to be alive. (Source: Ibid.)

Sgt. First Class Carroll Flora became missing in action on July 21, 1967 during an Army Special Forces night action. For six years, until he was listed as a POW on the January 27, 1973 Communist list, his wife didn't know if he had been killed or captured. (Source: "The Raid" by Benjamin Schemmer, 1976)

Numerous other examples can be found by reviewing POW/MIA and KIA/BNR lists, and recent information uncovered through archival research and interviews in Vietnam and Laos. The point here is to simply point out that there continue to be several hundred cases where the U.S. Government cannot prove if currently unaccounted for MIAs were captured or killed, and thus, we cannot dismiss these facts in analyzing General Quang's total 1,205 number.

Today, there are over 1,160 unaccounted for U.S. personnel who were listed as missing in action during the war, including over 340 lost in North Vietnam and 328 in Laos. For several hundred of them, we still don't know for sure whether they were captured or killed during their incident, and in many cases, we know Vietnam has knowledge concerning what happened.

In looking at General Quang's total 1,205 figure of American POWs, we should bear in mind the reaction of some U.S. officials in January, 1973 when only 591 came home. In detailed testimony before the Senate Select Committee on POW/MIA Affairs on June 24, 1992, Lt. General Eugene F. Tighe, Jr. (USAF-ret), former Director of Intelligence for the U.S. Pacific Command in 1972/73, stated the following:

"As the Paris Peace negotiations neared their conclusion, the Commander in Chief, U.S. Pacific Command (CINCPAC) received tasking relative to his responsibility as Military Commander of Pacific Forces to forward as accurate a list as possible of the military personnel CINCPAC and component commanders expected to be returned by the enemies on the anticipated successful conclusion of the Paris Peace negotiations."

CINCPAC directed that I assemble a group of senior intelligence officers from my CINCPAC intelligence staff and from the headquarters of the component commanders' staffs to build a master CINCPAC list in response to the request (from the Secretary of Defense and/or Chairman of the Joint Chiefs of Staff.)

"Each of the component commanders, CINC Pacific Air Forces, U.S. Army, Pacific, CINC Pacific Fleet and Fleet Marine Forces, Pacific, quickly named a senior intelligence specialist to work under my direction and additional analysts, personnel specialists and clerical personnel as necessary to complete the task. Their role was to assemble all of the records and intelligence available to each of their headquarters, in the CINCPAC intelligence conference room, and to compile a list, by military service, of the names, rank, and other relative data on each missing individual on which sufficient intelligence and other data was available to reasonably expect that he had survived and would be returned on successful conclusion of the Paris negotiations."

"Toward that end, a complete evidentiary dossier was to be compiled on each individual. Altogether, some thirty people were directly involved in the project. . ."

"For construction of the list, I instructed the analysts to gather any and all pertinent data which could support or deny the possibility of survival of the missing in action. Information and intelligence included operational reports, human reports, eyewitness reports of fellow combat personnel, "jolly green" reports (of attempted rescues) from helicopter crews, communications intercepts, photographs, and other data from the print and other news media and any other data from any other source, which might shed light on the missing. Much of the data had been collected by the individual military departments who were responsible for casualty reporting. . ."

"They (the lists) were to be as accurately anticipatory as humanly possible. Logistic planning and a great deal of human endeavor and emotion were tied in to the determination of naming an individual. . . The very highly classified and sensitive lists were sent to the Commander in Chief—Admiral Gayler—to the Secretary of Defense and to the Chairman of the Joint Chiefs of Staff."

"I don't remember any feedback from the lists or inquiry on it. . . I don't remember any reaction prior to the release of names of POWs by the Hanoi Government. I certainly remember the shock and sadness of the paucity of the lists of names we received versus what we expected. I know my boss, Admiral Gayler, certainly reacted and there were lots of discussion of what might be done, etc. . . I do remember that we discussed all kinds of possibilities including the expectation of separate talks with the extraction of POWs from Laos and Cambodia, etc."

Senator KERRY (Chairman). "What was your expectation about how many should be returning and what did you think when you saw the lists presented by the North Vietnamese, personally?

General TIGHE. "My personal view was shock because I had a great deal of faith in the approximate numbers of those lists that we had compiled and the dossiers and my reaction was that there was something radically wrong with the (North Vietnamese) lists versus our information, that they should have contained many more names. That was my personal judgement and that

was a collective judgement of all those that had worked compiling the lists."

Senator KERRY. "Did you communicate that to anybody at the time?"

General TIGHE. "Only to my commander. I had no reason to go beyond that. It had been made very sensitive. . . we kept reassuring ourselves that there was something yet to come. The whole aura . . . dealt with a feeling we were only dealing with part of the numbers. There was more to come that we weren't aware of."

(Note: In earlier Select Committee interviews and a deposition with General Tighe, he stated that the list he compiled was entitled "Anticipated PW Returnees" and that it contained names of 900–1,000 men.)

During the same hearing, an exchange took place with Admiral Tom Moore, former Chairman of the Joint Chiefs of Staff in 1973, on the same issue:

Senator REID. "Admiral Moorer, would you give me your reasons why you believed there were POWs still in Southeast Asia?"

Admiral MOORER. "Well, because the scope of the operations and the number of persons that were involved and the number of aircraft that were shot down and so on, where we didn't find immediate information about what happened to the pilot and so on. I thought also, in view of the fact that the war had been going on for 9 years, you know, I certainly would expect it to be more than 591 . . . I didn't think you could clean it up that fast."

In the same hearing, former Secretary of Defense Mel Laird stated in response to the final lists turned over by North Vietnam in January, 1973:

Secretary LAIRD. "It was my gut feeling that there were more. I think the last figures we had (when he left office in 1972) were that the lists of POWs probably would contain quite a few more names than that. We were disappointed."

Finally, in examining the numbers and policy outlined by General Quang, we should remember the large-volume of post-war live-sighting reports of American POWs reported left behind in captivity. Several hundred of these reports had already surfaced by the mid to late 1970's prior to the raising of this issue as a highest national priority by President Reagan in 1982. During this period, U.S. collection activities on possible POW/MIAs in Southeast Asia were at an all time low, as described in the Final Report of the Senate Select Committee on POW/MIA Affairs (January, 1993). Taken in the aggregate, the reports, the majority of which were unconfirmed at the time, represented a compelling reason to believe that large numbers of American POWs *could* still have been alive in Laos and Vietnam. It was not as if the United States had no information to question whether North Vietnam had returned all POWs following the war. We certainly did have indications, despite the conclusions of the House Select Committee on Missing Persons in 1976 and the Presidential (Woodcock) Commission in 1977.

Some of the information came from seemingly credible sources whose stories cannot be easily dismissed today. The discovery of the Quang document should cause the U.S. Government to take a closer look at these reports which corroborate General Quang's references to several hundred more POWs held by Hanoi.

For instance, in November, 1979, U.S. investigators interviewed former North Vietnamese Lieutenant Le Dinh, who had served as an intelligence analyst in 1971 in the General Headquarters of the North Vietnamese Ministry of Defense. In 1972, he had become a permanent member of the Lao Dong Party (now the Communist Party of Vietnam.) Le Dinh claimed that his position within the North Vietnamese military intelligence hierarchy provided him access to intelligence on many topics, including American prisoners of war. U.S. intelligence debriefers determined that "much of the information furnished regarding the personalities in the General Headquarters is confirmed as accurate . . ." and that he "demonstrated that he had access to information about the North Vietnamese military agency responsible for American prisoners."

Le Dinh stated that following the end of the war, "he heard at staff meetings that about 700 Americans still remained in Vietnam. The information was attributed to remarks by senior officers to the effect that the SRV had retained a "strategic asset" of over 700 American prisoners that could be used to force the U.S. to pay reparations." The conclusion reached privately by the U.S. in 1980 was that "Le Dinh's story is intriguing and not yet fully known." Indeed, there are several hundred reports from refugees which have outlined the same policy outlined by General Quang in 1972. We also know that the North Vietnamese clearly linked "the search for missing Americans" with the U.S. "obligation" to provide economic assistance during the November, 1976 meetings in Paris, and on numerous other occasions.

B. Descriptions

1. "The 624 American aviators (in North Vietnam) include 3 astronauts, ie: three people who have completed the necessary training for space flight, for instance, Jim Katlo, who was captured in the vicinity of Hanoi. This figure also includes 15 US Air Force aces having more than 4,000 flight hours each: Norman Klarvisto, Karmet, Jim Intist Shasht, and others."

The North Vietnamese were obviously very proud that they had captured such prized possessions of the United States.

"Jim Katlo" probably refers to Jim Kasler, an Air Force Major shot down and captured on the western outskirts of Hanoi on August 8, 1966. On the day of his capture, Time Magazine had run an article featuring the career, complete with a photo, of "U.S. Air Force Major James Kasler, 40, of Indianapolis, who is dubbed by his wingmates as "one-man Air Force."

The article, which Kasler had not yet seen but the North Vietnamese had, continued, "A World War II tail-gunner and six-kill ace in Korea, Kasler in five months had limped home four times with his F-105 riddled by flaks or Migs, has seen 30 SAM missiles zoom up in his vicinity, tangled in the longest dogfight with Migs thus far of the war. Six weeks ago, Kasler flew as co-leader of the raid on Hanoi's oil installations . . . says a fellow pilot, "he is hawk." The four-plane flight that Kasler commands (has) destroyed or damaged 219 buildings, 66 barges, 53 railroad cars, 44 trucks, 36 fuel tanks, 28 bridges, and 16 flak sites—a record for any such air unit . . . says he, "the best way to survive is by being aggressive."

It is certainly plausible that General Quang would highlight this case if indeed Jim Katlo (GRU 1972 Russian language translation) was Jim Kasler.

In addition, General Quang's reference to 3 persons who had completed the necessary training "for space flight" is not absurd from the North Vietnamese point of view. On February 11, 1965, Lt. Cmdr. Robert Shumaker, USN, had been shot down and captured over North Vietnam. A Vietnam News Agency release had stated that Commander Shumaker "had been selected to be an astronaut" (Source: P.O.W. by John Hubbel, 1976, Reader's Digest Press.) Therefore, even if Shumaker, in fact, had not been selected to be an astronaut, the North Vietnamese believed otherwise.

I have also learned that two other returned POWs, Navy Lts. Ned Shuman and Bill Lawrence, had indeed gone through astronaut training in the United States prior to their capture in North Vietnam. Thus, it is certainly plausible for General Quang to state that three people who had completed "the necessary training for space flight" were among those captured in North Vietnam.

Air Force aces named by General Quang as having more than 4,000 flight hours each is also plausible. For instance, the Russian translated name "Norman Klarvisto" could have been Norman Carl Gaddis, an Air Force 06, who could easily have had more than 4,000 hours flight time. "Jim Intist Shasht" appears to be heavily garbled and lends credence to the view that the Quang speech may have been collected by the Soviet GRU via recording devices. However, this name could conceivably translate to Jim Hiteshew, an Air Force colonel shot down over North Vietnam in 1967 who returned alive in 1973. Other POWs with famous histories also had 4,000 hours of flight time, such as USAF Colonel Robinson Risner who had been an ace in Korea and was considered one of the Air Force's best. He had been on the cover of Time Magazine prior to his capture, and North Vietnam was already well-aware of his background when he was captured.

2. "A few words about the political views and attitudes of American POWs . . . the following is a summation: 368 POWs holding progressive views (according to the North Vietnamese) who can be released first . . . 372 POWs holding neutral positions and 465 POWs holding reactionary views."

Vietnam's attempts to categorize the perceived political views of their POWs into separate categories is well documented, and in this sense, General Quang's remarks are generally accurate. It is conceivable that General Quang's presentation to the Politburo on this specific area was considered to be the definitive report to date on the results of interrogations of American prisoners of war held in North Vietnam.

In John Hubbell's book, P.O.W., published in 1976, he recounts statements from North Vietnamese interrogators relayed to him through former POWs after the war. They are amazingly similar to General Quang's comments. For example, the following statement was made by one interrogator:

"You must decide whether you are going to take the good path, the path of Ho Chi Minh and the Vietnamese people, the path of cooperation; or whether you are going to take the bad path, the path of resistance and death."

"Those who take the good path will receive good treatment. They will receive better food and lots of exercise and sunshine. They will have recreation. They will be allowed to read and study. When the time comes, they can expect to be released and go home to their families, perhaps even before the war ends."

"But we know that the vast majority will not be able to take the good path because they have been spoiled by the American system. They will understand the good path, but will not be able to take it because they are set in their ways. We understand that, and they will be treated humanely, because even though they do not take the good path,

they will not take the bad path, either. They will receive enough food and medical care, and when the time comes they will be released to go home."

"But also there will be a very small group of diehards. These people will take the bad path. They will refuse to admit their mistakes and will refuse to apologize and cooperate with the Vietnamese people. They will oppose us and resist us, and lead others against us. That group will be severely punished. We are done with the diehard criminals. Theirs is the path of uncertainty and death."

Captured Viet Cong documents from as early as 1966 show that the approved Communist policy toward U.S. POWs fit the pattern described by General Quang. A January, 1966 directive from the Enemy Proselyting Staff stated, in part:

". . . in order not to disclose the identify and number of prisoners and prevent their contact with the enemy, the mail of POWs whose names have not been made public or known by the enemy or who are stubborn, will not be forwarded. Instead, their letters will be kept and studied. Letters of progressive and cooperative POWs will be forwarded and received for them, but only on the occasions of holidays. Stubborn POWs will not be prevented from writing, but their letters will not be forwarded and their incoming mail will be detained and only delivered when we deem appropriate."

Hubbell goes on in his book to discuss several cases in detail where the POWs were forced into "taking the good path." A few had done it almost voluntarily to the disgust of the majority of strong-willed POWs. It is, therefore, conceivable by Vietnamese standards, that they believed they were succeeding in ascribing attitudes to the POWs based on the results of interrogations.

North Vietnamese defector Dr. Tan, whom I have earlier referenced, also confirmed to the U.S. Government as early as 1970, the categorization of POWs as outlined by General Quang in 1972. Dr. Tan referred to the following categories used by North Vietnam "to meet its objectives":

"A. Those who are considered special or important POWs by virtue of the importance of the information which they have provided or because of the potential which they offer to NVN at some future date."

"B. Hard-core POWs who, because or in spite of their refusal to cooperate or provide information, are considered to have the same potential as POWs in the paragraph A category."

"C. Non-important or "progressive" POWs whose continued presence in NVN, after thorough debriefing, will bring little or no further advantages to NVN and who, therefore, can be released whenever it best serves the DRV's purposes."

"Only the progressive POWs can be exploited for purposes of collection intelligence information through their contacts in the U.S. or by persuading these contacts to engage in anti-war activities. Prisoners of the other two categories cannot be exploited for this purpose because it could lead to the surfacing of their identities. The identities of POWs in the first category are carefully guarded because identifying them as POWs rather than as missing or killed in action would permit the enemy to employ countermeasures to negate the value of the information which they are providing. Similarly, the identities of hard-core POWs are kept secret because they may not survive the application of interrogation and other techniques to make them cooperate."

According to a 1973 Defense Intelligence Agency appraisal of the treatment of the returned POWs based on their debriefs, the 436 U.S. POWs released by the DRV during Homecoming had experienced a "general absence of torture" and "gradually improved living conditions" from 1970 to 1973, whereas torture had been "prevalent" for the POWs from this group who were held prior to 1969. This group of POWs, therefore, could have included the majority of the POWs whom North Vietnam considered to be progressive by September, 1972, regardless of whether or not they actually were.

We know from an interview conducted by Joint Task Force (Full Accounting) in March, 1993 that evaluation reports were regularly submitted to the political departments concerning which U.S. POWs were considered "progressive" by their interrogators. These reports were meticulously prepared and appear to be part of a well-organized, long-established plan for which there is evidence indicating General Quang played a central role. Thus, General Quang's report fills in a pattern which can be substantiated by U.S. evidence. Obviously, at some point, the Politburo was informed on the results of interrogations, etc, and it is logical to assume that September 15, 1972 was one major reporting session "in accordance with instructions from the Politburo."

Hubbell also tells about statements by North Vietnamese interrogators beginning in 1970 where the POWs began to be referred to as "prisoners" or "prisoners of war" as opposed to the term "war criminals" which had been prevalent in earlier years. Additionally, several returned POWs have recalled specific instances, beginning in 1969, there they were told "you are no longer criminals but prisoners of war." Thus, General Quang's reference to the men as prisoners of war in his report to the politburo appears to have been the correct term used by the North Vietnamese between 1970 and the end of the war. Even in the private Kissinger-Le Duc Tho talks, these terms had been used by the North Vietnamese (according to declassified transcripts.)

Finally, General Quang states that through their interrogations of POWs, they had "collected data about American weapons and also valuable scientific materials about the U.S. Army, for instance, material on how to use different types of weaponry, tactical/technical characteristics of aircraft, Air Force directives, as well as materials about other types of armament of the US Army." No returned POW would dispute the fact that information on these matters was provided by POWs on several occasions, although in many instances, the information given was purposely incorrect or a combination of half-truths.

In the book P.O.W., author Hubbel reveals, in some instances, how POWs were interrogated on such matters:

"Letters from your family in return for answering these questions. The offer was made to Bob Shumaker, and was real enough. The letters, one from his wife, Lorraine, and the other from his mother, were shown to him. How badly he wanted them! It had been more than a year since his shoot-down, and he had received no word from home in a long time. But the questions were not the kind one could play games with. There were thirty-five of them, and they were highly technical, dealing with antimissile warning systems in aircraft, pulse repetition frequencies, band widths, and so on. They implied a knowledge that Bob felt certain far exceeded the technological expertise of the Vietnamese—even he, with advanced degrees in two technical fields, would not have been able to answer more than half of them. Surely, the questionnaire had been prepared by others, who were not likely to be fooled by any foolish answers he might give. The price for the letters being too high, he declined to pay it. He was seated on a stool for twelve days, and ordered to 'think deeply'".

Other U.S. intelligence indicates that the Russians and Chinese were directly involved (face to face) in interrogations of U.S. POWs, especially in the mid to late 1960's. Yet none of the POWs who returned in 1973 reported direct contact with Russian or Chinese officers (according to DIA). The issue of who these reports, therefore, pertained to has not been resolved, and should be more closely addressed in view of General Quang's report in Russian language in the GRU archives.

As former DIA Director General Eugene Tighe stated before the Senate Select Committee on POW/MIA Affairs on June 24, 1992:

"Something that has bothered me down through the years is if your records show that none of our prisoners of war who returned were ever interrogated by the Chinese or Russians . . . those nations which had the most reason to interrogate our prisoners . . . and my suggestion is that until that is all cleared up and we find out, there may have been another track by which our prisoners were routed . . . that introduces a whole new aspect to the question."

C. Locations

"All of them (1,205 American POWs) are presently in prisons in North Vietnam. Currently, we have 11 prisons where American POWs are held. We used to have 4 large prisons, however after the American attempt to free their POWs from Son Tay, we expanded this number to 11. Each prison holds approximately 100 POWs."

This is perhaps the most difficult part of the presentation to accept at face value without additional information from the Ministries of Defense and Interior in Vietnam, and the former Soviet GRU in Moscow. This does not mean, however, that this portion of the presentation should be rejected based solely on what the U.S. Government believes it knew about the wartime prison system from returnee debriefs and other information.

We now know that as of September 15, 1972, there were six U.S. POW detention facilities holding the POWs who eventually returned at Homecoming (their "nicknames" were Dogpatch, Hanoi Hilton, Mountain Camp, Plantation, Rockpile, and the Zoo.) If General Quang's report is accurate, then there were an additional five camps holding U.S. POWs in September, 1972.

We know from the debriefs of the returnees at Homecoming, that they had been held in 13 different camps in North Vietnam since the war began, yet during this period, the Defense Intelligence Agency only knew of 8 "confirmed" U.S. POW camps "in which there is conclusive evidence that American prisoners are, or were, detained on a permanent basis." During this period, the Defense Intelligence Agency was also closely watching 18 "possible" U.S. POW camps in North Vietnam. In some of these camps, there was compelling information to cause DIA to list them as suspected U.S. POW camps. Yet, no one ever returned from any of these camps, and to date, the U.S. Government has not confirmed that no one was ever held in the camps. Indeed, the record clearly shows we have not even requested to visit many of the suspect camps where the information about possible U.S. POWs was the most compelling.

In my judgment, the possibility clearly exists that some U.S. POWs could have been held in separate camps which were not brought into the consolidation process when it first began and subsequently after the Son Tay Raid in November, 1970. If, in the early stages of the war, the inner and outer Hanoi U.S. POW camp system had been consistently separated from other holding systems, including some well outside the outskirts of Hanoi, then a separate system could have existed. Indeed, it is interesting to note the assessment of some DIA analysts that the POW registry (of 354 visible names of persons lost between 1964 and February, 1972) recently provided to General Vessey in Hanoi in April, 1993 appears to list the individuals in the order they were registered into the Hanoi prison system, not in chronological order according to shootdown.

Finally, according to DIA records, Hanoi did take steps to prevent communications between different groups of prisoners by holding them separately, such as the five U.S. POWs from Laos held separately at Briarpatch in the spring of 1971, and the separation of the 36 POWs captured in North Vietnam who were moved from Hoa Lo to Skidrow in March, 1971 and separated from the POWs already there who had been captured outside of North Vietnam.

Moreover, a study of the confinement chronology of the returned POWs suggests it is plausible that either the Mountain Camp (40 miles NW of Hanoi) or the Rockpile Camp (32 miles South of Hanoi) could have been the location of the 16 officers or colonels which were being held separately in September, 1972 according to General Quang ("Seven USAF colonels captured in North Vietnam and nine colonels of various branches captured in South Vietnam, Laos, and Cambodia"). The Mountain Camp had been activated only eight months earlier when 8 U.S. POWs from Skidrow and 1 U.S. POW from Hoa Lo had been moved there. Rockpile had been activated over a year earlier when 14 U.S. POWs had been moved there who had been captured outside of North Vietnam. At Homecoming, 3 USAF colonels from the North returned while 4 continued to be listed as missing (ie: it is therefore conceivable, although not definitive, that 7 (4+3) USAF "colonels" captured in North Vietnam and 9 (8+1) colonels from outside North Vietnam could have been held separately. I only point this out in an effort to stimulate serious and thorough analysis of these possibilities.)

Could Hanoi have pulled off keeping other POWs back at Homecoming without U.S. knowledge? According to Dr. Kissinger's September 22, 1992 testimony before the Select Committee on POW/MIA Affairs, "the Vietnamese are certainly capable of such a cynical act, and of lying about it."

These possibilities were clearly expressed in other hearings of the Senate Select Committee on POW/MIA Affairs long before the discovery of the Quang report in Russian archives.

It is fitting to close this section for now with the following exchange that took place in one such hearing on August 4, 1992 between the Defense Intelligence Agency POW/MIA chief, Robert Sheetz, and the Chairman of the Select Committee, Senator Kerry:

Senator KERRY. "There were groups of prisoners brought together for the release who only learned of each other being alive by virtue of the process of being brought together, correct?"

Mr. SHEETZ. "There were prisoners that were consolidated toward the end."

Senator KERRY. "And some were held in different locations, perhaps 10 people in one location. Is that not accurate?"

Mr. SHEETZ. "That's accurate."

Senator KERRY. ". . . Is it not possible, however that a whole group of 10 held somewhere were never brought back to the main group and therefore held back in some other circumstances?"

Mr. SHEETZ. "That is possible."

Senator KERRY. "So, the mere fact of debriefings not showing that somebody was not accounted for does not in and of itself dispose at all of the notion that somebody else could have been elsewhere?"

Mr. SHEETZ. "That's true . . ."

VIII. BIOGRAPHICAL INFORMATION ON GENERAL TRAN VAN QUANG (AKA—BAY TIEN, TU BAY, TRAN CONG, TRAN NAM TRUNG)

1917—Date of Birth (Source: Nhan Dan Communist newspaper 11/21/92).

He was born in Nghe An Province in the panhandle of Vietnam, a province which was the birthplace of Ho Chi Minh and the home of the 1930 Nghe An Soviet uprising.

1936—Quang joined Ho Chi Minh's Communist Party of Indochina. (Source: Ibid.) His brother, Tran Van Cung, was an associate of Ho Chi Minh and an early party organizer. His wife, Tran Thi Tu, is also reported to have been a close confidant of General Giap.

1936 to 1945—Quan is believed to have been jailed by French authorities and held in various facilities for his political activities.

1945—Quang was freed from prison by Communist forces during the August 1945 Revolution and joined the People's Army of Vietnam, PAVN—(Source: Ibid).

1946—Quang is believed to have been appointed concurrently to a staff position, Director of Staff for National Defense, and a political position, Political Officer, Vietnam's Relief Forces.

1947–1950—According to French records, he was the Political Officer for Inter-Region IV, the area comprising the lower pan-handle of Vietnam down to the 16th parallel where he engaged in guerrilla activities.

1950–51—Quang was transferred to the position of Deputy Commander and Political Officer of the 304th Main Force Division, an important Communist unit in the Viet Bac Special Region, the area surrounding Dien Bien Phu in the northwest of Hanoi.

Mid-1950's—Chief of the Enemy Proselyting Department, General Political Department, People's Army of Vietnam.

(Note: the Enemy Proselyting Department under PAVN is responsible for the utilization, security, documentation, and exploitation of enemy prisoners and its functions continue to the present day.)

During this period, Quang is reported to have supervised efforts to integrate stay-behinds of the French Foreign Legion into the "Viet Dung" assassination teams during special training sessions of the Enemy Proselyting/Research Department conducted at "Ba Be" lake in Bac Thai (formerly Bac Kan) Province, North Vietnam.

(Note: see reference to "Ba Be Plan" in Russian document on 15 Sept. 72 report by Quang)

A former French POW named "Cuc" worked for General Quang at the Enemy Proselying Department during this period (Source: Ibid)

Pre-1958—Deputy Commander, 304th Division, PAVN

(Source: U.S. Embassy Saigon Biographical File, dated July, 1972)

1958—Deputy Chief, General Staff, PAVN (Sources: Ibid and Reuters 4/19/93)

Starting during this period, Quang moved up to the position of Deputy Chief of Staff, PAVN, (the position reported by the GRU in their 1972 translation of Quang's September, 1972 report)

1959—Deputy Chief, General Staff, PAVN

(Source: Ibid and Nhan Dan 11/21/92)

1960—Deputy Chief, General Staff, PAVN (Source: Ibid)

***—In this year, Quang was appointed as a concurrent member of the Communist Party Central Committee and the Ministry of National Defense Central Military Affairs Party Committee.

1961—Deputy Chief of Staff, General Staff, PAVN

(Source: Reuters quote from Quang 4/19/93)

Major General, PAVN

Member, Central Military Affairs Party Committee

(Source: U.S. Embassy Saigon Bio. File, July, 1972)

1961–1964—Military Member of the Communist Party's Central Committee Bureau for South Vietnam (Source: Reuters 4/19/93)

Military Commissioner of the National Liberation Front's Central Committee (Source: Nhan Dan 11/21/92)

1963—General Tran Van Quang headed an Enemy Proselyting Department, General Political Directorate, PAVN, conference in Bac Thai province in his capacity as Chief of the EPD (Source: 20 Jan. 93 JTF/FA message)

1965–1974—He became Army Commander of Military Region 4, or Inter-Region 4, and in 1967, when the B-4 Front Regional Headquarters opened to coordinate tactical operations throughout the Tri-Thien—Hue area, Quang concurrently became its political officer. (Sources: Nhan Dan Communist publication 11/21/92 and JTF/FA Jan. 93 message, and other sources.)

He is believed to have passed orders to the field by radio during most of this entire period.

1966—In January, General Quang wrote a major publication in the communist publication "Hoc Tap" #1 entitled "Develop the Role of Militia and Self-Defense Forces." (Sources: CIA and U.S. Embassy Saigon Biographical File, July 1972, translated copy available, 13 pages)

1966—In July, General Quang wrote a major publication in the communist publication "Qhan Doi Nhan Dan" (Source: Ibid)

1972—Deputy Chief of Staff, VPA (Source: Retired North Vietnamese Colonel and former 1972/73 Communist spokesman Bui Tin—comments made in April, 1993 prior to public disclosure of Russian document.)

General Quang is also believed to have been the operational commander and principal political officer for the April, 1972 "Easter Offensive".

1972—July—Listed as Member of the Central Military Party Committee and a Deputy Chief of Staff from 1958 onward. (Source: U.S. Embassy Saigon Bio. File, July, 1972)

1972—Listed as Deputy Chief of Staff, VPA and one of 14 members of the Central Military Affairs Party Committee and one of 5 Deputy Chiefs of Staff, VPA.

(Source: U.S. Joint Public Affairs Office (JUSPAO), U.S. Embassy, 1972)

1972—Reported as Deputy Chief of Staff on September 15, 1972 in recently released Russian POW document.

1972—"Quang told him (Gen. Vessey) he did not visit Hanoi in 1972 until months after the date of the report."

(Source: Reuters, 4/19/93, Note: Report date Sept., 1972)

1973—Deputy Chief of Staff, VPA, Member of Central Military Affairs Party Committee. (Source: JUSPAO, U.S. Embassy Saigon, 1973)

1973—"He said he did serve twice as Deputy Chief of Staff, in 1958–1961 and again in 1973 or 1974. He said he received medical treatment in 1973, and he didn't specify whether he took the staff job that year or the next." (Source: Reuters, 4/19/93)

1973—"He said he went to East Germany for medical treatment in 1973, but gave no details." (Source: Ibid.)

1973—It is reported in U.S. records that Quang secretly became a full member of the Central Committee of the Communist Party in 1973 and was promoted to Lieutenant General.

1974—On January 26th, the Hanoi Moi Communist publication is listing General Quang as:

Deputy Chief of Staff of the Armed Forces

Vice Minister of National Defense

Member of the Central Military Party Committee

Member of the Vietnam Lao Dong Party (Communist Party) Central Committee

1974–1978—Deputy Chief of Staff of VPA Member of Central Party Committee Vice Minister of National Defense

(Sources: Nhan Dan 11/21/92, Quan Doi Nhan Dan 3/31/76, Quan Doi Nhan Dan 5/4/76, Nhan Dan 12/4/77, Nhan Dan 3/2/78)

1979—Vice Minister of National Defense (Source: Nhan Dan 12/20/79)

1979–1982—Commander of Vietnamese troops in Laos (Source: Nhan Dan 11/21/92)

1980—Deputy Defense Minister, SRV (Source: Indochina Archive, University of California, Professor Douglas Pike)

1981—Vice Minister of National Defense (Source: Nhan Dan 9/30/81)

1982—Vice Minister of National Defense (Source: Quan Doi Nhan Dan 12/24/82)

1983—Vice Minister of National Defense (Source Nhan Dan 11/30/83

1984—"Colonel general Tran Van Quang attended the departure of a Cubin military delegation." (Source: Nhan Dan 12/26/84)

1985—Vice Minister of National Defense—Reported as attending a meeting to commemorate the 68th anniversary of the October Revolution (7 Nov. 1917–7 Nov. 1985) at the Vietnam-Soviet Culture Friendship House (Source: Qhan Doi Nhan Dan 7 Nov. 85)

December, 1989—General Quang is reported to have presided over an Awards Ceremony of the Enemy Proselyting Department.

1991—Deputy Minister of Defense for External Affairs (Source: Joint Task Force memo to Select Committee December, 1991)

In response to a question posed by Senator McCain to JTF/FA senior analyst Garnett Bell at the Select Committee's November, 1991 hearings, General Tran Van Quang's name was provided to Bell's command and to the Select Committee with other names under the following notation:

"The SRV should make available for interview current and former cadre who were involved in the detention, evacuation, and medical treatment of US POWs. Although the Vietnamese have indicated that senior cadre were only peripherally involved, they should nevertheless be considered as potential witnesses due to their knowledge of policy matters, as well as the identities and current whereabouts of their former subordinates who were directly involved with US POWs. Some of these cadres are . . ."

1992—Deputy Minister of Defense as of February 1st during meetings with General Vessey. (Source: Vessey/Cam Joint Statement following meetings with Ministry officials on January 30/Feb. 1, 1992)

Deputy Minister of Defense during March, 1992 meetings Hanoi with U.S. Assistant Secretary of State for East Asian and Pacific Affairs Richard Solomon.

May 26th, 1992 JTF/FA research proposal—General Quang is listed as one of three persons with approval authority for access to witnesses and records.

In November, General Quang, presumably retired, was appointed head of the Vietnam Veterans Association (Source: Qhan Dan 11/21/92)

Note: It is my understanding that the U.S. intelligence community believes that based on General Quang's distinguished command background, and eminent political standing, as outlined in this brief biography, "it is completely plausible" that he could be the person who could offer a political thesis to the politburo which involved further future aggressive moves for takeover of the South and political arguments advocated for the toughest deal to be made with American negotiators.

IX. ANALYSIS OF THE VIETNAMESE REACTION TO THE DISCLOSURE OF THE 1972 REPORT BY GENERAL QUANG CONCERNING U.S. POWS (IN RUSSIAN LANGUAGE FORM/APRIL–JUNE, 1993)

A. Statements by Vietnamese Officials

The following statements, listed in chronological order by date, have been made by Vietnamese officials since delivery of the report to the Vietnamese Mission at the United Nations in New York by the Department of State and Department of Defense on April 12, 1993 (the same date the New York Times and Washington Times broke the stories). (Note: Russian General Volkognov had handed the POW portion of the report to the U.S. side in Moscow on April 8th)

In my opinion, and in views of the information in this Interim Analysis, each of the statements is deeply troubling and vastly inadequate in responding to serious questions raised by the 1972 General Quang Report to the North Vietnamese Politburo, and its subsequent disclosure in former Soviet Union archives 20 years later in Russian language form. Moreover, in view of the fact that another report to the Politburo by General Quang dated June 26, 1972 has been discovered in the Russian archives and authenticated by the Russian Government, we are compelled to continue to pursue this matter, notwithstanding Vietnam's total denials to date.

The statements are as follows:

"I think it is another fabrication of hostile circles in the U.S. who don't want normal relations with Vietnam. This fabrication comes out in order to obstruct the process of normalization of relations between the two countries." (Source: Reuters Wire Service, Hanoi, 4/12/93 quoting an unidentified Vietnamese source who is reported to be an official of the Vietnam Veterans' Association which General Quang heads.)

"I think it's a false document. We did not share our secrets with the Soviets. We never held that many prisoners. In 1973, we released all the prisoners who were alive. You could see it (the disclosure of the Russian document) as a plot to throw a spoke in the wheels of normalization. The situation is quite complicated in Russia now. Such a document could have been deliberately planted. The KGB may have been formidable elsewhere, but they were not formidable on internal Vietnamese matters." According to the AFP reporter who did the interview, "the official acknowledged that such a report could have been sent from the military command (in North Vietnam) to the Politburo."

(Source: Agency French Press, Hanoi, 4/13/93, citing an unidentified Vietnamese official.)

"Hostile circles in the U.S. want to raise issues to obstruct the administration easing U.S. sanctions against Vietnam in international financial institutions. . . . As far as I know, it (the Russian document) is not true. After 1973, we released 591 POWs, that's all there were." According to the Reuters reporter, the unidentified "senior" Vietnamese official had stated that General Quang was a "fixed commander" in the central province of Binh Tri Thien in September, 1972, when the secret report was purported to have been written. (Source: Reuters, Hanoi 4/13/93)

"Vietnam totally denies that ill-intentioned fabrication. The truth is that in 1973, after the Paris agreements were signed, Vietnam returned all American prisoners captured in Vietnam. According to documents published by the US Department of Defense and the US Department of State and authenticated by the US Senate Select Committee on POW/MIA issue in its latest report dated January 13, 1993, at the end of the war 1,172 American servicemen were reported missing and their fate was unaccounted for in Indochina, 798 of which in Vietnam. Through its efforts to cooperate with the US side in the humanitarian spirit, Vietnam has so far returned to the US side more than 500 remains and cooperated with the US Government in investigating 70 live-sighting reports and 135 other cases involving unclear dossiers. The results show no evidence of any American being kept living in freedom in Vietnam. Realities prove that the report carried by the New York Times is completely groundless." (Source: Foreign Ministry Statement, Hanoi, Vietnam, as reported by Reuters and Vietnam News Agency, 4/13/93.) AP's version of the statement stated Vietnam had "categorically rejected this ill-intentioned fabrication".

"Gen. Tran Van Quang had nothing to do with the general staff of the Vietnamese People's Army. There would be no reason for Gen. Tran Van Quang to have prepared this sort of report." (Source: Nguyen Xuan Phong, Acting Director of the Americans Department at the Foreign Ministry in Hanoi, quoted in the New York Times, 4/13/93)

According to NYT reporter Philip Shenon, "Mr. Nguyen Ba Hung, a member of Mr. Phong's staff said General Quang had never been deputy chief of staff of the Army." Mr. Hung stated: "That's why it sounded very funny when we heard his report. Those who have knowledge about the war and about the Army would have a better understanding."

(Source: NYT 4/13/93)

"This is a pure fabrication and we completely reject it." (Source: Tran Van Tu, Deputy Director of Vietnam's official agency in charge of seeking persons missing from the war (VNOSMP as reported to Associated Press, 4/13/93).

"Vietnam rejects it firmly. I'm worried that one result of this type of information is the criminal creation of unnecessary suffering of the families of Americans missing in action." Mr. Phong stated it was "merely a fabrication." (Source: Nguyen Xuan Phong, Acting Director of Americas Department, Foreign Ministry, Hanoi as quoted by the Associated Press, 4/13/93.)

"We think that it is a forgery document. It's totally false." (Source: Vietnam's Ambassador to the United Nations, Le Van Bang, as quoted from CNN 4/13/93) During the same interview, Amnbassador Le Bang stated that General Quang was a regional army commander and was not in a position to know the status of US POWs.

"In 1972, General Quang was political commissar of the fourth military region. In that capacity, he was in no position to make such a report."

(Source: Colonel Phan Khac Hai, editor in chief of the Army newspaper, Quan Doi Nhan Dan, quoted by AFP, 4/14/93)

"Whenever we see expectations rise that the United States might take some appropriate action, there are always rumors and fabrications that come up . . . If they don't have any Vietnamese text, I can tell you for sure this is a fabrication . . . I don't want to speculate about who might be responsible, but the press in the United States itself talks about the 'MIA industry.'"

(Source: Ha Huy Thong, Deputy Director of the Foreign Ministry's America's Department as quoted by AFP 4/14/93)

"Ms. Ho The Lan, head of the press and information department said the news carried in the The New York Times is a sheer fabrication, the same as the three pictures produced earlier of alleged American prisoners of war or the so-called transfer of American POWs by Vietnam to the Soviet Union, which once caused such a fuss in the United States. An American paper on April 13 even suggested that Vietnam might have killed 600 American POWs. This is a shameless fabrication which is an affront to the Vietnamese people who have made and are making great efforts to solve the MIA question in the humanitarian spirit. Any sober minded person can see that all these fabrications are intended to block the progress of Vietnam-U.S. relations."

(Source: Official Vietnam News Agency, Hanoi, 4/15/93)

B. Explanations and Information Offered by Leadership of Vietnam and General Quang to U.S. Officials (General Vessey's April, 1993 trip and May, 1993 CODEL trips)

Background: On Thursday, April 15, 1993, General Vessey, former Presidential Emissary to former President Bush, left for Vietnam at the request of the Clinton Administration on a previously-scheduled trip to assess Vietnamese cooperation on the POW/MIA issue. Because the existence of the Quang Report was only disclosed following announcement of his trip, his mission quickly turned to obtaining an explanation from the Vietnamese.

During General Vessey's meetings in Hanoi on April 18th and 19th, the following comments were made by Vietnamese officials:

At a photo opportunity before General Vessey's first meeting with SRV Deputy Foreign Minister Le Mai:

"I think during your stay here we will try to make some arrangements for you and other American delegates to get information about this issue . . . I think it existed somewhere—in the Russian text or in American text—but not in Vietnamese . . . Past experience testifies that it is a concoction and a fabrication. Not only against Vietnam, but against normalization between Vietnam and the United States."

(Source: SRV Deputy Foreign Minister Le Mai, as reported by AFP, Hanoi, 4/18/93)

Following this first meeting, Minister Le Mai stated:

"It's a sheer fabrication. It's non-existent."

Asked who faked the report, Mai said:

"It depends on your understanding—either Americans or Russians . . . I think it existed somewhere in Russian and American texts, but it does not exist in Vietnam. So it is fabricated completely. It is based on nothing . . ."

Following General Vessey's first meeting with Foreign Minister Nguyen Manh Cam, Le Mai again stated:

"There's no Vietnamese text of the Russian document."

New York Times reporter Philip Shenon filed the following story after the Vessey meeting with Minister Cam:

[Vietnamese officials said today that after news reports last week revealed the existence of the document in the Russian archives, the Vietnamese Defense Ministry searched its archives for evidence to refute it . . . Hanoi said the documents presented to General Vessey today included a Defense Ministry census prepared in the early 1970's that showed 386 Americans had been captured by North Vietnam (as of February, 1972).]

"We wanted to find evidence to prove it was fabricated," said Ho Xuan Dich, Director of Vietnam's Office for Seeking Missing Personnel (VNOSMP).

[Asked during a meeting with reporters why the census was being turned over only now, Mr. Dich gave to answers. First, he said that turning over the census had been unnecessary because all American prisoners had been released to the United States in 1973 and their names had been known to Washington for years. But he corrected himself a few minutes later, saying that the census had not been turned over earlier because "we just found it this week."]

On April 18th, following General Vessey's meetings, the official Hanoi Voice of Vietnam had broadcast the following commentary written by Noi Dan, the official Army paper:

"This sensational report has prompted a number of right-wingers, newspapers, and television corporations in the United States to extensively fan up and embellish the issue . . . Apparently, they hoped that this report would receive strong support from U.S. political circles and that those who spread the news would be awarded big prizes. Unfortunately, the result was to the contrary. U.S. Senator John Kerry, chairman of the Senate Select Committee on the POW/MIA issue, after learning of the report made a statement that this document must be carefully analyzed, that the translation of the document from Vietnamese to Russian might show there was a mistake on the nationality of the prisoners detained."

"A number of U.S. newspapers also carried reports on a news conference held by Le Bang, Vietnamese Ambassador to the United Nations, on the issue. These newspapers totally rejected the ill-intentioned report carried by the New York Times and asserted that Vietnam had returned all U.S. POWs right after the signing of the Paris agreement in 1973, and that during the past 20 years, Vietnam has shown its good will and has closely cooperated with the United States in searching for remains of U.S. soldiers who died during the war . . . Mr. (Bruce) Franklin (author of POW/MIA Mythmaking in America), a specialist in U.S.-U.K. affairs and the Vietnam war said that the document was an awkward fabrication and the facts presented by the document did not confirm with historical reality."

"U.S. newspapers and public opinion have begun to criticize Stephen J. Morris, author of this farce, denouncing him as a partisan who fanatically opposes the normalization of relations between the United States and Vietnam . . . Again, this fake document carries groundless contents as in fake documents revealed in the past. It is possible that the document was produced and spread by the some hostile forces who oppose fine, normal relations between Vietnam and the United States."

(Source: Hanoi Voice of Vietnam 4/18/93)

On the morning after General Vessey's first day of meetings, Voice of Vietnam stated:

"General Vessey said he has obtained important information which clearly proves the inaccuracy of the report last week from Russia that Vietnam was still retaining prisoners. His assessment was in conformity with mass media opinion in the U.S.A. In its issue 15 April, the New York Times remarks: It was common knowledge that the document on the MIA issue provided by Russia was fake."

". . . it is believed, during this visit General Vessey will collect good information to clarify the fabrication in the Russian document."

(Source: Hanoi Voice of Vietnam, 19 April 93)

On April 19th, General Vessey met with the reported author of the 1972 North Vietnamese report to the politburo concerning POWs. Following the meeting, General Tran Van Quang is reported to have "reiterated Hanoi's stand that it was a fake and no Vietnamese original existed." (AFP Story, 4/19/93)

According to Quang:

"The intelligence service that manufactured this report was a very bad intelligence service. It was absolutely wrong," he said, without specifying which one. Asked who was responsible, Quang stated, "You can ask the Russian intelligence service or ask General Vessey."

"I understand that there are a lot of people who are trying to undermine the process of normalization." Quang added that the document had caused "suspicion between the two peoples who desire normalization, not to mention the suffering to the families of the MIAs . . . I think it's a way to hinder advances in relations between Vietnam and the United States and cooperation in solving the MIA issue and that causes misunderstanding between two peoples who wish normal relations soon."

(Source: AFP, AP, Washington Post, April 19, 1993, Hanoi)

"As I told John Vessey, never in my life did I make such a report because it was not my responsibility. It was not my job. I had nothing to do with American prisoners. During the war, I never met any American prisoners . . . it's very simple. I was not in Hanoi at that time. I was not in charge of American prisoners."

"The guy writing that report was not Vietnamese at all," said General Quang.

Source: AP, Hanoi, 4/19/93)

"The style of the report is not Vietnamese. The names and ranks of officials are inaccurate. The number of the prisoners is much higher than that given to us by the U.S.," he said.

(Source: Bangkok Post, 4/20/93)

"I did not write it, I tell you, never in my life have I made such a report, because it was not my area of responsibility."

(Source: New York Times, April 19, 1993, Hanoi)

[He said he went to East Germany for medical treatment in 1973, but gave no details and didn't specify whether he took the staff job that year or the next. Quang told him (Vessey) that he did not visit Hanoi in 1972 until months after the date of the document] (As reported by Reuters, Hanoi, 4/19/93)

[He said he had "nothing to do with the Russian intelligence service, and the Russians had no right to ask me about that."]

(Source: AP, Hanoi, 4/19/93)

[Quang said he dealt with French POWs in the early 1950s as head of a unit of the army's General Political Directorate. But he said he had nothing to do with American prisoners and never reported on them to the Politburo.]

After the meeting with General Quang, General Vessey's delegation went back to Foreign Minister Cam where they held a joint news conference. During the news conference, Foreign Minister Cam made the following comments (not necessarily in the order they were made):

"During the fierce fighting, we did not have the conditions and enough time to capture so many American prisoners."

"I would like to say something about Stephen Morris, the person who publicized this. He has a long history of opposing Vietnam, since the time he was an Australian student."

Foreign Minister Cam said Morris "had certain intentions when he chose the timing" of releasing the Russian document." (Source: New York Times, April 19, 1993, Hanoi)

[Foreign Minister Cam cited what he said were eight major inaccuracies in the Russian document. He said that records of North Vietnam's policy-making Central Committee show no Politburo meeting on the date in question, that prisoners were not classified for release according to their attitudes on the war, and that the total number of American POWs was "much higher than in reality."] (Source: Wash. Post. 4/19/93)

Following General Vessey's departure from Vietnam, the official Hanoi Voice of Vietnam broadcast the following commentary (pertinent excerpts) characterizing a New York Times article in the following manner:

"(During General Vessey's visit), the American newspaper, the New York Times, ran a story written by a historian and researcher on the POW issue in Southeast Asia saying that the Russian document contains inaccurate details. The story rejected the Russian document as groundless. The writer said that the Russian document was clumsy and bore no practical details which did not conform to practical reality."

Following General Vessey's arrival back in Washington, the Vietnamese "found" another list in their archives pertaining to U.S. POWs, which was reported by the media in detail, with no mention of the fact that it was literally the same, exact list turned over to the United States by North Vietnam on January, 27, 1973. The cover page to the list, both then and now, indicated that it was a list of "U.S. Pilots Captured in the Democratic Republic of Vietnam" prepared in January, 1973 by North Vietnam's Ministry of National Defense for delivery to the U.S. side on the day of the signing of the Paris Peace Accords.

In providing the document, Ho Xuan Dich, head of the Vietnam Office for Seeking Missing Persons told Reuters:

"It will prove that the information in the Russian document is wrong. It's virtually the final report of American prisoners captured in the Vietnam Democratic Republic up to the U.S. Christmas bombing raids." (Source: Reuters, 4/21/93)

In reality, the list proved nothing and the public was never told that it was the same, exact list (including the same typing errors and anomalies) given to the U.S. in January, 1973. In fact, Reuters filed two news wire stories on the discovery stating, "Both sides were elated by discovery of a dusty wartime file earmarked for the bonfire that contained a North Vietnamese list of prisoners of war (POWs) that the Americans had long sought."

Reuters quoted the head of the U.S. Pacific Command's Joint Task Force Full Accounting stationed in Hanoi, Gary Flanagan, stating: "This is great. I think it really shows they are cooperating with us." In truth, it was an embarrassment that an American official was reported to have made such a comment concerning the discovery" of the list referred to by Mr. Dich.

The next day, April 22, 1993, Vietnam's official Voice of Vietnam broadcast two official commentaries by the Army newspaper Nhan Dan and the station itself, both entitled "a Clumsy Cooked-Up Story."

The first broadcast stated, in part:

"Concerning the charge of detaining three American astronauts, the U.S. Defense Department and NASA has affirmed that there were no American astronauts captured in Vietnam. The Russian document is also wrong to say that Vietnam divided the American prisoners into three categories—progressive, neutral, and reactionary."

In the second Voice of Vietnam broadcast, it was officially stated that the document has been "allegedly" found in the Russian archives.

"After a careful check of this document, it can be said in sure terms that the contents of the document totally do not conform to reality. . . . During such fierce war years as 1972, General Quang was unable to and had no responsibility for reviewing general issues such as the MIA issue. He has never written any document on this issue."

"Moreover, there was no meeting of the Politburo on 15 September 1972. General Tran Van Quang said that all the reports written by him on his assigned duties during the period between 1961 and 1975 carried his cover name, Bay Tien, and that none of the reports bore his real name, Tran Van Quang. He himself read the Russian document and found that the wording used in the document was not Vietnamese style. Moreover, the American POW issue was then under the responsibility of the VPA Political General Department. . . ."

"It should be noted that the man who found this document, Mr. Morris, is not considered an independent scholar by the American public, but a person who has many political prejudices and who nurtures a great hatred against Vietnam. . . . The truth is as clear as broad daylight. General Vessey himself also asserted . . . that after two days in Hanoi he became more skeptical about the authenticity of the Russian document and believed the valuable information provided by General Quang was in conformity with reality."

"Mr. Bruce Franklin, a professor at Rutgers University, said the document was a clumsy cooked-up story. There were no events in the document that conform with historical reality."

In mid-May and late May, other U.S. officials visited Vietnam, this time from the United States Congress, along with representatives of three veterans organizations. During meetings between the U.S. delegation and General Quang, Quang stated that he had been transferred from Vietnam to East Germany for medical treatment at the same time "Operation Homecoming" was conducted, although this aspect was not discussed further.

According to a report by Vietnam Veterans of America, in a meeting they attended with Foreign Minister Nguyen Manh Cam on May 31, 1993, "Senator Kerry requested a copy of the Politburo calendar for that time period, so a comparison could be made. The Vietnamese misunderstood the request, believing Senator Kerry wanted Politburo minutes. They became very upset and almost canceled the rest of the meeting. The misunderstanding was corrected and order was restored." (Source: VVA report, June 1993)

On June 1, 1993, the delegation met with General Tran Van Quang who again stated that the document was not authentic. "He provided a promotion document that supposedly proves he was not promoted to Lt. General until 1974. . . . General Quang stated that although he helped formulate POW policy during the French occupation, he never had anything to do with POWs during the war with the U.S. (Source: VVA report, June 1993)

X. EPILOGUE. . .

From July 7, 1993 to July 11, 1993, I raised several of the issues in this interim analysis directly with Vietnamese officials, to include General Tran Quang. General Quang denied any involvement with the presentation, although he admitted, in response to a question, having been present in northern Vietnam to brief a politburo session in early 1972. He further denied any involvement with the June 26, 1972 presentation on offensive actions in the South and other non-POW matters even though it has been authenticated by Russian General Volkogonov. During the meeting, General Quang was also hesitant to discuss any of the details in the September, 1972 report (on the 1,205 U.S. POWs) and maintained that since he did not write it, there was nothing to discuss. He even denied knowledge of the list of 368 POWs given to Senator Kennedy in December, 1970 which had been referenced in the September, 1972 report.

At the same meeting, however, Mr. Nguyen Xuan Phong, Acting Director of the Americas Department of the Ministry of Foreign Affairs, agreed to my request that the SRV conduct a separate "line by line" review of the September, 1972 report to determine which portions of the presentation were factual and which were not according to SRV information. For example, the Vietnamese should certainly be able to tell us whether or not the references in the 1972 report to earlier Politburo decisions on American POWs are accurate or not (see page 6 of this analysis). They should also be able to tell us when, if at all, any presentations were given to their politburo on the results of interrogations of American POWs and other related matters.

It is reported that the U.S. delegation to Vietnam, which followed my visit, also had the opportunity to meet with General Quang, although I have not been briefed on the contents of these discussions. I hope the U.S. side continued to push for more complete explanations from the Vietnamese. As I said earlier, Vietnamese statements to date on this matter are wholly inadequate.

It has been twenty years since our cease-fire agreement with Vietnam and the signing of the Paris Peace Accords. Unfortunately, many troubling questions persist concerning our POW/MIAs, and human lives may well be hanging in the balance. The break-up of the Soviet Union and the formation of the Senate's Select Committee in 1991 have led to remarkable opportunities through the U.S./Russian Joint Commission on POW/MIAs. Our ability to obtain answers on our missing and captured men from the Vietnam War is slowly, but dramatically, being enhanced, as evidenced by the surfacing of the Quang report and other reports from the Soviet archives.

Our approach to the Quang report will be a critical moment in our history. It *should* impact our future relations with our former adversaries, and it *will* impact our nation's commitment to its own armed forces. I trust the Joint Commission on POW/MIAs will continue to pursue additional information

pertaining to these matters, and I hope that the Vietnamese will make the decision to be forthcoming in explaining the Quang report. For the sake of our POWs and MIAs, we must not let this moment pass us by. If we do, then we will never truly heal the wounds of war, and I cannot see how we can ever begin building a sustainable relationship with Vietnam.

EXHIBIT 2

INFORMAL TRANSLATION OF PAGE 2

General Staff of the Armed Forces of the USSR, Main Intelligence Directorate, report of Khoang Anya, Secretary of the Central Committee of the WPV at the XX Plenum of the CC WPV at the end of December 1970—Beginning of 1971, translation from Vietnamese, handwritten note: indecipherable "p. II, 18"—Moscow, 1971.

TRANSLATION OF PAGE 11 [PRECEDING PAGES ARE MISSING]

* * * significant quantity of the enemy. At the same time, we avoided large losses on our part. That's also a big victory for our strategic policy.

Now another issue. When we published the names of the 368 American fliers who were shot down and taken prisoner on the territory of the DRV, the opportunists started to say that this was a concession to the Americans. That's incorrect. It's not a concession, but rather, a blow to Nixon politically. We have gained much by this. The opportunists are also saying that we are making concessions to the Americans at the Paris negotiations also. That too is incorrect. Our policy at the negotiations is correct.

Thus, as a whole, we are pursuing a correct policy; although, we do make some mistakes. The opportunists group seizes these mistakes in order to prove that our party's entire course is erroneous. It's members say that we are afraid of difficulties and sacrifices. That's incorrect. We are not afraid of sacrifices and difficulties, but another thing too must be taken into consideration: Our people have been engaged in continuous armed struggle for 25 years. During this time a great many people have perished. If we were really afraid of sacrifices and difficulties, as the opportunists claim, then we would not have started armed conflict against the Americans. One must see the connection between victories and losses and objectively evaluate the situation.

Naturally, we have [made] mistakes in military matters in South Vietnam, Laos and Cambodia, in matters of economic organization in the DRV and in matters of raising the well-being of the population. We are especially concerned about the question of improving the living conditions of the people. One must take into consideration that, at present, our possibilities in this area are limited, and therefore, this problem has not yet be solved. Besides all else, the opportunists are preventing us from solving it.

We clearly see the opportunists' mistakes at this Plenum also. After thoroughly analyzing their views, we will give them a fight. We reserve for them the right and the opportunity to admit their mistakes and to correct them. Then they will again be able to serve the party and the people.

TRANSLATION OF PAGE 18 [PRECEDING 7 PAGES ARE MISSING]

* * * to strike a crippling blow to our rear area, he will gain a huge advantage in the military theater of operations.

Our losses from enemy air operations are great, yet the enemy does not have the strength through air operations alone to inflict such damage as to have ruinous consequences for us. However, if the enemy using its diversionary forces (and other forces) launches an invasion of the North, we will suffer heavy losses. Therefore, we must raise our vigilance and repulse all of the aggressors' intrigues; since, in our opinion, the enemy might launch such an invasion using infantry and marines with powerful air and naval support. We believe that the enemy will not try to invade the whole of North Vietnamese territory but only those regions where there are important communications which lead to Laos, Cambodia and South Vietnam. Together with achieving their military goals, the enemy expects that an invasion would put political pressure on us, would demoralize the people and would force them to give up the struggle for the liberation of the South.

Now, I want to stop on one more issue—about the captured American fliers. The total number of captured American fliers in the DRV consists of 735 people. As I have already stated, we published the names of 368 fliers. That's our diplomatic step. If the Americans will agree to withdraw their forces from South Vietnam, we will, for a beginning, return these 368 people to them; and when the Americans finish withdrawing their forces, we will give the rest back to them. The issue of the captured American fliers, by virtue of what has been said above, is of great importance to us.

As a whole, speaking about the situation in South Vietnam, I want to emphasize that it is favorable for us, even though, we are encountering considerable difficulties. We will try to do everything within our power to obtain greater successes in South Vietnam.

In Cambodia, after the reactionary overthrow on 18 March 1970 and after American-Saigon forces were moved into its [Cambodian] territory * * * [remainder of document is missing]

The ACTING PRESIDENT pro tempore. The Senator from Michigan, Senator RIEGLE, is recognized.

Mr. RIEGLE. Mr. President, before my colleague from the Northeast leaves the floor, let me just say I appreciate the efforts he has made on the POW/MIA issue. I realize this is an area of great controversy and difficulty and that it has been a long struggle to try to get to the bottom of what the truth is. I have known the Senator for a long time. I know he is pursuing this in the way he thinks he needs do that. As a Vietnam veteran himself, he certainly, I think, is entitled to the support of fellow Senators as he tries to sort these issues out and get to the truth as he sees it.

I just want to say to the Senator I supported him a long time back when the effort was being made to form this select committee. I appreciate the Senator's efforts. I just want to say so today.

Mr. SMITH. I appreciate the remarks of the Senator from Michigan.

FACES OF THE HEALTH CARE CRISIS

Mr. RIEGLE. Mr. President, I rise today also to speak about the problem of the health care crisis in America. For the last year I have been coming to the floor nearly every week that the Senate has been in session to talk about a Michigan family or an individual, or a business in my State, facing an unmanageable problem with respect to health care requirements and attempting to meet them in our society at this time.

Last July, several of my colleagues began joining me in this effort to also come to the floor to talk about the impact of the health care crisis on real people in their States across the country. So we have now heard a number of stories about individuals and families, and not only from Michigan but from Nebraska, from Pennsylvania, Massachusetts, Nevada—other States. I welcome my colleagues today who have also been presenting their views, Senator DASCHLE and Senator WOFFORD, who will be sharing, as well, compelling stories from South Dakota and from Pennsylvania that also illustrate this problem.

Clearly, skyrocketing health care costs have created a situation where no one is secure under our current health care system. More and more, we are hearing stories about people who thought they had protection against a catastrophic health problem only to find out that the coverage really was not there when they actually needed it.

Today I want to talk about one such family, the Kinbaums, from Grand Rapids, MI. As young professionals, Laura and Paul Kinbaum both had successful careers and a happy family until tragedy changed their lives forever.

In June 1988, Paul contracted viral encephalitis at the young age of 31. This often deadly virus attacks and kills the cells in the frontal and temporal lobes of the brain which control speech and personality traits. There is no recovery from the virus causing this devastating illness because these brain cells cannot be replaced once they are destroyed. It is not possible to kill the virus but only to control it and keep it from attacking additional brain cells.

At the time Paul developed encephalitis he was finishing up his first year in private practice as an acute care intern. So he was actually in the practice of medicine himself. He was just months away from becoming a partner in his own medical practice.

His wife Laura, who was 34-years-old, was working as a freelance medical writer. Their daughter Martha was 5 years old at the time. So that was the situation as this terrible medical problem struck this family.

As a result of his illness, Paul suffers from psychiatric problems related to delusion and memory loss in addition to physical seizures. Because of these symptoms, Paul can no longer live at home with the family.

He now lives in an adult foster care facility where he is supervised and receives medication to try to control his

condition. Paul has obviously lost the capacity to practice medicine or even lead a normal family life.

In addition to dealing with the tragedy of Paul's illness, Laura has had to struggle to find health care coverage for Paul and for the family. Prior to his illness, Paul's medical practice had paid the premiums for the family's health care insurance. They lost their benefits, including health insurance, when Paul's medical practice did not renew his contract at the end of 1988, several months after he was taken ill. The family was able to take advantage of COBRA health care benefits which extended coverage for 18 months up through June 1990. And in order to do that, the family had to pay the premiums which were then costing $440 a month, that, by itself, a major burden when one wage earner in the family was no longer able to produce an income, which was the case with Paul.

When the COBRA benefits expired, Laura had the health insurance policy transferred to an individual policy just for Paul at the cost of over $350 a month just to try to cover him. The policy had a 25-percent copayment for inpatient services and covered only limited outpatient services. Laura had to stay with this insurance company for Paul because no other company would be willing then to cover his preexisting illness.

Even with this coverage, Laura was forced to hire an attorney in order to get the insurance company that was covering them to actually pay its share of Paul's medical expenses.

Although Laura's out-of-pocket expenses for Paul were high, she was fortunate in that several of the hospitals and physicians that treated Paul wrote off some of the cost of his health care program. Laura now estimates the cost of that amount of help that they got which was absorbed by the medical system at some $50,000. However, today she is still struggling to pay off one $7,000 debt to just one hospital.

Paul became eligible for Medicare in December 1990 after having been permanently disabled for 2 years. Medicare provides better coverage and requires less cost sharing than Paul's previous plan. However, Laura continues to worry about coverage now for her daughter and for herself.

After the family lost coverage through Paul's employer and the COBRA benefits then ran out, Laura purchased a separate health insurance policy for herself and her daughter. After personally experiencing the burden of Paul's medical expenses, Laura chose a policy that was fairly comprehensive and required minimal cost sharing, but she may not be able to afford such a comprehensive plan for herself and her daughter much longer. The cost of this policy is currently over $600 a month and is expected to go up in the near future. That is just to cover now the mother and the daughter.

So Laura fears a future of increasing health care costs and decreasing benefits and protections. She is self-employed and she is already burdened with the cost of Paul's foster care each month, not to mention the heartache and the difficulty that this family is struggling with. They do not know how long she is going to be able to afford the coverage for herself and her daughter, and she is haunted with how quickly an unexpected illness can strike. Just in the case of her own husband, when things were going fine, bang, this hits and their whole life is turned upside down.

So the Kinbaums should not have to struggle to find affordable insurance for themselves in this country. They deserve the peace of mind that affordable health care coverage can bring.

I want to say again that the President and the First Lady have stepped up to this issue and are putting the finishing touches now on a comprehensive health care reform package that can begin to provide access to affordable health care coverage for all Americans, like the Kinbaum family I have been citing this morning.

Let me just finally say this. This case, while it is unique to this family and contains the facts in this circumstance, can be the story of any of us. It is the story of one American family, but it could be any other American family, and it could be any of us or anybody who we know or someone in our family or on our block or in our town could be hit and will be hit with these same circumstances today, next week, a month from now.

People in our country deserve to have a modern comprehensive health insurance plan in place that protects our people against these kinds of incredibly devastating catastrophic illnesses. If we have a national insurance scheme that ties everybody together with affordable rates and high quality, we can provide the kind of protection that keeps a family like this from actually being swept under financially and in every other way by circumstances that are beyond their control.

So that is what is at issue here: Whether we care enough about each other and about the people of this country to do what we can do now to fix these problems. The time to do it is now. This plan is coming forward in September of this year, and that means just within a matter of a couple of weeks we will have it out so we can see it, we can go to work on it and get it enacted before this session of Congress this year and next year ends; to have it in place so that families like this can get the protection they need and every other family in our country as well. I thank the Chair.

Mr. DASCHLE addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from South Dakota [Mr. DASCHLE] is recognized for 5 minutes.

FACES OF THE HEALTH CARE CRISIS—DEANN THOMAS

Mr. DASCHLE. Mr. President, let me congratulate the distinguished Senator from Michigan for an excellent statement. I had the good fortune to listen to it and hear him speak once more on the faces of health care.

As he has indicated, these are real problems affecting real people. We oftentimes get so wrapped up in statistics and reports and the big picture that we really do not oftentimes have the opportunity to think of the effect that some of these issues have directly on the lives of people who we know and who we represent. So I appreciate his involvement and participation again this morning.

As Congress, the President, and the public engage in a debate about health reform, we must never lose sight of our most important objective: to improve the quality of people's lives.

For this is not simply a debate about arcane principles of health care financing. As I said, this is a debate about people—Americans whose lives have been deeply affected by our health system's failings.

And there are millions each year who become victims of the system. They are real people, not just numbers. They could be any one of us.

They are a family that loses its health coverage and bankrupts itself when a child develops diabetes; a couple who lose their retiree benefits and must sell their possessions when the company for which they worked for 30 years reneges on its contract; small business owners who cannot afford coverage for themselves and must close the company's doors when they become ill.

These are the faces of the health care crisis.

They show up at every meeting I hold in South Dakota and write hundreds of letters each year.

They pay their bills, contribute their taxes, and do everything the right way.

They relay their heart-wrenching stories and cannot believe that there is often little we can do, under the current system, to help them.

They are shocked to learn that the United States, the richest country in the world, allows hard-working, taxpaying citizens to become impoverished when they fall ill.

They learn this lesson the hard way.

DE ANN THOMAS

A particular story comes to my mind when I think about the people for whom the system has failed.

DeAnn Thomas is a 25-year-old woman from Flandreau, SD, who has had diabetes since she was 15. When she was younger she was covered under her family's policy, but as an adult she has

been refused coverage by company after company and has been forced to go uninsured for years. She was even refused a policy when she worked for a employer that offered insurance; the insurer told her that they could not cover someone with her condition. Her employer did not compensate her for her exclusion from the policy.

Her determination to support herself and be gainfully employed has been an uphill battle. She has tried to get public assistance to help her with her medical expenses, but has been refused both Medicaid and SSI because she insists that her medical condition should not prevent her from working. Her wheelchair-bound father has tried to help her out, but his own health problems and limited resources have made this difficult.

DeAnn lives in constant fear that one illness or accident could wipe her out financially. She has had several experiences that confirm her fears may be warranted.

For example, DeAnn suffered a compound fracture of her back that makes it impossible for her to stand or sit for any length of time, and prohibits her from holding full-time employment. She worked as a waitress but, because of her low wages, she cannot pay over $5,000 in medical bills for treating her back—an amount that is close to what she made all last year.

Her unpaid bills now make it even more difficult to obtain medical care, which has caused her back condition to deteriorate, further limiting her ability to work.

In another instance, an untreated cold turned to a flu that she could not afford to treat. The illness interacted with her diabetes and landed her in the hospital with a serious infection. She, with the county's help, is still paying those bills as well as the bill for the life-long treatment she needs for her diabetes. DeAnn's future remains uncertain as she cannot treat her back problem and cannot work long enough hours to pull herself out of debt and cover her medical expenses.

This young, spirited woman, describes this vicious cycle she is in as depressing and disabling, one for which she sees no end.

DeAnn Thomas is just one of the millions of reasons why we must remain committed to reform of our health care system. Mr. President, it is not just about the percentage of GNP we spend on health care. It is not just about controlling the deficit. It is about people, people like DeAnn Thomas, people who long for the day when they have security, who long for the day when they, too, can look to their future with some degree of confidence that the problems they are experiencing in health care will not keep them from being employed, will not keep them from being mothers and fathers, will not keep them from being the Americans they know they can be.

As we get caught up in the complicated health care reform debate, let us not forget why we are here. Our goal must be to ensure that every single American, young or old, employed or between jobs, has complete security about his or her health coverage.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. DASCHLE. When dealing with an accident or illness, Americans deserve to spend their energy and resources overcoming their misfortune, not worrying about whether their insurance company will cover their bills. America deserves no less.

I yield the floor.

The ACTING PRESIDENT pro tempore. Will the Senator from South Dakota suggest the absence of a quorum?

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, as anyone even remotely familiar with the U.S. Constitution knows, no President can spend a dime of Federal tax money that has not first been approved by Congress, both the House of Representatives and the U.S. Senate.

So when you hear a politician or an editor or a commentator declare that "Reagan ran up the Federal debt" or that "Bush ran it up," bear in mind that it was, and is, the constitutional duty of Congress to control Federal spending. Congress has failed miserably for about 50 years.

The fiscal irresponsibility of Congress has created a Federal debt which stood at $4,390,677,349,818.20 as of the close of business on Tuesday, September 7. Averaged out, every man, woman and child in American owes a share of this massive debt, and that per capita share is $16,551.76.

SENATOR HATFIELD ACHIEVES A NEW DISTINCTION

Mr. BYRD. Mr. President, one of the pleasures attendant on my role as chairman of the Senate Appropriations Committee is the friendship that I have consistently enjoyed with the ranking member of that committee and its former chairman, Senator MARK HATFIELD from Oregon.

Recently, through the revolutions of the clock and the calendar, Senator HATFIELD has ascended to a new honor, and I want to congratulate him on achieving a new distinction—that of becoming the longest serving Senator from the State of Oregon in Senate history.

Senator HATFIELD first won election to the Senate in 1966, and in their wisdom, the citizens of that great and beautiful State have chosen to return him to this august body in every election in which he has run since that time.

Since assuming the chairmanship of the Appropriations Committee, I have been privileged to serve continuously with Senator HATFIELD.

Senator HATFIELD is certainly able to protect his own prerogatives on that committee, and is not to be taken for granted on matters of partisan significance. But I can attest that no Senator in my experience has been more cooperative with me in our role as movers of legislation through the Appropriations Committee, and no Senator in my experience has served with me in this body in a more irenic, cordial, cooperative, or accommodating fashion than has the senior Senator from Oregon.

Therefore, I want to join all of our colleagues of both parties in expressing to Senator MARK HATFIELD my personal congratulations on his achieving a significant new distinction of longevity, as well as expressing again to Senator HATFIELD my sincere appreciation for the spirit of cooperation, courtesy, and dedication that he consistently has brought to our efforts together on the Senate Appropriations Committee and in all of our work together over the years in the Senate.

THE NORTH AMERICAN FREE-TRADE AGREEMENT

Mr. METZENBAUM. Madam President, I rise to address the proposed North American Free-Trade Agreement—commonly referred to as NAFTA—between the United States, Mexico, and Canada. During the August recess, President Clinton concluded negotiations with Mexico and Canada on a series of side agreements covering labor, environment, and import surge issues. Very shortly, the President will be sending implementing legislation to Congress, and we will be asked to vote on the treaty and side agreements as a whole.

Let me be frank about my purpose in rising today, Madam President: I am deeply, deeply troubled by this agreement. NAFTA will have a devastating impact on our workers, our industrial base, and our environment. It is a raw deal for the American people. We should reject the North American Free-Trade Agreement and put it to bed.

Over the next several months, I intend to speak out about NAFTA, the side agreements, and the effect they will have on our country. I hope to bring to light, in much greater detail, the staggering consequences NAFTA

will have on American workers and on the environment. But today, I want to alert the American people to the importance of this issue.

Recent polls show that millions of Americans do not know what NAFTA is or how it would affect them. Let me begin by briefly explaining the agreement. As drafted, NAFTA would eliminate virtually all trade restrictions and tariffs between the United States, Mexico, and Canada over the next 15 years. Its proponents claim that eliminating trade barriers with Mexico will benefit American workers by permitting United States manufacturers to gain easier access to Mexico's consumer markets.

But take a closer look at NAFTA, and you will see that these job growth predictions are little more than smoke and mirrors. At present, Mexican manufacturing workers earn must $2.35 an hour, less than one-seventh the $16.17 earned by American manufacturing workers. The difference in health and pension benefits adds even more to this disparity. If we eliminate current trade restrictions, hordes of United States companies will shift production to Mexico over the next few years. Hundreds of thousands of high-paying U.S. manufacturing jobs will be eliminated, in industries such as electronics, apparel, and automobiles, striking at the core of America's industrial base.

Other labor-intensive industries, such as food production firms, truckers, and fruit and vegetable growers will be devastated, if not wiped out entirely. The ramifications will be felt across our entire economy.

NAFTA's proponents acknowledge that we may lose thousands of jobs, but they claim that those losses will be more than offset by new jobs resulting from expanded trade with Mexico. But I do not believe the American people will be fooled by this claim. First, with an average annual income of just $2,500, Mexican workers are in no position to buy our products. Second, even if Mexican demand for our products increases, United States firms will make those products in Mexico, where labor costs are cheaper and the finished goods are closer to the marketplace. So in reality, United States companies will use NAFTA primarily to make more goods in Mexico for sale back here in the United States. Plain and simple, that means far fewer jobs for American workers.

NAFTA's supporters also point to our current trade surplus with Mexico as proof of the benefits of free trade. But look closely at these exports. In 1991, for example, we had a $3.2 billion deficit with Mexico in the trade of consumer goods. We did have a $4 billion trade surplus in capital goods and heavy machinery, but that very equipment is being used to build Mexican factories which will make products to be sold in the United States.

If we adopt NAFTA as drafted, our heavy industries might benefit briefly from Mexico's industrialization. Ultimately, though, any short-term benefits will be dwarfed in the long run as our industrial base is systematically dismantled and moved south of the border. In the coming months, I will have much more to say about NAFTA's disastrous impact on American workers.

Let me next address the side agreements the administration recently negotiated with Mexico, suggesting these are going to solve all the problems.

Last year, the U.S. Office of Technology Assessment prepared a report to Congress on the impact of NAFTA. OTA—an unbiased governmental agency—concluded that unless relations among Government, industry and labor are fundamentally changed here and in Mexico, NAFTA "could drive down wages and living standards in the United States without accelerating development in Mexico." Then-candidate Clinton seemed to agree with this assessment, declaring that he would not support NAFTA without strong side agreements on labor as well as the environment and import surges.

The administration has now negotiated these side agreements. The administration has not yet provided the Senate with the full texts, but from what I have learned about them, I doubt that they will do anything to address NAFTA's many shortcomings.

The labor side agreement, for example, accomplishes even less than existing international law in terms of protecting worker rights. It establishes a process for resolving complaints that one country is not enforcing its own laws. But that process is of little use when a country's laws are inadequate to begin with, as is the case with Mexico's 60-cents-an-hour minimum wage. In addition, the side agreement's dispute resolution process is cumbersome, lengthy, and fraught with procedural obstacles. As a result, it will be all but impossible to obtain adequate remedies in a timely fashion.

Most importantly, this dispute resolution process does not even apply to workers' freedom of association rights, which numerous international human rights organizations have repeatedly cited as a serious problem in Mexico.

I will have more to say in the coming months about these side agreements. But at this stage I cannot see, under any circumstances, how they even begin to resolve the tremendous problems posed by the underlying NAFTA Agreement.

Mr. President, I campaigned very hard last year for then-candidate Bill Clinton. This year, I have had some significant differences with the President over certain issues, but I have supported President Clinton's agenda. President Clinton is a reasonable man, and he has already done a lot for working Americans, from signing the Family and Medical Leave Act to extending unemployment insurance for those who have lost their jobs. I know the President wants to expand our job base, and that he wants to do what is right for the American people.

But on the issue of NAFTA, I have a fundamental difference of opinion with the President. Remember, this NAFTA was first negotiated by the Bush administration to benefit big business and big financial institutions. This is still the same NAFTA. Remember, it was George Bush who negotiated tough NAFTA provisions to protect American investments in Mexico, but did nothing to protect American workers here at home. This is still the same NAFTA. I thought NAFTA was a raw deal for American workers then, and I think so now.

If the Members of this body want to know what the future looks like under NAFTA, I would urge them to visit the Maquiladora region just over the United States border in Mexico. I went there last fall to see the living and working conditions myself and at a later point I will address myself to that subject.

Finally, Mr. President, let me make clear that I am not a projectionist. I believe in free trade with countries that have comparable economics, such as Canada and the nations of Europe. But a free-trade agreement with a nation that pays workers $2 an hour is a losing proposition for America, no matter how it is drafted.

Ultimately, NAFTA is not about free trade, it is about unfair trade. Under its terms, American companies will move to Mexico in droves to exploit Mexican workers, taking America's industrial base with them. I know it, the Fortune 500 know it, and those Americans familiar with NAFTA know it. The Senate should reject the North American Free-Trade Agreement.

BUDGET SCOREKEEPING REPORT

Mr. SASSER. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the budget through August 6, 1993. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the concurrent resolution on the budget (H. Con. Res. 287), show that current level spending is below the budget resolution by $1.6 billion in budget authority and above by $0.6 billion in outlays. Current level is $0.5 billion above the

revenue floor in 1993 and above by $1.4 billion over the 5 years, 1993–97. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $393.5 billion, $27.3 billion below the maximum deficit amount for 1993 of $420.8 billion.

Since the last report, dated August 3, 1993, Congress approved and the President signed Public Law 103–81, the Small Business Guaranteed Credit Enhancement Act. These actions decreased the current level of budget authority and outlays by $12 million.

I ask unanimous consent that the CBO report be printed in the RECORD.

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 7, 1993.

Hon. JIM SASSER,
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 1993 and is current through August 6, 1993. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the Concurrent Resolution on the Budget (H. Con. Res. 287). This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated August 2, 1993, Congress approved and the President signed P.L. 103–81, the Small Business Guaranteed Credit Enhancement Act. These actions changed the current level of budget authority and outlays. In addition, Congress approved and the President signed P.L. 103–75, the Emergency Supplemental for Flood Assistance. Funds made available in this bill are designated emergencies and have no affect on the current level of budget authority, outlays, or revenues.

Sincerely,

JAMES F. BLUM
(For Robert D. Reischauer).

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, 103D CONG., 1ST SESS., AS OF CLOSE OF BUSINESS AUG. 6, 1993

[In billions of dollars]

	Budget resolution (H. Con. Res. 287).	Current level [1]	Current level over/under resolution
On-budget:			
Budget authority	1,250.0	1,248.4	−1.6
Outlays	1,242.3	1,242.9	.6
Revenues:			
1993	848.9	849.4	.5
1993–97	4,818.6	4,820.0	1.4
Maximum Deficit Amount	420.8	393.5	−27.3
Debt Subject to Limit	4,461.2	4,307.2	−154.0
Off-budget:			
Social Security outlays:			
1993	260.0	260.0	
1993–97	1,415.0	1,415.0	
Social Security revenues:			
1993	328.1	328.1	(2)
1993–97	1,865.0	1,865.0	(2)

[1] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[2] Less than $50,000,000.

Note. Detail may not add due to rounding.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 103D CONG., 1ST SESS., SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1993 AS OF CLOSE OF BUSINESS AUG. 6, 1993

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues	0	0	849,425
Permanents and other spending legislation	764,283	737,413	0
Appropriation legislation	732,061	743,943	0
Offsetting receipts	(240,524)	(240,524)	0
Total previously enacted	1,255,820	1,240,833	849,425
ENACTED THIS SESSION			
CIA Voluntary Separation Incentive Act (Public Law 103–36)	1	1	0
Unclaimed Deposits Amendments Act (Public Law 103–44)	0	1	0
1993 spring supplemental (Public Law 103–50)	1,003	1,199	0
Transfer of naval vessels to certain foreign countries (Public Law 103–54)	(8)	(8)	0
Small business guaranteed credit enhancement act (Public Law 103–81)	(12)	(12)	0
Total enacted this session	984	1,181	0
ENTITLEMENTS AND MANDATORIES			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	(8,443)	922	0
Total current level [1]	1,248,361	1,242,935	849,425
Total budget resolution [2]	1 249,990	1,242,290	848,890
Amount remaining:			
Under budget resolution	1,629	0	0
Over budget resolution	0	645	535

[1] In accordance with the Budget Enforcement Act, budget authority and outlay totals do not include the following in emergency funding:

[2] Includes a revision under sec. 9 of the concurrent resolution on the budget.

Note.—Amounts in parentheses are negative. Detail may not add due to rounding.

[In millions of dollars]

	Budget authority	Outlays
Public Law:		
102–229	0	712
102–266	0	33
102–302	0	380
102–368	1,060	5,873
102–381	218	13
103–6	3,322	3,322
103–24	4,000	(4,000)
Offsetting receipts	(4,000)	(4,000)
103–50	0	(30)
103–75	4,190	141
Total 1993 emergency funding	8,790	10,444

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 1298, which the clerk will report.

The bill clerk read as follows:

A bill (S. 1298) to authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The Senate resumed consideration of the bill.

Mr. BINGAMAN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico is recognized.

AMENDMENT NO. 777

(Purpose: To strike out section 3317)

Mr. BINGAMAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The bill clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself, Mr. MCCAIN, Mr. MATHEWS, and Mr. NUNN, proposes an amendment numbered 777.

On page 432, strike out line 6 and all that follows through page 434, line 8.

Mr. BINGAMAN. Mr. President, this amendment is being proposed on behalf of myself, Senator MCCAIN, Senator MATHEWS, and Senator NUNN.

The amendment is very straightforward as it was read in its entirety by the clerk. I think it is easily understood. It is supported by the administration. It is supported by the Department of Defense. It is supported also by the National Taxpayers Union. I think when we get into a description of the amendment, it will be easy for my colleagues to see why the Taxpayers Union has an interest in this matter.

The provision of the bill which we are proposing to strike would create, if it is left in the bill, a new entitlement program for the American metal casting industry under which taxpayers would provide an annual grant of at least $20 million from now on in perpetuity outside the normal appropriations process.

These funds would be provided to an entity, the American Metalcasting Consortium which has refused to pursue funding in the traditional way of competing with other industry groups for research and development funds which has refused to commit its own funds to pursue this research and development that they want the taxpayers to underwrite.

Our amendment, as I indicated before, is supported by the administration. The administration has expressed strong opposition to section 3317 which is the section of the defense bill that we are here proposing to strike.

Mr. President, at the outset of this discussion I ask unanimous consent to have printed in the RECORD the letter from the Department of Defense indicating their opposition to this amendment.

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

THE UNDER SECRETARY OF DEFENSE,
Washington, DC, July 29, 1993.

Hon. SAM NUNN,
Chairman, Senate Armed Services Committee, Washington, DC.

DEAR MR. CHAIRMAN: The Department of Defense (DoD) has reviewed Section 3317 of the National Defense Authorization Act for FY 94 as reported out by the Senate Armed Services Committee. This Section would provide a perpetual payment from DoD funds of $20 Million per year to the American Metalcasting Consortum for enumerated purposes.

The DoD adamantly opposes Section 3317 for the following reasons:

Earmarking money from National Defense Stockpile (NDS) sales proceeds for any specified group to use in a way that meets no known Defense requirement sets an undesirable precedent for the usage of the stockpile transaction fund.

If the DoD is to retain a viable industrial base during the next decade, DoD must very carefully ensure monies are allocated only to those sectors which are indeed most critical. The effect of Section 317 would be to give one group, a consortium, an unfair advantage over all the other competitors, even if a Defense requirement for support existed. Section 3317, no matter how it is styled and how laudable its intent, is, in fact, a noncompetitive grant and it is consequently unfair and, in this case, unneeded.

This grant adds to the federal deficit without any offsetting savings. In FY 94, for example, the Congressional directive is to transfer $500 million in sales proceeds from sales of NDS materials into DoD operating accounts. If a portion of these funds is diverted into grants, the operating funds will have to come from additional appropriations. This means that the original intent of NDS sales, which was to generate disposal revenues without generating a need for additional tax revenues, will have been defeated.

For all these reasons, DoD strongly opposes this amendment. For your further attention, I have enclosed an information paper providing you with general information on the NDS.

Sincerely,

JOHN M. DEUTCH.

THE NATIONAL DEFENSE STOCKPILE

The National Defense Stockpile (NDS) was created by the Stock Piling Act of 1946. The NDS Act was a direct response to the critical shortages of basic industrial materials encountered during WW II. Shortages of strategic and critical materials such as rubber, chrome, tungsten and manganese seriously hampered the U.S. industrial mobilization effort during WW II.

From then until now, the U.S. has maintained an NDS of strategic and critical materials. The kind, number and value of NDS materials change from year to year as military requirements and manufacturing processes restructure.

The current composition of the NDS includes 91 materials ranging from manganese ore to near gem quality diamonds; current value of the NDS is estimated at approximately $6 billion. The materials are stored in 88 vaults, warehouses and depots throughout the continental United States. In 1992, in response to the end of the Cold War, Congress enacted a broad plan for NDS restructuring for fiscal years 1993–1997 in PL 102–484. In concert with concerns for the federal deficit level as well as the greatly reduced probability of global conflict, the Congress declared large quantities of NDS materials as excess and set goals for disposal of these now-unneeded materials up to $500 million per year for FY 1993–97.

Revenues generated by the sale of excess NDS materials are already directed by the Congress to be used for DoD facilities repair as well as NDS restructuring purposes.

Mr. BINGAMAN. Mr. President, I would also at this point ask unanimous consent to have printed in the RECORD the letter from the National Taxpayers Union indicating their opposition.

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

NATIONAL TAXPAYERS UNION,
September 2, 1993.

Hon. JEFF BINGAMAN,
U.S. Senate, Washington, DC.

DEAR SENATOR BINGAMAN: The National Taxpayers Union, America's largest taxpayer organization, is pleased to endorse the floor amendment to the 1994 Defense Authorization bill you are planning to offer with Senator John McCain, which would strike the $20 million annual grant for the American Metalcasting Consortium.

Your amendment to eliminate section 3317 from the Defense Authorization bill will save taxpayers some $200 million over the next decade, and perhaps a great deal more, since the authorizing language creates a virtual entitlement for the Consortium.

As you know, the Department of Defense opposes this annual grant. To quote Under Secretary of Defense John Deutch, "Earmarking money from the National Defense Stockpile sales proceeds for any specified group to use in a way that meets no known Defense requirement sets an undesirable precedent for the stockpile transaction fund." We completely agree.

The American Metalcasting Consortium's noncompetitive grant was characterized as "unfair" and "unneeded" by DOD. It runs counter to the existing Congressional directive regarding the National Defense Stockpile, and it duplicates a research project won on a competitive bid using a $6 million matching fund program with FY '92 funding.

The National Taxpayers Union urges your colleagues to support the Bingaman-McCain amendment to strike the $20 million annual grant for the American Metalcasting Consortium when the Defense Authorization Bill is considered on the Senate floor.

Sincerely,

AL CORS, Jr.,
Director, Government Relations.

Mr. BINGAMAN. Mr. President, I will read a portion of the letter from the National Taxpayers Union for my colleagues to put this in perspective. They have said in their letter to me dated September 2:

The National Taxpayers Union, America's largest taxpayer organization, is pleased to endorse the floor amendment that you are planning to offer with Senator MCCAIN, which would strike the $20 million annual grant for the American Metalcasting Consortium.

Your amendment to eliminate section 3317 from the Defense Authorization bill will save taxpayers some $200 million over the next decade, and perhaps a great deal more, since the authorizing language creates a virtual entitlement for this Consortium.

The letter goes on to explain in more detail why they support our amendment.

Mr. President, there is no doubt that the American metalcasting industry is in decline and it has been in decline for at least two decades. I would welcome efforts by that industry to deal with their problems. But the problems are not the result of the end of the cold war.

The Department of Defense and its contractors are a small and a declining customer for this industry. Well over 90 percent of the output of this industry is consumed by the civilian sector in areas such as machinery and equipment, cars and trucks, pipes and fittings, railroads, et cetera.

The decline of this industry over the last two decades has resulted from a variety of factors. Let me list the most important of those. It has resulted from very stiff foreign competition that has developed, it has developed from under investment by industry itself, resulted from the need to comply with strict environmental laws which we put in place in this country and also from the competition that has developed from alternative technologies such as advanced materials fabrication which provide greater quality and consistency than the technology being used by the industry in question.

Compared to many other industries affected by the decrease in defense spending, this industry's claim on the defense resources is a very weak claim.

Section 3317 would put this consortium ahead of all other industry groups who are competing for Federal research and development support at this time.

Mr. President, as you and all Members of this body will remember, last year we enacted the technology reinvestment project which was set up to provide research and development funds for firms and independent industries hard hit by the change in the world circumstance and the end of the cold war.

Under that technology reinvestment project, the Department of Defense has received about 3,000 proposals, received them in July of this year, from industry groups that were willing—and we put this requirement into law that those industry groups be committed to share the cost of reinvesting in their own future. The Department of Commerce and its industrial technology programs, the Department of Energy and its technology partnership programs similarly faced overwhelming competition for the scarce resources that we have available for this research and development activity, and we require in all of those cases that industry come forward with a cost sharing.

Section 3317 especially says that industry groups and people who compete for those funds are suckers. They do not compete. The message is very clear from this section we are trying to strike. It is "Do not compete on the merits. Do not commit to invest in your own future. Instead, go to Congress outside the normal competitive

process, get yourself a grant, and do so by use of some cooked-up national security rationale. That way you do not have to share the costs. That way you can get the Congress to fund your marketing, your advertising efforts, something that you never could get the Department of Defense, the Department of Commerce, and the Department of Energy to fund in the normal process."

The American Metalcasting Consortium chose not to compete in the funds of any of those agencies, the R&D funds made available to industry. Instead it chose to hire lobbyists to pursue a congressional earmarking strategy to meet what Under Secretary of Defense John Deutch has called "no known defense requirement." The lobbyists cooked up a wonderful—and I mean a very "Alice in Wonderland" kind of wonderful—national security rationale for the new entitlement. Let me just describe the logic of this rationale so that everyone has it clearly in mind. We may see it again.

It goes like this. The Department of Defense is disposing of metals from the national defense stockpile that it does not need anymore. The metalcasting industry uses the metals and therefore the Department of Defense should subsidize the metalcasting industry. That is the rationale. There is no more logic to it than that.

Mr. President, I want to warn my colleagues that the defense stockpile will also in the next few years be disposing of tanning extracts. That is leather tanning, I am referring to, not sun tanning. If these provisions stand in this metalcasting provision that is in the law, I suspect that next year we will be subsidizing the leather industry, the shoe industry, Mr. President, we will also be disposing of medicinal compounds from our stockpile such as quinine and morphine, and I pray the lobbyists for the pharmaceutical industry are not watching us today. I could go on, Mr. President, and point out the absurdity of this rationale as it could be applied to a variety of things in our stockpile. But the simple point is that section 3317 is not a precedent that we want to set here in the Congress.

Mr. President, I should also say that the Advanced Research Projects Agency is providing $6 million which is matched by industry to support the investment casting cooperative arrangement in its efforts to reduce the cost and time to design and produce precision cast parts for aeropropulsion systems. This consortium includes General Electric, Pratt & Whitney, Precision Cast Parts, and Universal Energy Systems, competitively selected by the Advanced Research Projects Agency, where the Department of Defense has a requirement, a legitimate national security requirement. It has acted to meet in a fair and equitable manner that requirement.

Mr. President, I worked hard to support sound efforts to help industry groups to compete in the world marketplace.

I think that record is clear. But that is not what section 3317 is about. Government can and should be a catalyst to help industry develop new technology to meet foreign competition, as it has been in the case of SEMATECH, or in the case of the National Center for Manufacturing Sciences, or the Investment Casting Consortium, which I just mentioned. But it cannot and should not put one industry on the permanent dole, as this provision in the bill proposes to do.

Government can and should support the efforts of State government to help small manufacturers, such as many metalcasting firms, to adapt to the challenges they face and to adopt existing world-class practices. The Commerce Department is doing that exact thing in coordination with other agencies, including the Department of Defense. I have been one of Senator HOLLINGS' strongest supporters in expanding that effort by the Department of Commerce. But Government should not advantage one set of small manufacturers over another.

Mr. President, to conclude and summarize the argument in favor of the amendment I have offered, if my colleagues want to save the taxpayers $200 million over the next 10 years, if they want to prevent the start of a new entitlement program, and if they want to be fair to the thousands of other industry groups and companies that are willing to compete on the merits and are willing to share the cost of investing in their own future, then I urge my colleagues to support our amendment to strike this provision.

I believe this is something we should take. It is an important precedent for us here in the Senate and one that we need to act decisively on.

I yield the floor and reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. Is there further discussion on the amendment?

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

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

The bill clerk proceeded to call the roll.

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

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

Mr. THURMOND. Mr. President, the United States is losing its industrial capacity. The Nation is becoming more and more reliant on the service industry and neglecting the foundation of a strong modern industrial nation—its manufacturing base.

Nowhere is this decline more evident than in the domestic metalcasting industry. Since 1970, employment in the metalcasting industry has declined by almost 200,000 people, production has dropped from almost 20 million to 12 million tons in 1990, and the number of companies that provide employment dropped from 5,100 in 1970, to 3,200 in 1990.

Mr. President, the casting industry is essential to the defense of our Nation. Ninety percent of all manufactured products contain castings. In addition, 10 to 12 percent of all castings are produced solely and exclusively for military applications. Tanks, planes, ships, weapons, and a myriad of other military hardware contain thousands upon thousands of cast parts. In view of the declining defense production, if the Nation is to maintain a modern healthy casting industry, we must be prepared to provide the means to conduct research and develop new technology.

The American Metalcasting Consortium, which represents 3,200 foundries, has developed a plan to maintain the viability of this important segment of our manufacturing base. The plan identifies four areas of focus: Research and development; casting applications development; education and training; and, a small business innovation program.

Mr. President, these are realistic and achievable objectives which will ensure a strong metalcasting industry to meet our defense needs. I urge this body to support the American Metalcasting Consortium legislation as contained in the Armed Services Committee bill.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. SHELBY addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Alabama [Mr. SHELBY] is recognized.

AMENDMENT NO. 778 TO AMENDMENT NO. 777

(Purpose: To revise section 3317, relating to support for the metalcasting industry of the United States)

Mr. SHELBY. Mr. President, I send a substitute amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The bill clerk read as follows:

The Senator from Alabama [Mr. SHELBY], for himself and Mr. THURMOND, proposes an amendment numbered 778 to amendment No. 777.

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

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

The amendment is as follows:

In lieu of the matter being the striken insert the following:

SEC. 3317. METALCASTING RESEARCH AND DEVELOPMENT PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.) is amended by adding at the end the following new section:

"METALCASTING RESEARCH AND DEVELOPMENT PROGRAM

"SEC. 17. (a) The National Defense Stockpile Manager shall carry out a metalcasting research and development program.

"(b) Under the program, the Stockpile Manager shall support, through contracts, grants, or cooperative agreements, metalcasting industry research and development activities, including the following activities:

"(1) Development of casting technologies and techniques.

"(2) Improving of technology transfer within the metalcasting industry in the United States.

"(3) Improvement of training for the metalcasting industry work force.

"(c) The Stockpile Manager shall use competitive procedures in awarding contracts, grants, and cooperative agreements under the program.

"(d) The Stockpile Manager shall ensure that each contract, grant, or cooperative agreement under the program includes a cost-sharing arrangement that requires contributions by non-Federal Government sources to the defraying of the cost of activities supported by the contract, grant, or cooperative agreement. The Stockpile Manager may waive the requirement in the preceding sentence in the case of any contract, grant, or cooperative agreement if the Stockpile Manager determines that cost-sharing is not feasible in such case.".

(b) IMPLEMENTATION.—Not later than 90 days after the date of the enactment of this Act, the National Defense Stockpile Manager shall prescribe regulations to carry out the metalcasting research and development program required by section 17 of the Strategic and Critical Materials Stock Piling Act, as added by subsection (a).

(c) FUNDING.—To the extent provided in appropriations Acts, for each of fiscal years 1994, 1995, 1996, 1997, and 1998, funds in the National Defense Stockpile Transaction Fund shall be available for the metalcasting research and development program required by section 17 of the Strategic and Critical Materials Stock Piling Act (as added by subsection (a)) in an amount not to exceed

(1) $10,000,000.

Mr. SHELBY. Mr. President, I offer this amendment in the nature of a substitute to the Bingaman amendment on behalf of myself and the distinguished Senator from South Carolina, Senator THURMOND.

Before I describe the amendment, I want to set the record straight on the current provision in the defense authorization bill. I must point out at the outset that despite the rhetoric of those opposed to section 3317, this provision was supported by a majority of the members of the Armed Services Committee in our markup.

All one has to do is turn to the committee's report accompanying this legislation, and the report states:

The committee shares the Department of Defense's concern with a dwindling industrial base of casting sources and the effect this reduction has on our capability to defend the Nation in time of war, as well as our economic vitality. Ferrous and nonferrous castings are crucial components of an integrated industrial base and are necessary to provide operation and maintenance of current military systems, as well as being capable of competing effectively in U.S. and world markets.

Mr. President, in an effort to address these concerns, the Armed Services Committee directed the Department of Defense to make a grant of $20 million from the moneys in the transaction fund of the national defense stockpile to the American Metalcasting Consortium to conduct research and casting application development activities. The Defense Logistic Agency was given the responsibility for administering this grant.

What is so important about the metalcasting industry? Ninety percent of all manufactured products contain casting in this country. In addition, 10 to 20 percent of all castings are produced solely and exclusively for military applications—tanks, planes, ships, and weapons. And a myriad of other military systems contain thousands and thousands of other cast parts.

Mr. President, there are 3,200 foundries in the United States today employing 265,000 people in all States. These foundries produce over 100,000 distinct products which are used in 90 percent of all manufactured goods. Ninety-five percent of these companies are small businesses. However, since 1980, one out of every four foundries has shut down. It is estimated that over a 10-year period, this initiative could save 60,000 current jobs and perhaps create another 60,000.

Opponents of this provision have raised legitimate questions. Concerns have been expressed about the provision with a direct grant to a particular organization that this provision is not subject to annual appropriations, that there is no cost-sharing mechanism, and that $20 million a year would be granted in perpetuity to this organization.

I believe that the amendment that the senior Senator from South Carolina and I are now offering as a substitute addresses these concerns. The amendment establishes, Mr. President, a metalcasting research and development program that will be administered by the national defense stockpile manager and operated through grants, contracts, or cooperative agreements on a competitive basis.

The amendment also directs the stockpile manager to ensure, Mr. President, that each contract, grant or cooperative agreement under the program include a cost-sharing arrangement that requires contributions from non-Federal Government sources. The stockpile manager may waive this requirement if he determines that cost sharing is not feasible in certain cases.

Further, the amendment that we have offered here limits the program to 5 years. It also ensures that this program will be subject to annual appropriations.

Finally, we have limited the annual funding of the program to $10 million per year as opposed to the $20 million that is included in the bill.

Mr. President, I would also like now to address the Advanced Research Project Agency, ARPA, $6 million in investment casting grant that was referenced in a "Dear Colleague" letter signed by my colleagues, Senators BINGAMAN and MCCAIN. Less than 10 percent, Mr. President, less than 10 percent of the metalcasting industry involves investment casting. The program that is funded by ARPA deals with blades and vanes. This technology is limited using extremely different processes and materials. Accordingly, only 8 to 10 companies out of a 3,200-company industry would benefit from the $6 million investment that is referred to in this letter.

Therefore, to state that the Department of Defense has already acted on the requirement for the casting industry is incorrect.

Mr. President, we have a chance here to do something concrete about our eroding industrial base. Our amendment takes into consideration the concerns expressed of those who oppose section 3317 and at the same time, Mr. President, provides for a fair, balanced method of assisting an ailing industry, the foundry industry.

I urge my colleagues to support the Shelby-Thurmond substitute.

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

The PRESIDING OFFICER (Mrs. MURRAY). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. NUNN. Madam President, most of the areas before the Armed Services Committee in this bill the committee has agreed to on across party lines and really across philosophical lines. This is one area where we do not agree, and the vote in committee was very close. I believe it was a vote that the Senator from Alabama already mentioned.

The majority favored the provision that is now in the bill that is attempted to be stricken. The Senator from New Mexico and the Senator from Alabama are correct on that. The majority, as I recall, was by one vote. This was a very close vote and was debated very vigorously in committee.

I voted with the Senator from New Mexico in the committee. I was in the minority, and I am in the minority now.

I support the amendment by Senator BINGAMAN and Senator MCCAIN to delete section 3317 from the bill. That is the section that earmarks $20 million a year forever—it goes on indefinitely, in perpetuity, for a noncompetitive research grant to the American Metalcasting Consortium.

I understand the sentiment behind the provision in the bill. I understand the concerns for the metalcasting industry, and I share that concern.

But this is not the way to do it. This provision was adopted in committee by a single vote.

Madam President, the provision in the committee bill would require the Secretary of Defense to make a $20 million grant to a single consortium representing a single industry without any competition, without any requirement for peer review and without any cost sharing or contribution by that industry.

The Armed Services Committee has consistently opposed provisions like this in the past, and even though it is in the bill and the bill represents the majority, I believe the Senate itself ought to seriously consider this matter before setting this precedent.

The Defense Department currently has a technology reinvestment program, the so-called TRP, which is reviewing technology development proposals and conversion proposals from really literally hundreds of thousands of companies and industries and consortiums and educational institutions throughout this country. DOD has already received a very large number of proposals from industry for funding through this program.

It is my understanding that there are over 3,000 of those proposals that have come from all over the country from different consortiums in good faith working through the TRP program. They are not assured they are going to get funded. There is no doubt about it. This is competition. They are going to select the ones that are the best proposals and have the best chance of using the limited resources of the taxpayers to make real advances in technology and assist in defense conversion.

The Department of Defense will spend approximately $500 million through the technology reinvestment program this year, and our bill that we are voting on or that we will vote on this week, this authorization bill, contains another $605 million for the program fiscal year 1994.

So we are talking about, in a 2-year period, about $1 billion in this program. The projects that get funded under this program will be reviewed by people knowledgeable in the needs of our industrial base and will include cost sharing by the group receiving the funding and will be awarded on a merit selection basis.

There are hundreds of industries in this country that need help. There are hundreds of them that are in bad shape, and I know the metalcasting industry in this country is in trouble. I have members of this industry in my own State and they have informed me about the critical need for investment in new casting techniques and applications to meet new requirements. So I understand that.

I know that a large majority of the members of this industry are small businesses and they have trouble coming up with substantial funds to invest in research and development in new technology. There is no doubt about that. The Senator from South Carolina and the Senator from Alabama have already stated that, and I think they are absolutely correct.

However, there are other important industries in our economy that are suffering from some of these same problems. We have to ask ourselves: Are we going to do this for every industry that is in trouble? Are we going to turn the stockpile funds of the U.S. Government over to every industry that comes before the Congress and says they have a problem? Can we say to this one industry, the metalcasting industry, that you deserve an earmark grant of $20 million a year forever from DOD for research on new techniques when other industries have to go through a merit-based selection process that requires cost sharing to get funds from DOD to support this kind of research?

I do not think we should say that, Madam President, and that is why I support the amendment of Senator BINGAMAN and Senator MCCAIN.

I hope the American Metalcasting Consortium will go through the normal procedures like every other industry is having to go through, submitting a proposal to the Department of Defense to the technology reinvestment program. If their proposal has merit, if it is a proposal that has merit, then it stands a good chance of being funded in the TRP program. If it does receive DOD funding through the technology reinvestment program it will be because competent people have determined it has merit in comparison to some similar requests from other industries, not because Congress has responded to those who are commanding the most attention and then turning it over as a matter of law through a noncompetitive earmark grant.

Madam President, there is another aspect of the provision in the committee bill that I want to bring to the attention of my colleagues and probably is an unintended aspect of the provision, but the Members should be aware of it.

Under current law all disposal of materials from the national defense stockpile have to be specifically authorized by law. The Armed Services Committee carefully reviews all the proposals by DOD to dispose of materials from the stockpile to make sure the disposals will not have an impact on the markets for those materials.

The provision that is in this bill now that the Senator from New Mexico intends to offer the amendment to change, to strike, makes the grant to the American Metalcasting Consortium and also gives the Department of Defense extraordinary authority to dispose of any material in the stockpile whether authorized by Congress or not, to get enough money in the national defense stockpile transaction fund to make this noncompetitive grant.

This kind of open-ended authority could be used by the stockpile manager and DOD to dispose of materials in the stockpile that the stockpile manager wanted to sell in the past, but which Congress has restricted or prohibited. Materials like silver, ferrochrome, and ferromagnesium are just three materials that come to mind that the stockpile manager has asked for authority to dispose of in the past which Congress has denied.

If we do not adopt this amendment and delete the provision from the bill, we would be giving DOD the authority to sell silver, ferrochrome and ferromagnesium in spite of the past congressional restrictions on the disposal of these commodities from the stockpile.

Madam President, I know the Senator from Alabama had modified his amendment. It is my understanding that, instead of the provision in the bill, he would propose at this point that we go to a more restricted program, a 5-year program, which would be $10 million per year. That would be in lieu of what is in the bill now, which is a $20 million program which is in perpetuity. But the second-degree amendment still mandates this. It does not leave it up to the Department of Defense.

The provision in the bill, as I understand it, does not have any competitive procedures. I believe the second-degree amendment—and the Senator from Alabama could clarify this—does require competitive procedures, but it is my understanding they are all within that industry. So there is no competition to determine whether this is the greatest need or whether it is some other industry that has a greater need, some other group of people out there who may have a more meritorious program. So it is competition in one sense, but in a very narrow sense.

Also, as I understand it, the second-degree amendment would require cost sharing, but it does not say how much. It does not have any defined guidelines for cost sharing.

So, Madam President, I think the second-degree amendment is better than what is in the bill, but I think the best thing is to start all over on this with the amendment of the Senator from New Mexico to strike and let us try to approach this in a logical fashion that is fair, not only to this industry, but is fair to the other industries in this country. They are already competing for a limited amount of money through a normal competitive process.

So I suggest that my colleagues may want to consider very carefully the position of the Senator from New Mexico, and I agree with that position.

Mr. BYRD. Madam President, I support the amendment offered by Senator SHELBY and I think that it greatly improved the language contained in the bill. This amendment corrects certain problems that were created when the Senator's amendment was adopted by the Armed Services Committee. Chief among those problems was the omission of language that would make this program to support the metalcasting industry subject to annual appropriations. I understand that the Senator intended to include such language as part of the amendment he offered in the committee, but that an earlier version without this correction was inadvertently adopted. I thank him for taking this opportunity to correct this oversight.

This amendment also improves the original language by infusing the program with greater competition and by eliminating the authority given to the President to dispose of materials from within the national defense stockpile regardless of existing restrictions. Obviously, increasing the competitive aspects of such a program will enhance the long-term benefits to the Defense Department and increase the Department's ability to conduct proper oversight of the program. Removing the overly broad disposal authority may limit the amount of funding available for this program, but this will prevent the unintended consequence of overriding congressional restrictions set up in other legislation.

Finally, this amendment limits the program to 5 years and to $10 million instead of $20 million a year. I don't believe the Senator intended this program to continue in perpetuity and this amendment corrects that problem. Additionally, $10 million will provide a sufficiently robust program to accomplish the objective of the legislation.

Let me turn for a moment to those objectives. The metalcasting industry employs 265,000 people in all 50 States, primarily in small businesses, and generates $20 billion in output annually. These products are used in almost all manufactured goods, with 10 percent of the production being consumed directly by the Defense Department. This critical industry has seen 25 percent of its foundries shut down since 1980. It is entirely appropriate that the Defense Department lead this program as part of the larger defense conversion and industrial base efforts. I congratulate Senator SHELBY on his leadership and for offering these improvements to the original language.

Mr. MCCAIN. Madam President, I rise today to voice my support of Senator BINGAMAN's amendment to the Defense authorization bill, to strike section 3317 of that bill. This section, which Senator BINGAMAN's amendment would eliminate, provides for an annual $20 million grant to a powerful special interest group, the American Metalcasters Consortium.

Let me say at the outset, that I understand and sympathize with the difficulties which the metalcasting industry is facing. It truly is an industry in decline, and in need of help. The metalcasting industry is facing great challenges from additional environmental regulation, stiff foreign competition, and under capitalization. But, section 3317 would have us believe that the answer to this industry's problems is a taxpayer financed bailout. I would ask you to believe otherwise.

Section 3317 provides for $20 million a year, and represents a $200 million plus program. Moreover, this program is an earmark. Earmarking funds for the metalcasters, whose needs are no greater than some other industrial sectors, undercuts the Senate Armed Services Committee's stand against earmarks, and undercuts the cost sharing and competition rules which have been established for the conversion program.

Moreover, this provision would allocate money in an area where the Defense Department, specifically the Advanced Research Projects Agency [ARPA], already has an existing cost shared program. ARPA is already supporting a $6 million investment in a cost shared casting consortium to develop jet engine airfoil and structural components.

So we already are helping this private industry. We are helping in a competitive, shared cost program, which is based on the principles of fairness, and private sector—governmental cooperation. Section 3317 would have us bypass this system, and give the American Metalcasters special treatment. While I sympathize with the difficulties the metalcasting industry is facing, are those difficulties worse than those faced by the textile industry? Or, the shipbuilding industry, or some portions of the electronics industry? What is so unique about the metalcasting industry that it would deserve treatment that these other important industries do not deserve?

There are many hard hit industries where the Department of Defense is a major customer: aviation, shipbuilding, missiles, and electronics are cases in point. They will not get such relief, yet the Department of Defense is only a relatively minor customer of the metal casting industry. DOD and its contractors consume between 3 and 10 percent of the metalcasting industry's output. Additionally, the Under Secretary of Defense for Acquisition has stated in the clearest possible language that they do not want section 3317 to become law.

Let me quote Under Secretary Deutch; "The DOD adamantly opposes section 3317." Adamantly opposes. DOD adamantly opposes this measure because; it meets no defense requirement, it is a noncompetitive grant and is subsequently unfair; and because this grant adds to the Federal deficit without any offsetting savings. Those are not my words, they are the words of the Defense Department official which Congress has designated to provide executive oversight of how DOD's funds are spent.

It is interesting to inquire what this proposed $20 million grant would be spent on. Where do the metalcasters see the biggest needs in their industry. I have here, portions of an internal American Metalcasters Consortium document—titled their "Strategic Program Plan," dated April 12, 1993—which indicates precisely how they intend to spend the taxpayer's money; 20 percent is designated for casting applications development. That is some sort of code word for advertising. I quote from the document;

> AMC will promote the use of castings. This includes advertising, public relations, and education * * * Advertising and promotion must be adequately funded to break through the threshold of insignificant or negative publicity of the past * * *.

Then in an appendix, the document describes the plan to spend $40 million dollars of taxpayer's money for these purposes.

Madam President, this measure does not represent industrial policy. It is not based on fair competition or the priorities we need to preserve our industrial base. This measure does not represent sustainment of an industrial base, or some manner of reinvestment or conversion of defense dollars. Section 3317 represents only one thing—a subsidy. This is special interest spending which subsidizes one industry unfairly with respect to other industries, spending which contributes to only one thing, the national deficit.

Borrowing to spend is bad. But borrowing to spend defense dollars, in a time when our uniformed services are struggling to meet operational requirements with reduced resources is not bad. It is unconscionable.

Madam President, I strongly urge my colleagues to support Senator BINGAMAN's amendment to strike section 3317 of the Defense Authorization Act, and to oppose Senator SHELBY's second-degree amendment. I urge my colleagues to cast a vote to put the Nation's interest above special interest of politics, a vote for the taxpayers who should not shoulder this unnecessary burden. Finally, a vote in favor of this amendment is a vote for our uniformed fighting men and women who would be better served by spending these funding in pursuit on maintaining readiness—so that they can better serve us.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Madam President, I thank the Senator from Georgia, the committee chairman, for his statement of support for what we are trying to do here.

As he points out very correctly, the amendment, even as modified by the Senator from Alabama, does lock in for one industry without competition—that is, between that industry and anyone else—$50 million over the next 5 years. It does so in an industry and as to product for which the Department of Defense says there is no known defense requirement.

Madam President, to elaborate a little more on what the Senator from Georgia said with regard to the technology reinvestment project, the TRP, as it is referred to in this discussion generally, that program was intended to provide funds for the very kinds of needs that the metalcasting industry is here asking the Congress to earmark money for.

There are around $9 billion of proposals submitted for a $480 million pot of money that the Congress set aside this last year. It is clear that the Department of Defense, working with the other agencies that have been involved in this, is going to be able to fund no more than 5 percent of the proposals that they have received.

So for the 95 percent of the proposals that are not funded, it is very clear that, if we go ahead with what the Senator from Alabama has in mind here, the obvious avenue available for those 95 percent are to come to Congress next year and ask for their earmarking and say, "Well, it does not make sense to compete, because you may not win if you compete." It is much easier to put your money not into commitment to reinvest in your own industry but instead put your money into hiring lobbyists to come in to Congress and get you an earmark so that you do not have to compete with other industries for your funds.

We also, I should point out, have made very substantial progress over the last couple of years in funding the advanced technology program in the Department of Commerce. It is a program that is directed specifically at industries such as this that are primarily focused on the commercial sector and provides research and development funds. The metalcasting industry can compete for funds in that area, as well. So there are opportunities for R&D funding available through existing channels.

Let me point out one other major problem with the substitute amendment that we have had submitted by the Senator from Alabama. That is his statement that the national defense stockpile managers shall carry out a metalcasting research and development program.

Madam President, the national defense stockpile manager has never carried out a research and development program on this or anything else. It would be highly unusual and precedent-setting for us to, all of a sudden, by statute, be directing the manager of the national defense stockpile, whose job it is to keep track of those minerals and other items that are kept in our national defense stockpile, to all of a sudden direct him to conduct a research and development program. I think that is another fatal flaw with the amendment that has been proposed.

The suggestion that we are making this competitive is not an honest assessment of what is being done. All they are saying here is that the funds do not have to go to this particular consortium; they can go to others. But it still would be dedicated to this particular industry's needs. That is what we are objecting to.

The suggestion that there is a cost share is also, I think, somewhat of a misrepresentation, because clearly there is a provision for the manager to waive that requirement of a cost share. The ability to waive a cost-share requirement is not present in the TRP program. It is not present in the ATP program, where everybody else has to go to get their money.

Let me just conclude my comments. I see my cosponsor on the amendment, Senator MCCAIN, from Arizona, is here and is waiting to speak. But let me conclude my comments by referring to another statement in this National Taxpayers Union letter, which we provided a copy of to each Member of the Senate. In that letter, the director of government relations for the National Taxpayers Union states, and I quote from his letter:

> As you know, the Department of Defense opposes this annual grant. To quote Under Secretary of Defense John Deutch, "Earmarking money from the National Defense Stockpile sales proceeds for an unspecified group to use in a way that meets no known defense requirement sets an undesirable precedent for the Stockpile Transaction Fund." We completely agree.

Madam President, if, in fact, we go ahead and leave this provision in the law and it becomes law and we wind up allowing the earmarking of proceeds from the sales out of the national defense stockpile, that will be precedent-setting and there will be many other industries in here next year with their proposals to earmark 5 percent, or whatever amount, in the national defense stockpile proceeds to bail out their industry. This would be a very unfortunate precedent for the Senate to set.

I urge that my colleagues not support the substitute amendment, but support Senator MCCAIN, myself, Senator NUNN and Senator MATHEWS in our efforts to strike this provision. At the appropriate time, I will propose to move to table the substitute amendment which has been offered.

I yield the floor at this time.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I again rise in strong support of the amendment by my colleague and friend, Senator BINGAMAN.

What we are talking about here is something that is not only important in and of itself, but, also, because it determines whether will set the kind of precedent that could cause a dramatic and unfortunate waste and misuse of defense dollars.

I would like to say at the outset that I have great sympathy with my colleagues Senator SHELBY and Senator THURMOND. I understand that the metalcasting industry in the United States is in sharp decline, largely due to tough new environmental laws, foreign competition, and undercapitalization.

I must point out, however, that the Department of Defense is a relatively minor customer of this industry. The Department of Defense and its contractors consume between 3 percent and 10 percent of its output.

The Department of Defense consumes a much larger percentage of the output of many other industries. For example, shipbuilding, 85 percent; guided missiles, 90 percent; tanks, 80 percent; small arms, 58 percent; aircraft parts, 50 percent—et cetera.

As my colleague from New Mexico has pointed out, there already is a process for aiding industries that have a legitimate defense conversion need. All industries and companies can compete for this funding, and the ARPA reinvestment and conversion program is the appropriate place for the metalcasting industry to seek funding for what they argue is much-needed relief.

I believe they deserve serious consideration. I do not think there is any doubt that the industry is in decline. I do not think there is any doubt that the proposed consortium contains many small foundries. In fact, I am told there are several in my State. But the reality is, Madam President, the needs of this particular sector of industry are no worse than others like shipbuilding—which is participating in the competition I talked about earlier—portions of the electronic industry, portions of the aircraft industry, textiles and many others. The stockpile sales were never intended to be used to help a certain sector of industry and it is unclear that the proposed program could use them meaningfully. The problems of this industry are relatively intractable, especially the environmental barriers and foreign competition.

Any use of taxpayer dollars to aid any industry must be both fully justified and fully competitive. This is why ARPA already has a cost-sharing program that is competitive and that

makes sense. If we grant an exception for one industry that should be competing, we will be hard put to turn down many others who do not win ARPA awards this fall. Such an act is just the kind of industrial policy that gives the term a bad name.

I know we often do disregard the wishes of the Department of Defense. I think it is important, however, for the record to clearly show the Department of Defense is emphatically opposed to this amendment. They state they oppose this measure because it meets no known defense requirement, because it sets an undesirable precedent for the use of the stockpile transaction funds, and because—no matter how laudable its intent—it is a noncompetitive grant and is consequently unfair.

If the Bingaman amendment were not adopted, section 3317 of the bill would add to the Federal deficit without any offset in savings. If these funds are diverted into grants, the operating funds will have to come from additional appropriations.

Madam President, again I would like to express my sympathy to my dear friends, Senator SHELBY and Senator THURMOND. I appreciate their efforts on behalf of large and small businesses, the metalcasters who are concerned. But the fact is, if we start down the slippery slope of approving tens of millions of dollars for industries that are badly in need, and bypass the competitive process, the process of hearings, the process of input from private and public sector and the process of review by the Department of Defense we will set a very dangerous and costly precedent. The competition for Federal dollars in defense conversion is keen. We must have an orderly and well-regulated process to decide where those defense conversion dollars go.

Perhaps the metalcasting industry deserves our help. Perhaps they deserve some conversion funding. I strongly recommend they go the route which many other industries in this country are going, and that is through the conversion process and conversion trust funds which have been set up for these purposes.

I urge my colleagues to support the Bingaman amendment and I appreciate Senator BINGAMAN's bringing this issue to the attention of this body.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Madam President, I support the amendment offered by my distinguished colleague, Senator SHELBY, to support the metalcasting industry in the United States. The amendment addresses those concerns raised by the Senator from New Mexico, Senator BINGAMAN. The amendment removes the earmark to the consortium and, instead, puts the national defense stockpile manager in charge of a competitive R&D program which supports industry activities. The amendment provides for cost-sharing arrangements by non-Federal sources to defray the cost of the program, if feasible. The amendment removes the $20 million, 5-percent provision and authorizes $10 million per year, subject to annual appropriation.

Madam President, I want to make this distinction: The amendment offered by my distinguished colleague, Senator SHELBY, is altogether different from the bill provision to which Senator BINGAMAN now refers. We have to make that distinction. The Shelby substitute amendment would remove those elements of the bill which Senator BINGAMAN finds objectionable.

There is much discussion about the Bingaman amendment, However, the Shelby substitute amendment addresses those concerns which are raised in the Bingaman amendment. So it is altogether a different situation which I want to call to the attention of the Senate, because I think there is some concern about portions of the bill which the Shelby amendment seeks to revise.

Senator SHELBY has leaned over backward. He has taken out objectionable portions. He is now proposing a competitive program, managed by the defense national stockpile manager, for a limited number of years, subject to annual appropriation. For These reasons there really should not be an objection. It seems to me this Shelby substitute amendment is reasonable and should be adopted.

Madam 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. NUNN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. NUNN. Madam President, I ask unanimous consent that the pending amendment, which I believe is a Shelby amendment, be temporarily laid aside, with the Senator from Arizona [Mr. MCCAIN], having the right to bring up an amendment at this point, with the pending amendment becoming the pending business again once the McCain amendment is dispensed with.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 779

(Purpose: To provide permanent congressional consent for the employment of retired personnel of the Armed Forces of the United States by governments of newly democratic nations)

Mr. MCCAIN. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself, Mr. GORTON, and Mr. SIMON, proposes an amendment numbered 779.

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

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

The amendment is as follows:

On page 148, between lines 8 and 9, insert the following:

SEC. 547. EMPLOYMENT OF RETIRED MEMBERS BY FOREIGN GOVERNMENTS.

(a) FINDINGS.—The Congress makes the following findings:

(1) It is in the national security interest of the United States to promote democracy throughout the world.

(2) The armed forces of newly democratic nations often lack the democratic traditions that are a hallmark of the Armed Forces of the United States.

(3) The understanding of military roles and missions in a democracy is essential for the development and preservation of democratic forms of government.

(4) The service of retired members of the Armed Forces of the United States in the armed forces of newly democratic nations could lead to a better understanding of military roles and missions in a democracy.

(b) CONGRESSIONAL CONSENT.—(1) Chapter 53 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1058. Military service of retired personnel with newly democratic nations

"(a) CONGRESSIONAL CONSENT.—(1) Subject to subsection (b), Congress consents to a retired member of the uniformed services referred to in subsection (b)—

"(A) accepting employment by, or holding an office or position in, the armed forces of a newly democratic nation; and

"(B) accepting compensation associated with such employment, office, or position.

"(b) DETERMINATIONS AND APPROVAL REQUIRED.—(1) The Secretary concerned and the Secretary of State shall jointly determine whether a nation is a newly democratic nation for the purposes of this section.

"(2) The consent provided in subsection (a) for a retired member of the uniformed services to accept employment or hold an office or position shall apply to a retired member of the armed forces only if the Secretary concerned and the Secretary of State jointly approve the employment or the holding of such office or position.

"(c) CONTINUED ENTITLEMENT TO RETIRED PAY AND BENEFITS.—The eligibility of a retired member of the uniformed services to receive retired or retainer pay and other benefits arising from the retired member's status as a retired member of the uniformed services, and the eligibility of dependents of such retired member to receive benefits on the basis of such retired member's status as a retired member of the uniformed services, may not be terminated by reason of employment or holding of an office or position consented to in subsection (a).

"(d) RETIRED MEMBER DEFINED.—In this section, the term 'retired member of the uniformed services' means a member or former member of the uniformed services who is entitled to receive retired or retainer pay.".

(2) The table of sections at the beginning of chapter 53 of such title is amended by adding at the end the following:

"1058. Military service of retired personnel with newly democratic governments.".

(c) EFFECTIVE DATE.—Section 1058 of title 10, United States Code, as added by subsection (a), shall take effect as January 1, 1993.

Mr. MCCAIN. Madam President, I rise to offer an amendment which I am very grateful to note has been agreed to by the distinguished chairman and the distinguished ranking member. The amendment allows retired members of the U.S. Armed Forces to serve in the military of newly democratic nations and accept compensation for such employment where the Secretary of Defense and the Secretary of State jointly determine that such a nation is newly democratic for the purposes of this law.

I believe that such legislation serves a vital purpose. At present, retired members of the U.S. military cannot serve in foreign military forces. They lose their pensions if they do so. This reflects longstanding limitations on the ability of American citizens to serve in foreign military forces.

In today's post-cold-war world, however, there are many new democracies where military services have no experience in preserving human rights, where the military has never before been fully subject to the rule of law, where the rights of soldiers and conscripts have previously been disregarded, and where corruption and violence have previously been the norm.

These nations cannot draw on a pool of experienced military officers. They also cannot always rely on adviser and training missions. They need immediate help to reshape their military forces to serve as an instrument that defends democracy rather than authoritarianism.

No one can provide more immediate help in meeting such needs than American officers whose careers have been in the service to democratic values. We have many reasons to praise our men and women in uniform, but their proven service to democratic institutions, the rule of law, and basic human rights is one of the greatest triumphs of our history.

We should take advantage of the fact that we are a nation of immigrants. We should take advantage of the unique skills of our military. We should encourage our retired military to help new democracies reshape their military forces.

Madam President, this brings me to the case of Col. Alexander Einseln. Col. Alexander Einseln is an exceptional man on an exceptional mission. He is an American citizen whose family fled Estonia in the midst of the darkest days of World War II. He served with distinction in the U.S. Army. He served for 35 years, in the Korean and Vietnam wars. He rose to the rank of colonel and retired.

Most men at the age of 60 would rest on their laurels. Colonel Einseln, however, recognized the fact that Estonia had emerged as a new democracy without any democratic military traditions, and he accepted the call to duty as the commander of Estonia's military forces.

The challenge he faces on taking up that command is truly formidable. Estonia is a newly democratic nation with no real armed forces or military tradition. Its soldiers and officers are all the product of the former Soviet Union's military system. They are the product of an authoritarian system that acted as an occupying power. They are the product of a system that brutalized, and sometimes killed, its conscripts. They are the product of a system that promoted for politics as often as it promoted for merit. They are trained in a system where the military often acted outside the law or above the law.

Colonel Einseln must build democratic military forces that are committed to human rights and firmly subject to the rule of law. At the same time, he must reorganize and retrain these forces. He must find ways to reequip them and create a whole new system of command and restructure methods of discipline and military justice. He must build a force capable of self-defense that has inherited some 1,200 military facilities but only a handful of armored vehicles, two airplanes, and not a single tank.

There is no question about the importance of his mission. There is no question that he serves democracy. Current law, however, provides no way that the Secretary of Defense and the Secretary of State can formally allow him to serve and to keep his pension. As a result, he risks his citizenship, the military honors he has earned, and the salary he needs to serve in a country which can barely afford a token salary of $500 a month, a salary he has so far refused to take. He is even subject to a demand for pension benefits he received before the Department of Defense determined there was no administrative way to continue providing him with pension payments.

Madam President, Colonel Einseln is providing precisely the kind of assistance newly emerging democracies need. He is a model for other American military retired officers who can bring a unique combination of American values and ethnic backgrounds to helping nations make the difficult transition to democracy and the rule of law.

This amendment will give such officers the right to provide such service. It will allow them to heed the call of duty to democracy without giving up their ties to the country they love or the pensions they have earned with honor.

It is supported by the Office of the Secretary of Defense and will offer no such privileges to mercenaries or those who simply court position. This amendment applies only to those who serve in newly democratic nations and to individuals in positions where the Secretary of State and the Secretary of Defense jointly approve both the individual involved and the employment or holding of such an office or position. It allows us to support democracies in exceptional cases, but it prevents any retired officer serving in armies like those of Serbia.

Mr. President, I wish to thank Senator GRAHAM, Senator GORTON, and Senator HELMS for cosponsoring this amendment. I wish to thank Senator NUNN and his staff for helping me find the proper legal language.

Madam President, on few occasions in my life I would have the opportunity of meeting and knowing an outstanding and dedicated American who is not only dedicated to this country but the preservation of the principles of democracy and freedom. Colonel Einseln is such a man. I believe that the State Department, which is now in opposition to Colonel Einseln's pension, should be persuaded, and persuaded quickly, that this Nation which spent hundreds of billions of dollars for defense to bring about a day when the countries like Estonia and Latvia and Lithuania and the Ukraine, Armenia, and others could have an opportunity for freedom and democracy—that people like Colonel Einseln can play a vital and, indeed, critical role in seeing that this transition takes place, so that once again we will not have to spend those kinds of moneys and risk the blood of the young citizens of this country.

Madam President, again I thank the chairman of the committee and Senator THURMOND for their assistance. I think this is truly a humanitarian act we are about to undertake with the acceptance of this amendment.

I urge adoption of the amendment.

Mr. THURMOND. Madam President, I rise in support of the amendment offered by my distinguished colleague from Arizona, Senator MCCAIN. This amendment is being offered to help persons who are performing an invaluable service for this country and for newly emerging democratic governments such as Estonia. This legislation will make it possible for talented retired military people to share their knowledge and experience with countries struggling to be free.

The amendment provides for adequate safeguards, and I support its adoption.

I am informed that the Defense Department approves of this amendment.

The PRESIDING OFFICER. Is there further debate?

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

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NUNN. 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. NUNN. Madam President, I favor this amendment. I think the Senator from Arizona, Mr. MCCAIN, has performed a real service in taking a very unusual situation and helping devise a way to deal with it that does not set a precedent that at some point with which we do not want to live.

In this particular case, Colonel Einseln is serving as chief of the Estonian defense forces, which is a military position. Based on my information, he is reported to be a very good influence on the Estonian military. That military went through some very difficult times as a part of the Soviet Union.

There is a provision in the Constitution, clause 8, section 9, article I of the Constitution, that requires consent of the Congress for a person holding an office—a colonel in the Army U.S. Retired is an office—under the United States to accept any office or compensation from a foreign nation.

Because of that provision the United States Army has cut off the retirement pay of the colonel, even though his service in this particular capacity is certainly, I think, viewed by everyone concerned as very much in the best interest of the United States and very much in the best interest of Estonia, involving their defense forces to be much more cognizant of human rights and much more cognizant of civilian authorities and all of those things we treasure in a democracy.

So I think this is a rare case. I do not think we are going to see it happen very much. But this amendment will allow retired members of the Armed Forces to preserve a good influence on the armed forces of fledgling democracies. It is consistent with other congressional actions that seek to enhance civilian rule and principles in newly emerging democracies. I think it is in the best security interests of the United States, and I would urge its adoption.

The other point that I would make, this amendment does not open a gate, a wide open gate. It makes receipt of retirement pay subject to review by the Department of Defense and the Department of State, and that means it will be used very carefully and done on a very limited basis, on a case-by-case basis. So I do believe this is the right approach to solving a difficult problem without setting the kind of precedent that we might regret in the future. I would urge adoption of the amendment.

Madam President, I could say that I am told the Defense Department favors this amendment, and I am told the State Department does not have any objection.

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

The amendment (No. 779) was agreed to.

Mr. GRASSLEY. Madam President, I rise to speak about an amendment. I want to say at the outset to the distinguished chairman and ranking member that after I discuss my problem I wish to present to the body, if there is some way of accomplishing the goal other than an amendment, I am happy to consider some alternative. But I think that there is a very real problem here with which we have to deal, probably a problem that the Senator from Georgia in the past years has spoken more eloquently about than anything I can say.

The subject involves the 5-year defense program, and I would like to suggest to the leaders of the Armed Services Committee that probably they may not appreciate somebody from outside the committee raising these issues, but I want to remind leaders of the committee that as far back as 1983 as a member of the Budget Committee—I am still a member of the Budget Committee—I led the way and Chuck Spinny, defense analyst in the Department of Defense, and he is still there, appearing before a joint committee of the Senate Armed Services and Senate Budget Committee in the Senate Russell caucus room. The meeting got considerable attention. At that point, it was not the same problems that I am trying to raise today. In those days it was the games that were being played with the 5-year defense plan.

You may remember from those hearings, Spinny made points about what he called spaghetti charts, about how money numbers were moved around in the 5-year defense program from year to year that made the 5-year defense program pretty much meaningless from a standpoint of a document for us to make broad budget decisions on.

I think the 5-year defense program serves a very useful purpose when it is used right.

Today, the problem is not that numbers are being shifted around. Today the problem is that there are no numbers.

So the amendment that I speak about is to bring the Department of Defense future years' defense program—sometimes called the 5-year defense program—into line with President Clinton's budget. In February, Clinton submitted a budget calling for an estimated reduction of $100 billion in defense through fiscal year 1997 as compared to the higher President Bush 5-year defense program numbers.

Underestimated costs for major weapons systems and overestimated savings for management efficiencies could yet mean much deeper cuts down the road, perhaps another $50 billion. Congress has signed off on President Clinton's defense budget numbers. But the Pentagon has not made the cuts needed to bring the program down to President Clinton's top-line figures.

Madam President, the cold war is over. The Soviet military threat has evaporated. Our defense needs are down. The Pentagon's 5-year defense program must be brought into line with the President's budget as the law requires. The cuts must be made in the outyears, fiscal year 1995 through fiscal year 1998.

Under the law, section 221, title X, the Department of Defense must submit a 5-year defense program to Congress each year that is consistent with the President's budget. There is a very simple reason for this law. It forces the Department of Defense to make very hard decisions necessary to squeeze all of the programs into the President's budget. This means making tradeoffs and it means eliminating unaffordable programs.

Secretary of Defense Aspin has not yet made these tough choices—that is not a disparaging remark. That is just a statement of fact—partly because he is new in there. This is a new administration and it takes a certain amount of time to get the ball rolling. But they have not been made. And the law is not being abided by.

Madam President, the distinguished chairman of the Armed Services Committee, the Senator from Georgia, has spoken on this issue many times. In March and April of 1990, for example, Senator NUNN made his series of important and interesting floor statements on the subject entitled "Defense Budget Blanks."

Madam President, I want to draw on Senator NUNN's ideas to make a case for my amendment today. Senator NUNN identified five blanks in the fiscal year 1991 budget as follows: threat blank, strategy blank, dollar blank, force structure blank, and lastly, program blank.

I want to focus on the third one, the dollar blank, and to quote from those statements to buttress arguments for my amendment, but more importantly to make the point that the law is not being abided by.

In his first speech on March 22, 1990, Senator NUNN said:

> The most important point is that the Defense Department has identified less than half of the savings in the defense programs necessary to bring last year's 5-year defense plan in line with the 5-year defense spending levels in the President's budget submitted this year. Last year's 5-year defense plan must still be reduced by at least $90 to $100 billion in outyears. It could be more.

That is the end of the quote.

Madam President, the 1990 assessment of the Senator from Georgia sounds almost identical to the Pentagon's 1993 program budget mismatch.

Secretary Aspin has yet to identify one reduction in the outyear. Clinton's budget and the Department of Defense 5-year plan are still out of whack by $100 to $150 billion. That is a minimum.

Senator NUNN continued his 1990 assessment:

The Armed Services Committee and the Congress need to have a clear idea of how these reductions are to be achieved in fiscal year 1992 before we act on the fiscal year 1991 budget. As Comptroller General Bowsher told the committee last week, if we have no view of the outyears of our defense budget, if we cannot see beyond 1 year, we have no way to judge this year. I hope the Defense Department will fill in the blanks. The Pentagon can show us their priorities by submitting a complete 5-year defense plan that meets the spending cuts announced by President Bush and Secretary Cheney.

Senator NUNN placed a letter in the RECORD. The letter was dated March 8, 1990. It was addressed to the chairman and ranking minority members of the Budget Committee. I sit on that Budget Committee. It was signed by the chairman and ranking minority members of the Armed Services Committee and the letter read in part: "The Defense Department must provide Congress with a complete 5-year defense plan that meets the spending limits in the President's fiscal year 1991 budget." That is referring to President Bush's 1991 budget.

The Senator from Georgia reiterated the need for the 5-year defense program in stronger terms in a speech on March 29, 1990. This was what he said: "I hope the Defense Department will quickly fill in the blanks and submit a new 5-year defense program as required by statute."

On April 20 he once again raised the need for a new 5-year defense program:

I remain hopeful that our committee will receive the Defense Department's 5-year defense plan in the near future. Without that plan it is very difficult to make logical choices about the 1991 budget level, and even more difficult to determine appropriate priorities.

Madam President, the fiscal year 1991 5-year defense program that the Senator from Georgia wanted never arrived. The committee had to mark up the bill without it. The Department of Defense never did fill in the blanks. The law was not being abided by.

Senator NUNN spoke about this shortcoming on October 6, 1990: "One of the most frustrating aspects of our conference"—meaning the conference committee between the House and the Senate—"has been the fact that the Defense Department this year never went through the fiscal discipline of meeting realistic budget targets. The Pentagon never submitted a complete 5-year defense plan to the Congress that conforms to the spending targets of the fiscal year 1991 budget as the law requires."

Madam President, is the Congress' need for a complete 5-year defense plan any less today than it was in 1990? Does Congress need a complete fiscal year 1994 5-year defense plan to make rational decisions on the defense bill now before the Senate?

As I continue, I would ask leadership of the committee maybe to think about answering that later on.

Does Congress need a complete fiscal year 1994, 5-year defense plan to make rational decisions on the defense bill now before the Senate?

The same problem that the Senator from Georgia spoke about in 1990 still persists. We still have $100 to $150 billion program budget mismatches. We still have defense budget blanks. In fact, the Pentagon, under Secretary Aspin, has given new meaning to the term "defense budget blanks." I want to show what the blanks look like today. They are really quite gaping holes. What I have here that I will hold up in just a minute—by the way, the 5-year defense plan is classified. The pages that I am referring to here are not classified.

I have in front of me summary tables I, II, III, and IV, from the current 5-year defense plan for fiscal 1994 through 1999. The document includes a complete set of figures for fiscal year 1992, but 1992, of course, is history. The document contains a complete set of figures for fiscal year 1993, but 1993 ends this month, as we know, so that is obviously no help. The document also has a complete set of figures for fiscal year 1994, the budget request. But that is where our information ends, Madam President. The importance of the fiscal year defense plan lies, of course, in these outyear data, but there are none in this document.

(Mr. KERREY assumed the chair.)

Mr. GRASSLEY. If you look here at the 1995 column, you see 1992, 1993, and 1994 filled in; but 1995, nothing; 1996, nothing; 1997, nothing; 1998, nothing; 1999, nothing.

All we have here is just great empty blank spaces. This, then, is not a 5-year defense plan. It is nothing more than a budget document and, of course, as far as the law is concerned, this is not the way it is supposed to be done. The law says that the Defense Department must provide Congress with a current fiscal year defense plan each and every year. The law is embodied in section 221, title X of the code.

This is what the law says:

The Secretary of Defense shall submit to Congress each year at or about the time the President's budget is submitted to Congress that year under section 1105(a) of title 31, a future years defense program, including associated annexes reflecting the estimated expenditures and proposed appropriations included in that budget. Any such future years defense program shall cover the fiscal years with respect to what year the budget is submitted and at least the four succeeding fiscal years.

Second, the law requires—and I will not read it—that the numbers in this 5-year defense plan must be consistent with the President's budget.

Mr. President, if it would be possible for me to engage the chairman of the committee in a question that maybe he could answer for me, and I stated it before.

Does the Senator from Georgia, the distinguished chairman of the committee, believe that the fiscal year 1994 5-year defense program submission complies with the law?

Mr. NUNN. I say to my friend from Iowa that I believe it technically complies with the law, but I do not think it substantively complies with the intent of the law. I say that because I believe that the Senator has made a very good point, and I appreciate his mentioning this. I believe the 5-year defense plan becomes in many respects a problem of the Department of Defense. That 5-year defense plan is not in tune with the 5-year budget. If you have a programmatic plan, 5-year plan that far exceeds the budget that they are going to get, it distorts the whole planning process in the Department of Defense, and it greatly complicates and renders inefficient the procurement of weapons, because you simply are not going to be able to buy the weapons in sufficient numbers to get the per unit costs down to the projected levels. That makes a really bad situation. We went through that a great deal in the 1980's.

So my answer to the Senator—and I will not take further time until he yields the floor, but then I will respond more fully. The answer to the question is that technically the Department of Defense did send what they had available of a 5-year defense plan. I do not believe that complies with what we intended. I do believe it technically complies with the law.

The unique situation we find ourselves in now, as opposed to in 1990, is that we have a new administration in power, and that new administration is from a different political party, bringing a whole new team of people in. So really to comply with the 5-year defense plan both technically and in substance, that submission would have required that this administration, having been sworn in on January 20, actually in a 10-day period, come up with a 5-year defense plan. That was virtually impossible. And what has now occurred is that the bottom up review has just been released. We had our first hearing on it yesterday. That will become the basis on which the real 5-year defense plan will be developed, and I am informed that that will be forthcoming early next year.

What we do not want to do is push the Department to send us meaningless figures up here and meaningless programs, because they simply are not ready. What I think we will have to do, I say to my friend from Iowa, is understand that the law has to have some flexibility when we have a change of administration, particularly when the party in office—the Democratic Party—takes over after many years of the Republican Party being in control of the White House.

So I agree with the point the Senator is making. I hope, though, that he will not pursue his amendment at this time. I have been informed by very reliable sources from the Department of Defense, and people who will be going to the Department of Defense in the next month or two, that they take this law seriously, that this bottom-up review that they have just completed is the basis on which they are going to not only develop a 5-year defense plan, but it is the basis on which any budget adjustments are going to be made. I have been further informed that they are going to not only have a 5-year defense plan, but that 5-year defense plan is going to be in compliance and in sync with the 5-year budget plan, and that all of that will be done as soon as they are able to do it, which will be some time early next year.

So I say to the Senator that I hope that, given the unique circumstances of a new administration coming into power, he would understand that this unusual situation will not occur any more than every 4 years, and that the chairman of the Armed Services Committee shares his concern and will insist that we have not only a 5-year defense plan that complies with the law, but that it comply both in technical terms and in substantive terms and that it be forthcoming early next year.

Mr. GRASSLEY. Mr. President, let me present something to the distinguished chairman, considering the fact that he spoke so eloquently on this in 1990, and he is in a very powerful position. But at that particular time, obviously, there was not a President of his party, which I suppose obviously moderates some influence that any powerful Senator might have in the Department of Defense to maybe in a few minutes present to me what steps he would take as chairman of the committee in lieu of debate and presentation of an amendment that would indicate that he himself is going to personally see that it gets done and probably expecting that it could be done with the cooperation of the President of his party, where it might not have been so easy when we had a Republican President in that case.

Mr. NUNN. I say to the Senator from Iowa, I do intend to make sure that the administration in power complies with the law.

The most leverage we have in the Armed Services Committee is through the confirmation process because the people who will be in charge in the Department of Defense and are preparing this 5-year defense plan have to be confirmed by our committee.

I can say to the Senator that without any doubt we are going to have a comptroller in place in the Department of Defense and the Comptroller's office is primarily responsible, subject to the Secretary of Defense, for preparing the 5-year defense plan and making sure that complies with the budget.

We are going to have a very fine comptroller in place probably within a month or two, but that Comptroller has not been confirmed yet. That nomination is pending before the committee and as soon as we get through this defense bill, we will turn to that confirmation, as well as others. I can assure the Senator, the point he has made this morning will be brought home vividly to the next nominee for Comptroller, and unless that nominee is not only aware, but is willing and dedicated to making the 5-year defense plan a reality, then I would say that potential nominee would have a very difficult time being confirmed.

I can say that with great confidence because the nominee for Comptroller sits right here, Mr. Hamre. He has not been confirmed yet. We think he is a great staff member of the committee. He has done a terrific job. We hate to lose him; we hate to lose him so much. If he does not make the kind of pledges for the 5-year defense plan we talked about, he may not be confirmed and we may keep him in this staff position.

So we have here the Comptroller who has been selected by President Clinton, but has not yet been confirmed and, of course, is still a member of our staff.

He has heard this debate and, as a matter of fact, John Hamre was very much at my side when I made my presentations, that the Senator has alluded to, in 1990 about the need to comply between the planning document and the budget document. And the Senator is entirely correct about that. It is enormously important. And if you have a basic 5-year plan that has all these weapons systems crammed in it and you have a 5-year defense budget number that does not go with that plan, then what you have is chaos in the Department of Defense.

We had that during the 1980's on several occasions, and that was the subject of my remarks back in those days. At one point, we had a 5-year defense plan by Secretary Weinberger. That was priced out at $70 billion more than the 5-year budget of the Reagan administration.

So what we had was a defense planning document that was driving all the weapons systems that had no relationship to the budget itself, that the President himself had submitted.

So that is what we hope to avoid. I can assure the Senator that his points have been heard by the right people this morning. Assuming that Mr. Hamre comes before our committee, this will certainly be a matter of serious and earnest importance.

Mr. GRASSLEY. Mr. President, one more question of the Senator from Georgia.

Obviously, as the Senator knows, I take it with great faith and put great faith in what he just stated. I just simply ask an understanding on his part—and I know he said this with the utmost intent that it happen—but if it does not happen, that he will not be surprised 12 months from now if I am back here making the same point and pursuing the amendment that I probably will not pursue today, based upon the firm statements I have had from the distinguished chairman of the committee.

Mr. NUNN. Mr. President, I will say it is not only my understanding, but I might well join the Senator in that respect if we have not gotten the 5-year defense plan even sooner than that, sometime earlier next year. I believe we will get that kind of plan. I believe it is essential.

Mr. GRASSLEY. Mr. President, I thank the Senator from Georgia.

There is one statement that the Senator from Georgia made, and it was his first statement that I may disagree with, but it is of no matter right now, as a practical point. He said that he believes that the Defense Department is in technical compliance with the 5-year defense plan law. I do not personally believe that.

But as a practical matter, for fiscal year 1994—and that was what my question was in regard to—I do not think it matters because we are only 30 days from the start of that fiscal year, anyway. But beyond that, I think it is very important that we understand that we still have 4 more years that are supposed to be submitted now.

It seems to me it is very, very important. And I want to make a point on why I think it is very important in regard to just some procurement.

Before I continue, the Senator from South Carolina stood up. Would he like to have me yield? Did he want me to yield?

Mr. THURMOND. As I understand, the Senator is not going to offer his amendment.

Mr. GRASSLEY. I will not offer my amendment.

Mr. THURMOND. Then I want to make a brief statement.

Mr. GRASSLEY. I yield to the Senator from South Carolina without losing my right to the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I appreciate Senator GRASSLEY's concern and I appreciate his not offering his amendment at this time.

Rather than force the Department to submit a plan which may only have to be changed again after implementing the results of the bottom-up review, as would be the case under the terms of this amendment, I would prefer to receive the remaining portion of the 5-year plan along with a submission of next year's budget request.

Again, I compliment Senator GRASSLEY for his cooperation with the managers of this bill.

Mr. GRASSLEY. Mr. President, for the benefit of anybody that wants the floor, I will be done in about 5 minutes.

Mr. President, as the Senator from Georgia said over and over again, and this is particularly in regard to the statements that I have quoted from his 1990 speeches, we cannot make informed decisions on the budget before us, or any other budget, unless we understand the future consequences of those decisions. That is how the fiscal year 5-year defense program is supposed to help us. That is why Congress needs this updated 5-year defense program.

That was, of course, the reasoning underlying the speeches in 1990 of the Senator from Georgia. An updated future-year defense program tells us that the Secretary of Defense has made the really hard choices that must be made. It tells us what choices were made and where the priorities lie, vital information for any Member of this body, particularly the members of the Budget Committee and the Defense Committees.

The blanks in today's fiscal year 5-year defense program speak for themselves. I think they make a very powerful statement. It means that so far the job that was supposed to have been done has not been done. That is primarily on Secretary Aspin's shoulders. The Odeen panel report has not done it for him. The bottom-up review has not filled in the blanks, either. The bottom-up review has not provided one dollar figure for the outyears.

This bill provides money that is directly linked to the outyears of the fiscal 5-year defense program. That fiscal year 1994 budget requested $1.5 billion in advanced procurement money for fiscal year 1995 and beyond. Most of that money is in this bill that we are discussing today.

Without a fiscal year 5-year defense program, we know nothing about fiscal year 1995 and the years beyond. This is where consistency between the budget and the future-year defense program breaks down, and that is a problem under the law.

Look, for instance, at the first advanced procurement item—$174.7 million for the Army's Blackhawk helicopter. If you turn to the corresponding line 3 on the 5-year defense program, you see nothing about Army aircraft procurement for fiscal year 1995 and beyond; just nothing is there.

If there is no entry in the 5-year defense program for the Blackhawk helicopter for fiscal year 1995, how do we know that the Army is really planning to buy those helicopters in fiscal year 1995 and beyond? We do not know that, Mr. President. We have no assurances that Blackhawks would survive a serious budget scrub and tradeoff exercise that must eventually happen when we fit the defense programs into the budget already adopted by Congress. The same holds true for each of the other advanced procurement items in the budget. There is no outyear data supporting these as well.

I ask unanimous consent that these documents be printed in the RECORD.

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

DEPARTMENT OF DEFENSE ADVANCE PROCUREMENT FUNDING FISCAL YEAR 1994 PRESIDENT'S BUDGET

Mr. Murphy requests, by appropriation account, the amount of advance procurement funding included in the FY 1994 budget for FY 1995 and beyond.

The following is the advance procurement funding reflected in FY 1994 for planned procurement in FY 1995 and beyond. The estimates may change based on the results of the bottom-up review:

[In millions of dollars]

	Advance Procurement
Appropriation/P-1 Line Item: Procurement	
Aircraft Procurement, Army: UH-60 Blackhawk (MYP)	174.7
Procurement of Weapons and Tracked Combat Vehicles, Army Armored Gun System (AGS)	7.8
Aircraft procurement, Navy:	
AV-8B (V/STOL) Harrier	15.0
F/A-18C/D (Fighter) Hornet (MYP)	262.0
CH/MH 53 (Helicopter) Super Stallion	15.0
SH-60B (ASW Helicopter) Seahawk	27.2
SH-60F (CV ASW Helicopter)	36.6
T-45TS (Trainer) Goshawk	30.8
Weapons Procurement, Navy: Trident II	145.3
Shipbuilding and Conversion, Navy:	
CVN Refueling Overhauls	31.1
Aircraft Procurement, Air Force:	
F-16C/D (MYP)	70.8
C-17 (MYP)	245.5
E-8B	123.7
Missile Procurement, Air Force:	
Tri-Service Attack Missile	49.1
Global Positioning (MYP)	55.9
Medium Launch Vehicle	11.0
Defense Support Program (MYP)	193.4
IONDS (MYP)	10.1

SECTION 221. FUTURE-YEARS DEFENSE PROGRAM: SUBMISSION TO CONGRESS; CONSISTENCY IN BUDGETING

(a) The Secretary of Defense shall submit to Congress each year, at or about the time that the President's budget is submitted to Congress that year under section 1105(a) of title 31, a future-years defense program (including associated annexes) reflecting the estimated expenditures and proposed appropriations included in that budget. Any such future-years defense program shall cover the fiscal year with respect to which the budget is submitted and at least the four succeeding fiscal years.

(b)(1) The Secretary of Defense shall ensure that amounts described in subparagraph (A) of paragraph (2) for any fiscal year are consistent with amounts described in subparagraph (B) of paragraph (2) for that fiscal year.

(2) Amounts referred to in paragraph (1) are the following:

(A) The amounts specified in program and budget information submitted to Congress by the Secretary in support of expenditure estimates and proposed appropriations in the budget submitted to Congress by the President under section 1105(a) of title 31 for any fiscal year, as shown in the future-years defense program submitted pursuant to subsection (a).

(B) The total amounts of estimated expenditures and proposed appropriations necessary to support the programs, projects, and activities of the Department of Defense included pursuant to paragraph (5) of section 1105(a) of title 31 in the budget submitted to Congress under that section for any fiscal year.

(e) Nothing in this section shall be construed to prohibit the inclusion in the future-years defense program of amounts for management contingencies, subject to the requirements of subsection (b).

(Added Pub. L. 101-189, Div. A, Title XVI, §1602(a)(1), Nov. 29, 1989, 103 Stat. 1596, §114a, and amended Pub. L. 101-510, Div. A, Title XIV, §1402(a)(1)-(3)(A), Nov. 5, 1990, 104 Stat. 1674; renumbered §221 and amended Pub. L. 102-484, Div. A, Title X, §1002(e), Oct. 23, 1992, 106 Stat. 2480.)

Historical and Statutory Notes

1990 Amendment

Heading. Pub. L. 101-510, §1402(a)(3)(A), substituted "Multiyear" for "Five-year".

Subsec. (a). Pub. L. 101-510, §1402(a)(1), (2)(A), (B), substituted "a" for "the current" following "title 31," and "multiyear" for "five-year" and added provision requiring the multiyear defense program to cover the fiscal year with respect to which the budget is submitted and at least the four succeeding fiscal years.

Subsecs. (b)(2)(A), (c). Pub. L. 101-510, §1402(b)(2)(A), substituted "multiyear" for "five-year".

Submission of Multiyear Defense Program

Section 1402(b) of Pub. L. 101-510, provided that:

"(i) If, as of the end of the 90-day period beginning on the date on which the President's budget for fiscal year 1992 is submitted to Congress, the Secretary of Defense has not submitted to Congress the fiscal year 1992 multiyear defense program, then during the 30-day period beginning on the last day of such 90-day period the Secretary may not obligate more than 10 percent of the fiscal year 1991 advance procurement funds that are available for obligation as of the end of that 90-day period. If, as of the end of such 30-day period, the Secretary of Defense has not submitted to Congress the fiscal year 1992 multiyear defense program, then the Secretary may not make any further obligation of fiscal year 1991 advance procurement funds until such program is submitted. If the Secretary submits the fiscal year 1992 multiyear defense program during the 30-day period described in the first sentence, the limitation on obligation of advance procurement funds prescribed in that sentence shall cease to apply effective as of the date of the submission of such program.

"(2) For purposes of this subsection:

"(A) The term 'fiscal year 1992 multiyear defense program' means the multiyear defense program (including associated annexes) covering fiscal years beginning with fiscal year 1992 required (by section 114A of title 10, United States Code) [this section] to be submitted to Congress in conjunction with the President's budget for fiscal year 1992.

"(B) The term 'fiscal year 1991 advance procurement funds' means funds appropriated for the Department of Defense for fiscal year 1991 that are available for advance procurement."

Mission Oriented Presentation of Department of Defense Mattes in the Budget

Pub. L. 101-510, Div. A, Title XIV, §1404, Nov. 5, 1990, 104 Stat. 1675, which required submission of mission oriented budget with the Department of Defense budget submitted

to Congress by the President, was repealed by Pub. L. 102-484, Div. A, Title X, §1002(b), Oct. 23, 1992, 106 Stat. 2480.

Annual Report on Outlays and Budget Authority

Pub. L. 101-189, §5, Nov. 29, 1989, 103 Stat. 1364, amended Pub. L. 102-190, Div. A, Title X, §1002(b), Dec. 5, 1991, 105 Stat. 1455, provided that:

"(a) Sense of Congress Regarding Budget Resolutions and Budget Scorekeeping.—It is the sense of Congress that, in order to prevent a recurrence of a mismatch between budget authority and outlays for budget function 050 (National Defense), the technical assumptions contained in the report under section 221 of title 10, United States Code [section 221 of this title], with respect to any budget should be used in the preparation of that budget, the preparation of the budget resolution, and in all scorekeeping in connection with budget function 050 (National Defense).

"(b) Sense of Congress Regarding Required Reduction and Other Changes in National Defense Outlays in Relation to Budget Authority.—It is the sense of Congress that the outlay level specified for national defense for any fiscal year in the budget resolution for the fiscal year should not require a reduction (or other change) in outlays for national defense for that fiscal year below (or in relation to) the estimated outlays specified for national defense in the budget for such fiscal year (submitted to Congress pursuant to section 1105 of title 31, United States Code [section 1105 of Title 31] by more than the amount by which such estimated outlays would be reduced (or otherwise changed) if the amount of budget authority provided for in each title of the President's request for budget authority for national defense (as contained in such budget) were reduced (or otherwise changed) by the uniform percentage necessary for the requested budget authority for national defense to be equal to the budget authority specified for national defense in that budget resolution unless the budget resolution is accompanied by a report that describes the difference between the budget authority and outlays for National Defense (function 050) in the President's budget and the budget resolution."

Legislative History

For legislative history and purpose of Pub. L. 101-189, see 1989 U.S. Code Cong. and Adm. News, p. 838. See, also, Pub. L. 101-510, 1990 U.S. Code Cong. and Adm. News, p. 2931; Pub. L. 102-484, 1992 U.S. Code Cong. and Adm. News, p. 1636.

COMPTROLLER OF THE DEPARTMENT OF DEFENSE,
Washington, DC, May 4, 1993.

Mr. RICHARD DAVIS,
Director, National Security Analysis Issues, National Security and International Affairs Division, U.S. General Accounting Office, Washington, DC.

DEAR MR. DAVIS: In response to your letter of April 22, 1993 regarding the General Accounting Office's (GAO) current effort under assignment code 701004, the Department will comply with Section 221 of Title 10 U.S. Code with the submission of a Future Years Defense Program (FYDP) to the Congress in late May 1993. This submission will include normal FYDP detail through FY 1994, and topline level only for FY 1995 through FY 1999.

Sincerely,

ALICE C. MARONI,
Principal Deputy Comptroller.

THE FUTURE YEARS DEFENSE PROGRAM—SUMMARY AND PROGRAM ELEMENT DETAIL, FISCAL YEAR 1994 BUDGET

TABLE 1.—FUTURE YEARS DEFENSE PROGRAM FINANCIAL SUMMARY

[TOA in millions of dollars]

	Fiscal year—							
	1992	1993	1994	1995	1996	1997	1998	1999
DOD Program:								
Strategic Forces	15,526	12,980	9,940					
General Purpose Forces	102,645	95,739	86,854					
Command, Control, Comm, Intel, & Space	32,669	32,435	33,364					
Airlift and Sealift	6,929	6,545	8,184					
Guard and Reserve Forces	20,572	20,225	18,209					
Research and Development	28,409	28,384	26,542					
Central Supply and Maintenance	24,248	20,508	17,784					
Training, Medical, Other Gen Pers Act	44,212	43,012	41,571					
Administrative and Assoc Activities	6,415	9,274	8,451					
Support of Other Nations	1,070	775	870					
Special Operations Forces	3,358	2,976	2,982					
Undistributed Contingencies			199					
Topline				253,175	242,707	236,143	241,481	263,978
Total direct program (TOA)	286,054	272,851	254,950	253,175	242,707	236,143	241,481	263,978
Department of the Army	74,761	65,628	60,710					
Department of the Navy	90,424	85,376	77,042					
Department of the Air Force	83,291	79,689	76,851					
Defensewide	37,577	42,158	40,347	253,175	242,707	236,143	241,481	263,978
Total direct program (TOA)	286,054	272,851	254,950	253,175	242,707	236,143	241,481	263,978
DOD budget title:								
Military personnel	81,055	76,361	70,084					
Operation and maintenance	92,145	90,150	89,429					
Procurement	62,229	55,514	45,501					
Research, development, test, evaluation	38,116	38,176	38,620					
Military construction	5,287	5,125	5,901					
Family housing and homeowners asst prog	3,718	3,936	3,765					
Revolving and management funds	3,504	3,587	1,452					
Undistributed contingencies, defense			199					
Topline				253,175	242,707	236,143	241,481	263,978
Total direct program (TOA)	286,054	272,851	254,950	253,175	242,707	236,143	241,481	263,978

TABLE 2.—DOD SUMMARY OF CEILING MANPOWER; (REFLECTING DISTRIBUTION OF REVOLVING FUND (RF) MANPOWER FOR THE DEFENSE BUSINESS OPERATIONS FUND)

[End Year strength in thousands]

	Fiscal year—		
	1992	1993	1994
Active military:			
Army	610.0	572.9	537.0
Navy	536.1	520.7	474.9
Marine Corps	184.5	181.5	173.5
Air Force	440.2	387.5	372.3
Active Military	1,770.8	1,662.5	1,557.8
Army, RF	1.3	2.1	3.0
Navy, RF	5.8	5.7	5.9
Marine Corps, RF	.1	.5	.6
Air Force, RF	30.2	57.4	53.4
Active Military, RF	37.3	65.8	62.8
Total active military	1,8008.1	1,728.3	1,620.6

TABLE 2.—DOD SUMMARY OF CEILING MANPOWER; (REFLECTING DISTRIBUTION OF REVOLVING FUND (RF) MANPOWER FOR THE DEFENSE BUSINESS OPERATIONS FUND)—Continued

[End Year strength in thousands]

	Fiscal year—		
	1992	1993	1994
Civilian:			
Army:			
U.S. Direct Hire	244.7	237.3	223.7
Foreign Direct Hire	12.0	11.7	11.1
Foreign Indirect Hire	38.6	27.1	21.5
Army civilians	295.3	276.0	256.2
U.S. Direct Hire, RF	37.9	32.2	34.0
Foreign Direct Hire, RF	.1		
Foreign Indirect Hire, RF	.4		
Army civilians, RF	38.3	32.2	34.0
Total Army civilians	333.6	308.3	290.3
Navy and Marine Corps:			
U.S. Direct Hire	114.5	110.4	101.7
Foreign Direct Hire	4.9	3.4	3.4
Foreign Indirect Hire	8.1	8.1	8.1
Navy/MC civilians	127.5	122.0	113.2
U.S. Direct Hire, RF	178.8	158.5	153.3
Foreign Direct Hire, RF	.7		
Foreign Indirect Hire, RF	2.0	2.0	2.1
Navy/MC civilians, RF	181.5	160.5	155.4
Total Navy M/C civilians	309.0	282.5	268.6
Air Force:			
U.S. Direct Hire	157.1	145.8	142.1
Foreign Direct Hire	3.0	2.3	2.4
Foreign Indirect Hire	8.2	8.3	7.7
Air Force civilians	168.3	156.5	152.2
U.S. Direct Hire, RF	45.4	49.0	45.5
Foreign Direct Hire, RF	.2	.9	.9
Foreign Indirect Hire, RF	.5	.3	.1
Air Force civilians, RF	46.1	50.1	46.5
Total AF civilians	214.4	206.6	198.7
Defensewide:			
U.S. Direct	68.8	71.1	46.2
Foreign Direct Hire	.6	.5	.4
Foreign Indirect Hire	.5	.6	.5
Defensewide civilians	70.0	72.3	47.1
U.S. Direct Hire, RF	75.5	91.1	110.4
Foreign Direct Hire, RF	1.1	.7	.8
Foreign Indirect Hire, RF	2.4	2.8	2.8
Defensewide civilians, RF	79.0	94.6	114.1
Total Defensewide civilians	149.0	166.8	161.2
Summary Civilian Hire:			
U.S. Direct Hire:	585.1	564.6	513.7
Foreign Direct Hire	20.6	18.0	17.2
Foreign Indirect Hire	55.5	44.2	37.8
Civilians	661.2	626.7	568.7
U.S. Direct Hire, RF	337.6	330.7	343.3
Foreign Direct Hire, RF	2.1	1.6	1.7
Foreign Indirect Hire, RF	5.2	5.1	5.0
Civilians, RF	344.9	337.4	350.1
Total civilians	1,006.1	964.2	918.8

TABLE 3.—FUTURE YEARS DEFENSE PROGRAM BY APPROPRIATION AND COMPONENT

[TOA in thousands of dollars]

	Fiscal year—							
	1992	1993	1994	1995	1996	1997	1998	1999
Military Personnel—Army	25,926,408	23,235,657	21,206,600					
Reserve Personnel—Army	2,314,151	2,170,496	2,114,400					
National Guard Personnel—Army	3,388,597	3,239,702	3,290,200					
Operation and Maintenance—Army	22,028,444	17,847,137	16,019,200					
Operation and Maintenance—Army Res	1,017,936	1,031,005	1,107,800					
Operation and Maintenance—ARNG	2,211,721	2,297,044	2,218,900					
Natl Brd for Promotion Rifle Prac	5,000	2,700	2,483					
Aircraft Procurement—Army	1,934,805	1,441,422	1,110,436					
Missile Procurement—Army	1,083,762	1,048,537	1,043,550					
Proc Weapons & Tracked Cmbt Veh—Army	1,063,581	920,709	874,346					
Procurement of Ammunition—Army	1,384,759	1,094,260	734,427					
Other Procurement—Army	3,170,980	3,066,583	3,051,281					
Chem Agents and Munitions Dest.—Army			433,647					
R. D. T and E—Army	6,436,946	6,015,110	5,249,948					
Military Construction—Army	894,899	437,070	776,642					
Military Construction—Army Reserve	110,389	42,150	82,233					
Military Construction—Army Natl Grd	230,517	214,989	50,865					

TABLE 3.—FUTURE YEARS DEFENSE PROGRAM BY APPROPRIATION AND COMPONENT—Continued

[TOA in thousands of dollars]

	Fiscal year—							
	1992	1993	1994	1995	1996	1997	1998	1999
Family Housing—Army	1,558,530	1,523,692	1,343,474					
Total Army	74,761,425	65,628,263	60,710,432					
Military Personnel—Navy	19,965,626	19,351,864	18,356,900					
Reserve Personnel—Navy	1,707,378	1,653,200	1,528,700					
Operation and Maintenance—Navy	23,294,905	20,585,356	20,192,900					
Operation and Maintenance—Navy Res	871,781	865,669	773,800					
Aircraft Procurement—Navy	7,137,801	5,950,712	6,132,604					
Weapons Procurement—Navy	4,246,009	3,716,643	3,040,260					
Shipbuilding and Conversion—Navy	6,713,338	5,853,196	4,294,742					
Other Procurement—Navy	6,102,786	5,508,813	2,967,974					
R. D. T and E—Navy	8,642,894	8,933,536	9,215,604					
Military Construction—Navy	966,889	373,387	655,123					
Military Construction—Navy Reserve	49,000	15,400	20,591					
Family Housing—Navy	987,924	1,039,680	1,208,824					
National Defense Sealift Fund		2,463,532	290,800					
Total Navy	80,686,331	76,310,988	68,678,822					
Military Personnel—Marine Corps	6,101,670	5,980,998	5,678,700					
Reserve Personnel—Marine Corps	345,007	345,526	308,000					
Operation and Maintenance—Mar Corps	2,146,464	1,834,796	1,818,000					
Operation and Maintenance—MC Res	92,833	78,624	75,100					
Procurement—Marine Corps	1,051,961	824,607	483,464					
Total Marine Corps	9,737,935	9,064,551	8,363,264					
Military Personnel—Air Force	19,404,500	18,478,215	15,629,630					
Reserve Personnel—Air Force	721,642	737,819	772,748					
National Guard Personnel—Air Force	1,179,640	1,168,000	1,197,892					
Operation and Maintenance—Air Force	19,309,446	18,115,157	19,808,384					
Operation and Maintenance—AF Res	1,154,726	1,224,068	1,354,578					
Operation and Maintenance—ANG	2,364,820	2,535,519	2,657,233					
Aircraft Procurement—Air Force	10,086,043	10,000,296	7,300,965					
Missile Procurement—Air Force	4,745,237	4,334,073	4,361,050					
Other Procurement—Air Force	8,719,018	7,674,651	7,942,065					
R. D. T and E—Air Force	13,139,124	13,155,598	13,694,984					
Military Construction-Air Force	1,119,796	717,780	906,378					
Military Construction—Air Force Res	9,700	29,900	55,727					
Military Construction—Air Force Natl Grd	217,260	305,759	142,353					
Family Housing—Air Force	1,119,096	1,211,727	1,027,147					
Total Air Force	83,290,948	79,688,562	76,851,134					
Operation and Maintenance—Defwide	16,784,212	9,371,864	9,587,581					
Office of the Inspector General	119,501	126,000	127,601					
Procurement—Defensewide	2,503,717	1,994,118	1,730,164					
R. D. T and E—Defensewide	9,674,405	9,800,638	10,174,549					
Military Construction—Defensewide	708,836	327,116	1,077,718					
Family Housing—Defensewide	25,098	28,400	27,496					
Pentagon Reservation Maintenance Rev	80,100							
Court of Military Appeals—Defense	5,087	5,900	6,055					
Summer Olympics	1,582	2,418						
World University Games	1,399	7,601						
World Cup 1994		9,000						
Defense Reinvestment—Economic Growth		472,000						
Defense Health Program		9,579,444	9,353,300					
Real Property Maintenance	500,000	1,720,029						
Disaster Relief	80,592	70,000						
Former Soviet Union Threat Reduction			400,000					
Environmental Restoration Fund, Def		1,199,982	2,309,400					
National Guard & Res Equipt. Defense	1,909,752	1,567,200						
Dir of Test and Evaluation—Defense	210,225	259,021	272,592					
Dir of Opr Test and Eval—Defense	12,836	12,333	12,650					
Base Realignment & Closure Acct. I	660,542	602,400	92,870					
Base Realignment & Closure Acct. II	60,504	1,900,036	1,800,500					
NATO Infrastructure	258,285	157,965	240,000					
Homeowners Assistance Fund—Defense	27,471	133,000	157,752					
Humanitarian Assistance	154,282	28,000						
Drug Interdiction & Counter-Drug Act		1,140,651	1,168,200					
Global Cooperative Initiatives			448,000					
Chem. Agents and Munitions Dest.—Def	374,370	518,600						
Undistributed Contingencies, Defense			199,000					
Topline				253,174,746	242,706,700	236,142,600	241,480,500	263,977,532
Defense Cooperation Account	1							
Defense Business Operations Fund	3,424,200	1,123,800	1,161,095					
Total defensewide	37,577,357	42,158,416	40,346,523	253,174,746	242,706,700	236,142,600	241,480,500	263,977,533
Total military functions	286,053,996	272,850,780	254,950,175	253,174,746	242,706,700	236,142,600	241,480,500	263,977,532

TABLE 4.—FUTURE YEARS DEFENSE PROGRAM BY APPROPRIATION AND TITLE

[TOA in thousands of dollars]

	Fiscal year—							
	1992	1993	1994	1995	1996	1997	1998	1999
Military Personnel—Army	25,926,408	23,235,657	21,206,600					
Military Personnel—Navy	19,965,626	19,351,864	18,356,900					
Military Personnel—Marine Corps	6,101,670	5,980,998	5,678,700					
Military Personnel—Air Force	19,404,500	18,478,215	15,629,630					
Reserve Personnel—Army	2,314,151	2,170,496	2,114,400					
Reserve Personnel—Navy	1,707,378	1,653,200	1,528,700					
Reserve Personnel—Marine Corps	345,007	345,526	308,000					
Reserve Personnel—Air Force	721,642	737,819	772,748					
National Guard Personnel—Army	3,388,597	3,239,702	3,290,200					
National Guard Personnel—Air Force	1,179,640	1,168,000	1,197,892					

TABLE 4.—FUTURE YEARS DEFENSE PROGRAM BY APPROPRIATION AND TITLE—Continued

[TOA in thousands of dollars]

	Fiscal year—							
	1992	1993	1994	1995	1996	1997	1998	1999
Total military personnel	81,054,619	76,361,477	70,083,770					
Operation and Maintenance—Army	22,028,444	17,847,137	16,019,200					
Operation and Maintenance—Navy	23,294,905	20,585,356	20,192,900					
Operation and Maintenance—Marine Corps	2,146,464	1,834,796	1,818,000					
Operation and Maintenance—Air Force	19,309,446	18,115,157	19,808,384					
Operation and Maintenance—Defwide	16,784,212	9,371,864	9,587,581					
Office of the Inspector General	119,501	126,000	127,601					
Operation and Maintenance—Army Res	1,017,936	1,031,005	1,107,800					
Operation and Maintenance—Navy Res	871,781	865,669	773,800					
Operation and Maintenance—MC Res	92,833	78,624	75,100					
Operation and Maintenance—AF Res	1,154,726	1,224,068	1,354,578					
Operation and Maintenance—ARNG	2,211,721	2,297,044	2,218,900					
Operation and Maintenance—ANG	2,364,820	2,535,519	2,657,233					
Natl Brd for Promotion Rifle Prac	5,000	2,700	2,483					
Court of Military Appeals—Defense	5,087	5,900	6,055					
Environmental Restoration Fund, Def		1,199,982	2,309,400					
Summer Olympics	1,582	2,418						
World University Games	1,399	7,601						
World Cup 1994		9,000						
Humanitarian Assistance	154,282	28,000						
Drug Interdiction & Counter-Drug Act		1,140,651	1,168,200					
Global Cooperative Initiatives			448,000					
Defense Cooperation Account	1							
Defense Reinvestment-Economic Growth		472,000						
Defense Health Program		9,579,444	9,353,300					
Real Property Maintenance	500,000	1,720,029						
Disaster Relief	80,952	70,000						
Former Soviet Union Threat Reduction			400,000					
Total operation and maintenance	92,145,092	90,149,964	89,428,515					
Aircraft Procurement—Army	1,934,805	1,441,422	1,110,436					
Missile Procurement—Army	1,083,762	1,048,537	1,043,550					
Proc Weapons & Tracked Cmbt Veh—Army	1,063,581	920,709	874,346					
Procurement of Ammunition—Army	1,384,759	1,094,260	734,427					
Other Procurement—Army	3,170,980	3,066,583	3,051,281					
Aircraft Procurement—Navy	7,137,801	5,950,712	6,132,604					
Weapons Procurement—Navy	4,246,009	3,716,643	3,040,260					
Shipbuilding and Conversion—Navy	6,713,338	5,853,196	4,294,742					
Other Procurement—Navy	6,102,786	5,508,813	2,967,974					
Procurement—Marine Corps	1,051,961	824,607	483,464					
Aircraft Procurement—Air Force	10,086,943	10,000,296	7,300,965					
Missile Procurement—Air Force	4,745,237	4,334,073	4,361,050					
Other Procurement—Air Force	8,719,018	7,674,651	7,942,065					
Procurement—Defensewide	2,503,717	1,994,118	1,730,164					
National Guard & Res Equipt, Defense	1,909,752	1,567,200						
Chem Agents and Munitions Dest.—Def	374,370	518,600						
Chem Agents and Munititions Dest.—Army			433,647					
Total procurement	62,228,819	55,514,420	45,500,975					
R, D, T and E—Army	6,436,946	6,015,110	5,249,948					
R, D, T and E—Navy	8,642,894	8,933,536	9,215,604					
R, D, T and E—Air Force	13,139,124	13,155,598	13,694,984					
R, D, T and E—Defensewide	9,674,405	9,800,638	10,174,549					
Dir of Test and Evaluation—Defense	210,225	259,021	272,592					
Dir of Opr Test and Eval—Defense	12,836	12,333	12,650					
Total R, D, T and E	38,116,430	38,176,236	38,620,327					
Military Construction—Army	894,899	437,070	776,642					
Military Construction—Navy	966,889	373,387	655,123					
Military Construction—Air Force	1,119,796	717,780	906,378					
Military Construction—Defensewide	708,836	327,116	1,077,718					
Military Construction—Army Reserve	110,389	42,150	82,233					
Military Construction—Navy Reserve	49,000	15,400	20,591					
Military Construction—Air Force Res	9,700	29,900	55,727					
Military Construction—Army Natl Grd	230,517	214,989	50,865					
Military Construction—Air Natl Grd	217,260	305,759	142,353					
Base Realignment & Closure Acct, I	660,542	602,400	92,870					
Base Realignment & Closure Acct, II	60,504	1,900,936	1,800,500					
NATO Infrastructure	258,285	157,965	240,000					
Total military construction	5,286,617	5,124,852	5,901,000					
Family Housing—Army	1,558,530	1,523,692	1,343,474					
Family Housing—Navy	987,924	1,039,680	1,208,824					
Family Housing—Air Force	1,119,096	1,211,727	1,027,147					
Family Housing—Defensewide	25,098	28,400	27,496					
Homeowners Assistance Fund—Defense	27,471	133,000	157,752					
Total family housing & HOAF	3,718,119	3,936,499	3,764,693					
Undistributed Contingencies, Defense			199,000					
Topline				253,174,746	242,706,700	236,142,600	241,480,500	263,977,532
Pentagon Reservation Maintenance Rev	80,100							
Defense Business Operations Fund	3,424,200	1,123,800	1,161,095					
National Defense Sealift Fund		2,463,532	290,800					
Total revolving & mgmt funds	3,504,300	3,587,332	1,451,895					
Grand total	286,053,996	272,850,780	254,950,175	253,174,746	242,706,700	236,142,600	241,480,500	263,977,532
Department of the Army	74,761,425	65,628,263	60,710,432					
Department of the Navy	90,424,266	85,375,539	77,042,086					
Department of the Air Force	83,290,948	79,688,562	76,851,134					
Defensewide	37,577,357	42,158,416	40,346,523	253,174,746	242,706,700	236,142,600	241,480,500	263,977,532

Mr. GRASSLEY. When Secretary Aspin makes the hard choices and brings the outyears into line with the President's budget, some or all of the advanced procurement funding could be eliminated. It will probably have to

be eliminated to a considerable extent. If the advanced procurement money is obligated before the program and the budget review is completed, the Department of Defense could be making commitments that would have to be broken. And that, of course, would be a terrible mistake, not only from a defense standpoint but from a budget standpoint. From a budget standpoint it means that big bucks will be wasted.

I see an amendment that is not necessary this year but one that will be necessary next year if what the chairman of the committee has said he wants to happen does not happen. I see it simply as an enforcement mechanism.

My amendment, if I were to offer it, would prohibit the obligation of advanced procurement money in the bill until the Secretary of Defense makes these hard choices, until he complies with the law, and until he submits a 5-year plan that is consistent with the President's budget. Once we have the updated 5-year defense plan for fiscal year 1994 through 1995, we will know, for example, whether the Army will procure the specific numbers of Blackhawk helicopters in fiscal year 1995 and beyond.

This, then, Mr. President, is the bottom line. DOD must submit an updated 5-year defense plan so that we can make rational decisions on the budget. A similar device was incorporated in the fiscal year 1991 Defense Authorization Act, section 1402, to force the Department of Defense to submit an updated 5-year defense plan to fill in the blanks.

Mr. President, I yield the floor.

Mr. WALLOP addressed Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. WALLOP. Mr. President, I ask unanimous consent that the pending amendment be set aside.

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

AMENDMENT NO. 780

(Purpose: To establish a standard for determining the compliance of theater missile defense systems with the ABM Treaty)

Mr. WALLOP. Mr. President, on behalf of Senator WARNER and myself, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. WALLOP], for himself and Mr. WARNER, proposes an amendment numbered 780.

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

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

On page 59, between lines 11 and 12, insert the following:

(g) ABM TREATY COMPLIANT CAPABILITY OF THEATER MISSILE DEFENSE SYSTEMS.—(1) A theater missile defense system, system upgrade, or system component described in paragraph (2) shall be considered as not in violation of the ABM Treaty for purposes of any review or determination of whether a theater missile defense system, system upgrade, or system component complies with the ABM Treaty.

(2) Paragraph (1) applies to a theater missile defense system, system upgrade, or system component that—

(A) has capabilities necessary to counter the most capable theater ballistic missile existing at the time of such review or determination;

(B) has not been tested against a modern strategic ballistic missile; and

(C) has not demonstrated a capability to counter such a modern strategic ballistic missile.

(3) Nothing in this subsection shall be construed as providing that a theater missile defense system, system upgrade, or system component other than those described in paragraph (2) is in violation of the ABM Treaty.

Mr. DECONCINI. Will the Senator from Wyoming yield, without losing the floor, for a question on procedure?

Mr. WALLOP. Under those circumstances, yes.

Mr. DECONCINI. I thank the Senator.

I would like to address the managers of the bill, if I could. I have an amendment that I understand the Senator from Georgia is not going to accept but is willing to enter into a time agreement on.

I wonder if I could ask the Senator from Wyoming if he is going to suggest a time agreement and if I might be part of a UC, if there is going to be one, in getting mine to follow.

Mr. NUNN. I would be receptive to a time agreement on both of these amendments. If the authors of the amendment have any time in mind, I would be interested in knowing what that is.

Mr. DECONCINI. Mr. President, I am prepared to enter into 1 hour, equally divided, on my amendment. The chairman is aware of what my amendment is. I would like to ask that it follow the amendment of the Senator from Wyoming if, in fact, he enters into a time agreement, or if he does not enter into a time agreement, if that is a possibility.

Mr. WALLOP. Mr. President, if I might say to the Senator from Georgia, I am not precisely sure. I want to have enough time in order to do it and would be willing to enter into a time agreement of 40 minutes on a side and would hope, obviously, that we could pare that back.

I just do not know. Not having had a long period of time to visit with the chairman, I am not certain of the dimension that he has that may require some responses.

Mr. NUNN. Yes. I would be certainly receptive to a time agreement on either amendment.

Is the Senator from Wyoming saying that he would now be prepared for 40 minutes on each side?

Mr. WALLOP. I would be.

Mr. NUNN. What we have now is an order that would start the debate on the Bingaman amendment at 12 o'clock and that vote would occur at 12:15, if there is a vote. Senator BINGAMAN and Senator SHELBY are working on some compromise, so there is a possibility that that vote would either be delayed or set aside. But that is the current order. That was the plan. We have not entered that as a unanimous consent order.

We have the leadership meeting that is taking place at the White House now. They would be prepared to be back here, I believe, at 12:15.

We also have an order at 1 o'clock to move back to the national service conference report. So we really have an hour and a half now. I suggest that we try to handle the Wallop amendment within that hour and a half.

I say to my friend from Arizona that, because of the uncertainty relating to the Bingaman amendment, it would not be possible now to say that we could turn to his amendment at 12, but it would be my intent, if that amendment is obviated in terms of a compromise, that we would turn to his amendment at 12 and we could complete that debate by 1 o'clock.

Mr. DECONCINI. Not if you are going to do the Wallop amendment first.

Mr. NUNN. Yes, you are right. I missed an hour there. I was calculating incorrectly.

If we do the Wallop amendment in an hour and a half, we would not be able to get the DeConcini amendment until after we completed the national service bill, which would be around 4 o'clock.

Mr. DECONCINI. If the chairman will yield, if he is going to enter into a time agreement with the Senator from Wyoming, would he also consider including that my amendment would come up after the Bingaman amendment and after the Wallop amendment and after the national service bill and restrict it to 1 hour?

Mr. NUNN. Yes. Let us work on that. Let us go ahead and start the debate on this amendment and I will work on a unanimous-consent agreement.

Is the Senator willing to have one-half hour on each side?

Mr. DECONCINI. Yes.

Mr. WALLOP. Would the Senator want to limit the Wallop amendment amount now?

Mr. NUNN. Why do we not begin the debate and I will check it and make sure, and that way we will not waste any time.

The PRESIDING OFFICER. The Senator from Wyoming has the floor.

Mr. WALLOP. Mr. President, the amendment that Senator WARNER and I are offering today would provide an up-to-date, commonsense standard for determining the compliance of theater missile defense [TMD] systems with the ABM Treaty. It does not require renegotiation or reinterpretation of the

treaty and it neither requires nor authorizes the United States to undertake actions that would violate the treaty. It simply updates existing compliance standards that have been overtaken by technological, political, and regional security developments since the Senate ratified the ABM Treaty 21 years ago.

This amendment is not about the ABM Treaty per se. We do not intend to debate the value of the treaty or the merits of renegotiating specific provisions. What we are attempting to do is simply say that ambiguities in the treaty should not be allowed to hinder critical programs that are obviously not ABM systems. What we are talking about are defensive systems like Patriot and more modern versions like the Theater High Altitude Area Defense System [THAAD], which we are building to defend our overseas forces and allies from the growing ballistic missile threats that are emerging around the world—threats, I might say, specifically identified by the Secretary of Defense and by the President of the United States as being among those items which are most threatening to the United States and our allies. These are not controversial systems; in fact TMD is the one part of the overall ballistic missile defense effort that enjoys broad political support in Congress and the administration.

Even if you believe that the ABM Treaty is sacrosanct and should not be modified in any way, you should support this amendment if you also believe that the United States needs a TMD system capable of defending our forces and allies against the full range of theater ballistic missile threats. We saw what happened in the Persian Gulf war, when our missile defenses were inadequate. If this amendment is not passed there is a very real chance that our future TMD systems will be as ill-suited to the threat as Patriot was when we deployed it to the gulf.

One might reasonably ask: Why is this amendment needed? After all, Patriot and THAAD are not ABM systems, and the ABM Treaty does not limit TMD systems. Unfortunately, the ABM Treaty is ambiguous when it comes to defining what actually is and is not an ABM system. That is because, in fact, it was drafted 20 years ago when modern technological events had yet to occur. The treaty sought to prevent the United States and the Soviet Union—remember them?—from building an unaccountable ABM system under the guise of an air defense system. But the language is so vague that on its face it is impossible to determine what is and is not permitted.

Article VI of the treaty simply states that it is prohibited to give non-ABM systems capabilities to counter strategic ballistic missiles and to test non-ABM systems in an ABM mode. Yet the treaty does not define the terms "capabilities," "strategic ballistic missiles," or "tested in an ABM mode."

To deal with this ambiguity, the Department of Defense has long maintained criteria for evaluating its acquisition programs for treaty compliance. This was a relatively straightforward procedure when the only defensive systems we were developing or building were either clearly ABM systems or clearly air defense systems. But as the ballistic missile threat has diversified and proliferated, these compliance standards have become outdated. The TMD systems we must build to meet the growing missile threat are far more capable than the air defense systems of the past and in many ways do resemble ABM systems.

The principal reason why it has become so difficult to distinguish between ABM and non-ABM systems is due to the fact that the distinctions between strategic and nonstrategic missiles has dramatically narrowed. This is not entirely a new dilemma. Recall, for example, that we defined the Soviet SS-20 as an intermediate-range ballistic missile, even though it had a range of 5,000 kilometers.

But today, the situation is even more complex. As more and more countries acquire long-range ballistic missiles, the term strategic becomes less and less applicable. Increasingly, regional powers are developing or seeking to acquire ballistic missiles that threaten entire regions and often neighboring regions. The Chinese-built CSS-2, with a range of approximately 2,700 kilometers, has been exported to the Middle East. From there—mark my words—it can reach much of Southern Europe, including several NATO capitals. Certainly for those within its range, the CSS-2 is a strategic weapon.

This situation is radically different than the one envisioned by the authors of the ABM Treaty, who were concerned only with the United States-Soviet strategic balance. Obviously it would be ridiculous to allow a cold war, United States-Soviet Treaty to prevent us from dealing with the new multipolar strategic context we face today.

As I mentioned before, the ABM Treaty prohibits non-ABM systems from being given capabilities to counter strategic ballistic missiles. What confuses the issue is that today there exist theater ballistic missiles that are virtually as capable as some older Russian ballistic missiles that were categorized as strategic in 1972 for purposes of SALT I—in particular, the SS-N-6 with a range of approximately 3,000 kilometers. Although this class of ballistic missiles will be retired from the Russian inventory around the end of the year, the SS-N-6 continues to define the lower end of what we consider strategic.

By any modern standard, the SS-N-6 is not a strategic ballistic missile. But for purposes of arms control it is so defined. This poses a dilemma for our TMD development efforts. If we are to develop and deploy TMD systems with good capabilities to counter the full range of theater ballistic missiles, including the CSS-2, they will possess some inherent capability against the SS-N-6. Since the SS-N-6 will be gone from the Russian inventory within a year, and the next most capable system has over twice the range, this should be less of a problem, therefore, in the future.

This is a time-urgent matter. A number of TMD systems or system upgrades, including THAAD, must be certified as compliant with the AMB Treaty within the very near future if they are to remain on schedule. Recognizing this fact, the Armed Services Committee included a provision in the defense authorization bill (section 223) that fences half of the TMD funding for fiscal year 1994 until the Secretary of Defense reports that these programs comply with the AMB Treaty.

I agree with the intent of this provision: To force the DOD to get on with its compliance reviews and not to spend money on programs it may be unable to proceed with. Unfortunately, for the last several years—and including the 9 months of this year—the DOD has failed to come up with an up-to-date standard for judging TMD compliance. Without such a new standard, section 223 might inadvertently delay key TMD systems like THAAD. Even worse, it might lead the DOD to revise these programs downward, taking capability away from them in an attempt to avoid even the appearance of infringing upon the AMB Treaty. Either outcome would be disastrous.

The amendment we are offering today seeks merely to complement section 223. It in no way undermines this provision; in fact, we believe it clarifies and strengthens it. Given DOD's inability to come up with a new compliance standard for its TMD systems, we believe that the time has come for Congress to step in and establish one. We believe that the standard set forth in our amendment is reasonable and should be acceptable to all Senators who support TMD, even if they are ardent supporters of the ABM Treaty.

Mr. President, let me quickly describe the amendment. The premise and principal objective of the amendment is set forth in paragraph (2)(a): That the United States should be permitted to develop and deploy TMD systems to counter the full range of theater ballistic missiles in existence at the time such TMD systems undergo compliance review.

But the amendment recognizes that this does not satisfy the specific requirements contained in article VI of the ABM Treaty. To stay within the framework of the treaty and the established compliance process at DOD,

paragraphs (2)(b) and (2)(c) deal with the treaty's prohibition against testing non-ABM systems in an ABM mode and giving non-ABM systems capabilities to counter strategic ballistic missiles.

To satisfy paragraph (2)(b), a TMD system may not have been tested against a modern strategic ballistic missile. This is a relatively straightforward provision, since the DOD already has working definitions of testing in an ABM mode and what constitutes a modern strategic ballistic missile—which, by the way, includes the SS-N-6.

To satisfy paragraph (2)(c), a TMD system may not have demonstrated a capability to counter such a modern strategic ballistic missile. According to this standard, a TMD system's capability to counter a modern strategic ballistic missile must be physically demonstrated before it can be the basis for determining that such TMD system violates the ABM Treaty. Mathematically simulating such a capability is not sufficient.

This demonstrated standard is the means by which systems like THAAD can be given capabilities to counter the CSS-2 while the Russians maintain the SS-N-6 in their inventory. It also recognizes that any TMD system will have some limited degree of capability to counter strategic ballistic missiles, and that this residual capability also should not be the basis for a non-compliance finding.

Mr. President, however, one defines the term strategic ballistic missile, however, one does that, it is clear—it must be clear to the Congress of the United States, to the Secretary of Defense, to the people of this country—that we and out allies face another class of ballistic missile threats that we now refer to as theater systems.

Senator WARNER and I, in offering our amendment, are simply saying that we must be able to design theater missile defense systems to counter the full range of theater threats. Otherwise, we are destined to repeat the situation we faced in the Persian Gulf war where our missile defense capabilities were clearly inadequate.

We must not allow a treaty that was designed to govern cold war United States-Soviet relations to prevent America from defending its forward forces against missiles possessed by countries like Iraq, like Iran, like North Korea.

There is no excuse, there is absolutely no excuse not to provide American forces the protection they need against the full range of missile threats that they face and we know will face in the future. Remember that the largest number of casualties we suffered in the gulf war was the result of a missile attack on a barracks.

If our amendment is not adopted, a similar tragedy will almost certainly take place on some future battlefield. We will have then nobody but ourselves to blame. But, Mr. President, we will not shoulder that blame. The Congress will find some way to blame it on somebody else. The Department of Defense will find some way to blame it on somebody else. Some lawyers now working will long since be gone and they will be blamed because they will have interpreted the ABM Treaty in ways which constrain the existing capability of the United States to protect the existing forces that we have against threats that we know are in existence or are coming.

We will not shoulder it. We will weep for the dead and we will decry their sacrifice and we will send nice letters to their mothers, but we will not remember that we could have made the difference.

This is a logical and reasonable amendment. It is also a compromise. My preference would have been to exempt all TMD systems entirely from the restrictions of the ABM Treaty or simply to do away with that treaty altogether, but I realize that those are extremely controversial positions. I will refrain from entering into this debate today. We are not here talking about the merits of the ABM Treaty but the requirement to protect American forces, American allies from theater missiles that we know exist.

Every Member of the Senate should agree that it would be irresponsible to unnecessarily underdesign or unnecessarily delay TMD systems simply because language in a treaty is vague when the reality is not vague. There is no doubt about what we face. There may be doubt about how the treaty phrases itself.

Why should we impose unilateral restrictions upon ourselves, especially when the price of doing so is likely to be paid, certainly to be paid with American blood, the blood of allies? We should be able to agree on the standards set forth in our amendment and to get on with what the President has identified as his No. 1 missile defense priority. The President of the United States, President Clinton's No. 1 missile defense priority is theater missiles. Mr. President, this Congress and this Senate should not let him or future soldiers and sailors and airmen down.

I yield to the Senator from Virginia, a cosponsor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I find it a distinct pleasure to associate myself with my good friend, long-time friend and colleague from the State of Wyoming. My only regret is he no longer is on the Armed Services Committee because when he served on that committee he was the most knowledgeable person, or certainly no one was more knowledgeable on our side of the aisle, about the complexity of strategic defenses than the Senator from Wyoming. His remarks this morning I find brilliant and they capture precisely the objectives that the two of us have had these many years working together as it respects the theater missile defenses.

If I might add a personal note. The distinguished chairman of the committee from Georgia, myself, Senator INOUYE, and Senator STEVENS were in Tel Aviv the night the last Scud missile was fired against our brave and valuable ally, Israel. While we were not in any immediate danger, we were visiting with the Minister of Defense at that time and he and others, of course, had to step aside from the meeting and deal with that particular attack. But that little personal experience brought home the fact so eloquently stated by my distinguished friend and colleague.

We are here today simply to ask that the adoption of this amendment be accepted by the Senate for the purpose of providing guidelines to the Department of Defense—and more specifically the President and the Secretary of Defense—as they comply with the bill that is on each and every desk. It simply gives them the guidelines by which they come back and determine the necessity, or the lack of necessity, which I hope and I am confident they will find, of applying certain nebulous provisions of the ABM Treaty.

But my colleague points out the disaster to our troops when that one missile penetrated and caused upward of 50 lives to be lost. We, the Congress of the United States, will be accountable if in a future action such a tragedy were to be repeated and we, the Congress of the United States, are on record as having impeded the ability of the technical brains of this country to have devised the best system possible to prohibit such a tragedy, not only to our troops but the allied troops serving with us and, indeed, to those nations on which territory is our forward deployed position of defense in the cause of freedom, those nations and their civilian populations.

It is our responsibility. We are the Nation with the leading technology in this field.

I would like to pose a question to my distinguished friend from Wyoming at this point.

I find, as I study this question, that this ABM Treaty—which you pointed out is between two parties, the former Soviet Union, now Russia, and the United States—I find that any unbiased, objective mind in Russia today should say that their interests in theater missile defense and the production of the technology to protect them should be identical to ours and that in all probability they would support the efforts that the Senator from Wyoming and myself are now advancing to the Senate. I ask that question.

Mr. WALLOP. Mr. President, I will respond to the Senator from Virginia

that, in fact, the Russian Republic is probably significantly more threatened by these events than are any American military personnel or our allies. The instability of the world that is likely to erupt is first and foremost perhaps directed toward them.

Keep in mind, we are not seeking—you and I with our amendment—to violate the terms and testing of the ABM Treaty. We are merely trying to define theater missiles in light of technological achievements unheard of, undreamed of at the time the treaty was signed.

The answer to my colleague's question is clearly yes. They would not likely find objection to this and, in fact, would very likely like to have the same capability themselves.

Mr. WARNER. Mr. President, I thank my colleague. It confirms my own belief that it is in their interest and, indeed, in the interest of the free world that this Nation move ahead in concert with other nations and, indeed, perhaps Russia in the development of the technology that can begin to provide an adequate deterrent and defense against the proliferation of this type of theater missile.

In my own personal judgment, this particular type of missile, coupled with the advancing technology in cruise missiles, coupled with the advancing technology in weapons of mass destruction, be they fissionable material, biological material, or chemical material, those are the categories of threats that are most serious to our Nation and our Nation's ability to defend freedom for our allies abroad.

It is incumbent upon this body to adopt this type of amendment to free up the brains in this country such that we can develop the very best system to prevent that.

So I congratulate my colleague. I will withhold further remarks if there is some other speaker here. I could pursue this for a minute or two.

Mr. President, I see the chairman of our committee, Mr. NUNN, is indicating I should go ahead.

In my judgment, Mr. President, if we were to continue to operate in a manner to thwart the ability of our brains to move forward in this country and devise the best technical defense, then, indeed, this Chamber and the other body would be held accountable someday for our failure to release the chains on the technical brains in this country to go ahead and devise the best system possible.

The problem, Mr. President, is with the ambiguities as pointed out by the distinguished Senator from Wyoming, ambiguities in the ABM Treaty, this treaty signed and drafted 20 years ago. And I might say, ironically, I was there in Moscow in my capacity as Secretary of the Navy in May 1972 when this particular treaty was signed. I had then been in the Department of Defense some 3 years, and I can assure you that no one at that time envisioned the problems associated with theater missiles and theater missile defense. It has all evolved in the years subsequent, and we should not become entangled in these technical interpretations of ambiguous clauses in this treaty and allow that confusion to impede our progress in advancing our ability to defend ourselves and our allies in the face of the proliferation of theater missiles.

The treaty, the ABM Treaty, prohibits giving non-ABM systems the capability to counter strategic ballistic missiles, but the treaty does not define "capability" and the distinction between "strategic" and "theater" systems is unclear. For example, U.S. and allied forces face existing theater missile defenses that have ranges and reentry speeds similar to certain Soviet ballistic missiles that were designated "strategic" ballistic missiles 20 years ago.

These old Soviet missiles had theater, not intercontinental, ranges and had slow, not fast, reentry speeds. They are clearly obsolete and are no longer even part of the current Russian military inventory.

In short, we are allowing ourselves to be condemned to the past unless this amendment is adopted. Old Soviet systems designated "strategic" but with theater ranges and reentry speeds are not surprisingly comparable in capability to some Third World theater systems currently in existence or under development. The result is that unless we establish criteria to define what is a "theater" missile defense and what is a "strategic" missile defense, we will either underdesign, delay or choose not to deploy key theater missile defense programs necessary to protect our troops, our allies or others with whom we may be associated in a future conflict. We even place at risk the theater high altitude aerial defense which this body has strongly supported year in and year out.

Mr. President, the key to this amendment is very simple. It establishes a clear, common sense set of rules for determining a "theater" ballistic missile defense and a "strategic" ballistic missile defense system. It simply says a theater ballistic missile defense system is compliant if it can, one, counter the most capable theater missile in existence today, and, two, has never been tested against or demonstrated to have the capability to counter modern strategic ballistic missiles.

Mr. President, this is not an SDI vote. Let us not confuse it. It is a theater missile defense issue, a program most of the Senate has said they support.

Just recently the Secretary of Defense released his bottom-up review, and specifically he states as one of his goals, and I quote, "Restructure ballistic missile defense program."

This amendment is to aid the Secretary of Defense, the President with the ultimate responsibility, in restructuring the theater missile defense. This amendment does not affect defenses which the Committee of the Armed Services placed on funding for various missile defense programs. However, it does provide guidance to the administration in formulating its response to those instances which relate solely to the theater missile defense programs. It does not change a single word of the ABM Treaty. It merely updates unilateral U.S. definitions decided some 20 years ago.

I conclude by asking each Senator as he or she addresses their position on this amendment to think back to the tragedy of the loss of life, the single largest loss of life as occurred to our forces because of the inability to adequately defend ourselves against the very systems that are now proliferating in the world. We must not fail in our responsibility to the men and women of the Armed Forces whom we order abroad in far-flung places of the world without equipping them with the very finest military equipment, not only to use offensively, if necessary, but equally and often more important to use defensively.

I yield the floor.

Mr. THURMOND. Mr. President, I rise to give my strong support to this excellent amendment. It is well thought out, and highly necessary to clear up a serious ambiguity in the ABM Treaty that could have an adverse effect on our theater missile defense effort. At the same time it is limited in scope and does not attempt to overturn the treaty. It simply clarifies what level of theater missile defense capability is permitted under the treaty.

The ABM Treaty was not intended to limit theater defenses, only defenses against strategic ballistic missiles. But the treaty did not define the term "strategic ballistic missiles." Today we are facing theater missile threats that would have been classified as "strategic" in 1972 when the treaty was signed. Unless we get the clarity this amendment provides, we run the risk of underdesigning our TMD systems to avoid possible treaty violations. That means they will not be capable of countering missile threats already out there, the CSS-2, for example. TMD is now the top priority, and rightly so. But we must deploy the most capable TMD systems that technology will allow. There can be no excuse for the ABM Treaty or any other artificial obstacle to get in the way of building highly capable interceptors and censors that can intercept not just primitive Scud missiles but also the newer generation of ballistic missiles that we see proliferating in the world's traditional trouble spots.

I urge the adoption of this amendment.

(Mrs. BOXER assumed the chair.)

Mr. NUNN. Madam President, I regret I cannot support this amendment as it is currently drafted. The Senator from Wyoming has been a tremendous member of the Armed Services Committee, and I share the sentiments of the Senator from Virginia, who made a real contribution not only in this important area of missile defense but in many areas where he has acquired significant expertise.

I share a common goal, I believe, with the Senator from Virginia and the Senator from Wyoming as well as the Senator from South Carolina in developing and deploying on an urgent basis the most effective theater missile defense program we can have against tactical ballistic missiles. I do think that is a priority for our Nation and for our allies. Also, the administration believes that is a priority. They made that clear in their budget submission.

The committee has included a provision in our bill that requires early compliance with theater defense systems in terms of review of those systems and how they would be affected by the ABM Treaty. In fact, we make it a very serious requirement because we say that they cannot spend more than half the money for these theater systems until they have completed that compliance review. What that really means is in approximately 6 months they are out of money unless they have done a compliance review. So we are very serious about a compliance review in our committee.

The problem with this amendment is that it preempts the compliance review. It basically is a congressional edict defining what we believe the ABM Treaty means but doing it in a definitive, legal way. So Congress would be setting itself in the position of interpreting the ABM Treaty regarding theater defense before the administration, a new administration just coming into power, before they have a chance to basically give their own assessment of the situation.

I know the Senator from Wyoming has been pushing the Bush administration and before that the Reagan administration to come up with definitions in this area. And I know the Senator from Virginia has. So my critique here in a way relates to what they have done. They have been absolutely consistent. They pushed very hard the Republican administrations to come up with definitions and now they are pushing a Democratic administration. So that is consistent. I have no problem with that.

The problem is, though, we had the Reagan administration and the Bush administration that did not do these kinds of compliance reviews in any kind of thorough way, and they did not come to definitive conclusions over a 12-year period. Now we have a Democratic administration that has come in and has made theater missile defense a very high priority, the highest priority in terms of any kind of system, and they have allocated most of the money in SDI, a great deal of it, to this theater system. But they have asked for a decent period of time for compliance review to see if any of this plan, any of the plan for testing of deployment, would run afoul of the ABM Treaty.

It is my own view that this matter has to be discussed with the Russians. I think the Senator from Virginia and the Senator from Wyoming are correct in saying the Russians have a very significant problem against their own country from these types of theater weapons. They have a more severe problem than we do. I think it is going to be in their interest to take another look at the ABM Treaty and, where clarifications are necessary, to join in this.

But when the Senator from Wyoming and the Senator from Virginia say they believe the Russians' own national interest points in this direction, they believe the Russians—I believe the Senator from Virginia said, the reasonable, rational Russians he talked to would agree with this. It seems to me that is an argument for giving the administration enough time to see if there is any kind of violation, No. 1, or any kind of problem or potential problem, No. 2, and then to discuss it with the Russians and deal with it under the ABM Treaty itself so we do not get people in the Russian military, we do not get people in the Russian Government who basically say the Americans are plowing on their own, the ABM Treaty no longer means anything to them, they are defining on the floor of the U.S. Senate definite terms as to what strategic missiles mean and what theater missiles mean, and, therefore, the ABM Treaty is of no use.

It could have a spillover effect in terms of attitudes toward the START II treaty. If the Russian Parliament comes to the conclusion that we in the Senate of the United States simply are going to stand up and basically declare what a treaty means, without waiting for an administration and legal interpretation, then they may do the same thing with the START II treaty. I do not think any of us would welcome that. We all hope the START II treaty and other matters can be ratified in due course and particularly countries like the Ukraine will come on board with both START I and START II.

So I guess, Madam President, what I am saying is that I do not favor this kind of amendment, this kind of method of handling this although I completely agree with the goal because I do believe that it is in our interest, even if we have to have an amendment to the ABM Treaty, to move forward. This is one possible way of moving forward after we have an administration compliance review.

But I urge, on behalf of the White House—I have not talked directly to them. Our staff has talked to some of the people at the National Security Council. But I urge that we go slow in this area, give them at least the 6 or 8 months that we anticipate in this bill to determine what their own position is and then let us determine if this is the most rational way to approach it or whether we would rather have the Russians on board. It seems to me there is a real case to be made for getting the Russians to agree. If they do not agree, we always have the national clause in there about our national security where we have the right to abrogate a treaty if it violates our national security interests. That is part of the treaty itself and was envisioned.

So I urge my colleagues to think carefully on this one, and I urge the Members of the Senate, unless there is some toning down of this amendment, to oppose the amendment at this point.

Yet, again, I want to emphasize that I commend the Senators for their interest in this. We do have a lot of money going into theater defense. We do have to find out soon whether it is going to be any kind of potential problem. Otherwise we may be developing systems where we end up saying we cannot do these because they violate the ABM Treaty. But we have to come to terms with this. We have to determine the compliance, and we have to understand what these terms mean. And if they do indeed interfere with any of the theater defense developments, then I think we have to take the proper course with the amendment.

Mr. WARNER. Madam President, if I may ask a question of my distinguished friend and colleague. I go back to his own actions with regard to this treaty some several years ago. Did he not, in the Nunn-Levin amendment, do precisely what the Senator from Wyoming and I are endeavoring to do today? There was a clear example where the congressional interpretation of the ABM Treaty, namely, the broad versus narrow, was pursued by our distinguished chairman, and, indeed, it was his position. So it seems to me there is a certain parallel.

Mr. NUNN. I say to the Senator from Virginia that in that situation what we had there was an administration who set out to do their own review. They came to their own conclusions after a great deal of deliberation. The Senator from Georgia sat back and watched that take place, gave them plenty of time to come to their own conclusions. They came to their own conclusions, and those conclusions were contrary to what the Senator from Georgia felt that treaty meant.

I am asking for exactly the same course. I am saying that the new administration should have the right to come in and take a look at the theater systems, determine if they are in compliance, or, if they determine they are

not, what they plan to do about it, and report to the Congress. Then, at that stage, if the Senator from Virginia and the Senator from Wyoming will say, "We do not agree with this interpretation; we think the Congress ought to go on record," then at that stage I think that is a different situation.

So I think there is a parallel here, and I urge the Senate to follow that parallel; that is, wait until this administration comes up with their own view on this and then decide whether we agree with that view. I am not saying Congress does not have a right to give our own interpretation of the treaty. It may be some kind of system that the Senate, on this subject, would think would be appropriate. But I distinguish between that and simply an edict in law at this stage.

Mr. WALLOP. Will the Senator yield for a question?

Mr. NUNN. Yes.

Mr. WALLOP. Madam President, the Senator from Georgia suggests that we tone it down. We have spent 7 weeks trying to tone it down. This does not interpret anything to do with the ABM Treaty. It is not an equivalent parallel. In fact, what we do is say that we can develop a theater missiles defense system based on the range of the longest one that exists today. We carefully stay away from interpreting the treaty.

It is not like the situation a few years back when in fact the Congress legislated an unleavened amendment as an interpretation of that treaty. Some of us thought it was a fair diversion from the ordinary procedure that the President of the United States is a negotiator or interpreter of treaties. We legislate the specific terms of what we believe that theater to be. This does not do that. In fact, these guidelines are totally general.

Let me just ask the Senator if he is also aware that the standards we currently have were not discussed with the Russians; they were informed of them.

Mr. NUNN. Madam President, I would have to get a further clarification of that latter question. What standards does the Senator refer to?

Mr. WALLOP. The standards we currently use in interpreting missile defenses. We simply informed the Russians that we were going to use them. These are not standards about anything dealing with the provisions against testing, and other things, of the ABM Treaty. This merely defines, in a general way. It does not limit the administration or preempt them. It simply lays down general principles to be used on their final interpretation.

Mr. NUNN. I simply say to the Senator, Madam President, let us give the new administration a chance to look and see whether we have a problem. If they say we do not have a problem, then we do not have one. If they come to the conclusion that we have an ambiguous situation, they may need to get with the Russians and help clarify that.

But in terms of the parallel the Senator from Virginia mentioned between the debate we had on the narrow versus broad interpretation of the ABM Treaty, we never did legislate any interpretation in law. We basically required——

Mr. WALLOP. That was an unleavened amendment based on the United States' compliance with the treaty.

Mr. NUNN. Madam President, we required that the tests they were going to take and the steps they were taking under the SDI program would not violate that narrow interpretation. We never did put an edict in law. But that is quibbling on a technical point.

The point I make—what I am saying is let us give the administration a chance and find out what they think. We have waited 12 years under three different terms of Republican Presidents, and we have never gotten any kind of definitive answer in this area from those administrations.

We now have a new administration who says they are going to give us a definitive answer within 6 or 8 months. We also have a very clear statement from the administration that there is nothing in the 1994 fiscal year program that in any way violates the ABM Treaty under anybody's interpretation.

So we do not really have to do this, this year. We may have to do something like this next year.

Mr. WARNER. Madam President, if I may take up on the point of the distinguished chairman, I am sure he is aware that here in November 1993, 60 days hence, the administration has to review the THAAD design program. And if someone is of the view that that program on its current course is not complying, then it has to be, as a program, totally revised. So the Senator from Wyoming and I are conscious of decisions which are imminent that have to be made, and we are anxious for this body to be on record as providing the guidelines to help make the proper decision.

It is going to cost us a great deal of money if that program has to be revised on the assumption that there is some conflict with the ABM Treaty. Congress, by November or December, is likely to be dispersed, and that will be costs to the American taxpayers. And also, to go back to the very words of the distinguished Senator from Wyoming, we will have been failing to do our duty in this body; namely, freeing up, removing the chains on the technicians to build the best system possible.

So my question is: Are you aware of the fact that that design review is needed some 60 days hence?

Mr. NUNN. I understood that was a technical review of that system, but not a compliance review as to whether it complied with the ABM Treaty. I may be in error, but I felt those were two separate tracks, and what we had on the THAAD program was a technical review.

Mr. WARNER. My understanding, Madam President, is that it is not separate tracks. It may be separate tracks, but they cross in November.

Mr. NUNN. At some point, they will cross. I do not know how they can do it in November, because the administration does not intend to have the compliance review completed that quickly. I believe that will be done sometime next year.

Mr. WARNER. The problem is that if they cannot determine in November that the system as now designed is compliant, they have to redesign the program or stop it. That is the point.

Mr. NUNN. They are not going to address compliance in November, so they are not going to know anything about compliance. They will not know that until they get through their legal review, Madam President.

Mr. WARNER. I urge the chairman to make a call or two on this. I think I have raised a valid point, showing the time urgency of action by the Congress on this point. I have done some independent research.

I suggest that the chairman might take the opportunity to do inquiring about the THAAD program.

Mr. NUNN. I will be glad to follow that suggestion.

Mr. WARNER. Madam President, if I might say, also, the Senator from Wyoming and I will talk to the chairman about possibly some resolution of this, and I know the chairman is thinking about a sense-of-the-Senate.

What is the chairman's personal view now with respect to the objectives of this country in devising theater missile defenses? What guidance would the chairman give the administration on this question of whether or not ABM?

Mr. NUNN. I think the guidance the chairman would give the administration would be pretty clearly set forth in this bill. I do not know how you can be much more forceful than saying you cannot spend more than half of the money until you get the compliance review completed.

Madam President, I agree that it is a very high priority. Believe me, the people in the Department of Defense are going to understand that.

Mr. WARNER. I did not speak clearly enough. I understand that is a procedural issue.

But the chairman himself, Madam President. What would he like to see that review produce in terms of an answer?

Mr. NUNN. I would like to see it produce an honest, legal, objective opinion about what the ABM Treaty interpretation is, Madam President. if it is ambiguous, I think they ought to say it is, in which case there are several alternative courses. If it is clear

that none of these systems are going to be in violation, then I think we ought to proceed forward vigorously.

If it is clear that the programs are in violation of the treaty—which I think it is much less likely to come to that result than an ambiguous result—then I think we ought to determine whether it is in our supreme national interest to abrogate the treaty because of the importance of the theater missiles defense, or whether we can persuade the Russians to come up with an amendment that would clarify this for both countries.

I say to my friend that there is a lot more at stake here than simply the ABM Treaty. I know the Senator from Wyoming would just as soon that stay in the dustbin of the industry. But there is a lot at stake here. We have a newly emerged Russian nation.

You have an awful lot of Russian nationals. You have some people in the Russian military that are paranoid about the whole subject of defenses. You have others who are looking at it rationally in Russia, at their borders and their security and what they may need.

When you take all of that into account, I think it is in the interest of this country's national security to at least have consultation with the Russians before we proceed unilaterally in this area. Otherwise, we may end up curing one problem but creating a lot more serious problem.

So there is more at stake here than the ABM Treaty. The question is how do we proceed with the newly-emerging democracy that is the successor to a state that we negotiated the ABM Treaty with.

Mr. WALLOP. Madam President, will the Senator yield for a question on that point?

Mr. NUNN. Yes.

Mr. WALLOP. We have specifically stayed away. I did not want to get into the debate on terms of the ABM Treaty. We specifically stayed away from that. We do not deal with the issues of testing in an ABM mode or other kind of things.

We are simply trying to find in general terms—and I say again we do not preempt the administration—what constitutes a theater missile. We do not say in here that we can test in an ABM mode or any of those kinds of things which are violations of the treaty.

We are simply saying that for the purposes of our programs, the longest existing, namely the Chinese theater ballistic missile, is the standard by which the theater missile defenses are created. We do not suggest that the administration test them in an ABM mode or take other elements of an ABM system and attach them to them. So it is important not to put this into an interpretation of the ABM Treaty.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, it seems to me, and I sympathize with the debate today, it is one of substance which the Senator from Wyoming and I tried to incorporate in this amendment and one of procedure, namely, following the chairman's line of reasoning, that the administration should have some reasonable opportunity to address this problem. The chairman indicated that possibly a sense-of-the-Senate amendment along the lines of one presently before the Senate might be a way to reconcile whatever differences the chairman has with the two proponents of this amendment.

I once again return to the chairman with my question, which I interpreted as indicating the chairman felt just as strongly as do I, the Senator from Wyoming, and, I presume, the majority of the Senate, that this country should proceed to develop the best system that can be devised for our own security interests and that of our allies. And we have to take into consideration the collateral problem with Russia today as we move in that direction.

But do I understand the chairman, in reply to my earlier question, as indicating he is strongly in favor of this country moving ahead and unleashing any restraints on our technicians to provide the best system possible, unless there is some very credible reason as it relates to other relationships with Russia that that not be done?

Mr. NUNN. I think my general answer to that question would be yes, I do agree with that. But I do also believe that we have a lot at stake in terms of upholding the principles under which treaties are negotiated.

We do not enter into treaties lightly. We have them come before the Senate of the United States. They have to be not only presented by the President, but they have to be defended and presented in a way that the Senate of the United States will ratify by the constitutional requirement of two-thirds.

So we treat treaties in this country very importantly. And I think that is appropriate because treaties are the law of the land. That is provided in the Constitution.

So the real question is, do we basically use the procedures and the overall approach in terms of clarifying treaties that we have historically used?

Mr. WARNER. Madam President, I respect that argument, but I want to come back and determine what can be done today.

Do I understand that if this were converted into a sense-of-the-Senate the chairman of the committee would consider supporting the amendment if it were?

Mr. NUNN. If it were a sense-of-the-Senate urging the administration to come up with an early compliance review, and that the administration should then advise the Congress as to what steps they need, what steps need to be taken, to move forward the theater defense in any event, any ambiguity, I would not object.

Mr. WARNER. That responds more to the procedural aspects. I am interested in the chairman's position on the substantive issue of our Nation having the best possible defense that we can achieve, given the technical aspects.

Mr. NUNN. I say to my friend I am interested in us having the best possible defense we can, consistent with our form of Government and our Constitution and our laws.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia still has the floor.

Mr. NUNN. I yield.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. I thank the Chair.

Madam President, I have been listening to the debate on the matter before us. This has been discussed in the Armed Services Committee and in the Subcommittee of the Nuclear Deterrence Arms Control that this Senator chairs. I do not have any basic quarrel with the basic thrust of the amendment that has been offered by the Senator from Wyoming and supported by the Senator from Virginia.

I would only say that I sound the caution alarm which I think the chairman has been trying to sound in regard to this debate. If the United States Senate would attempt to go on record by accepting the amendment that has been offered by the Senator from Wyoming, or if we would phase that back down, as I took it might be in the mode of being considered to a sense-of-the-Senate resolution, I would simply say that I think that at this particular time with the complications that face us in the world, accepting this amendment or even a sense-of-the-Senate in this regard, would send some alarm signals around the world not only to our traditional allies but those who have not been our traditional allies.

I think this is a very unsettling time when things are trying to be worked out, when there has to be some understanding, some give and take around the world.

If, for example—and I do not basically, I emphasize, quarrel with the position that is being articulated by my friend from Wyoming and my friend from Virginia—I would simply say that I think that such an amendment is out of place, is ill-timed, and in the long run could do us more harm than good.

I would simply hope that maybe this could be withdrawn. The point has been made and made quite admirably, I think, by the Senator from Wyoming and the Senator from Virginia, and I think that I agree basically with the thrust of the counterarguments by the chairman of the committee.

I would simply say to my friends that I really believe in the discretion of not doing anything in this area right now,

allowing the administration the room that they need to work these things out. I do not believe that we are going to be hurt by not taking this action at this particular time.

I would simply say that however well-intentioned the amendment is I would think that those who are proposing the amendment would understand and realize that possibly this is not the best time to be taking this up, regardless of the merits of the proposal as they explained the reason for it.

I am fearful that the reasons that I think the Senator from Wyoming and the Senator from Virginia are very sincere about, and it is something that should be considered, for the Senate to take action at this time before the administration has been able to at least try this out, this idea on our allies, let alone those who are not customarily our allies, would be placing the administration in a very, very difficult position.

And I would simply close by saying that this amendment, and even a sense-of-the-Senate resolution that would water it down to that extent, would send the wrong signal, probably, some alarm bells around the world and make it that much more difficult for the administration to attempt to work out something over the longer term and after having a chance to consult with those that would be directly affected.

I, therefore, would hope and suggest that I think it would be wise after this very interesting discussion for this amendment to be withdrawn, and I hope that it would not be pressed to a vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. WALLOP. Madam President, I have a great deal of respect for the Senator from Nebraska, Senator EXON.

Since it is clear he has not read the amendment—talking about sending the wrong signal around the world; I would say the wrong signal sent around the world is that the United States does not have will enough to protect its combat troops from theater missiles—I will read them for the Senate, since the Senate is disinclined to study it. The amendment specifically made it clear that these are not going to violate the ABM Treaty.

Paragraph (1) applies to a theater missile defense system, system upgrade, or system component that—

(A) has the capabilities necessary to counter the most capable theater ballistic missile existing at the time of the review of such review or determination;

(B has not been tested against a modern strategic ballistic missile; and

(C) has not demonstrated a capability to counter such a modern strategic ballistic missile.

The signal we are sending is trying to be something different than this Congress sent in early 1980 when it defanged the Patriot and caused the death of some 50 American military personnel in the gulf. We defanged it.

What we are trying to do is say that this Congress and this Senate surely have the right and the obligation to defend American forces from the most capable theater missile defense system that exists in the world when we are designing it.

We are not talking about designing a ballistic missile defense system. We are, in fact, specifically outlawing those things in this amendment.

So the signal we are going to send around the world, failing to do this, is that we are again weak-willed and uncertain as to our to obligations and our rights to defend our own personnel and our own allies against threats that we have identified—the Secretary of Defense has identified, and the President of the United States has identified—as the most pressing that exists today.

There is nothing in this amendment that is half so constraining on the administration as the amendment that is contained in paragraph 223, which fences half their funds until the compliance review. That is constraint, I say to my friend from Nebraska, not this, which provides only a definitional structure of the area in which the United States ought to get on.

I would say again that the current set of standards that we have were not consulted with the Russians; they were informal. And the current set of things that we are trying to do here is take it out of the ABM Treaty specifically item by item. Paragraph (2)(1)(A), (2)(1)(B), (2)(1)(C) are very, very specific in their terms of defining the ABM Treaty.

Now, I do not understand the kind of red-herring arguments that come up here when some in the administration we understand are quite content with this amendment.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, I would like to ask the distinguished chairman of the Subcommittee on Nuclear Deterrence—a committee I served on for many years and at one time I was chairman of that subcommittee—you talk about signals around the world. This reminds me of how you take two horses and hobble them together so they do not run off in the corral.

And we are hobbling ourselves to Russia and blinding ourselves to North Korea, to Iraq, to Iran, and other countries which are bending steel night and day to try and build the systems which some day may be a threat to our Armed Forces.

Yes, a signal will go out around the world that the Congress of the United States is going to sit back and let this ambiguity exist. We may as well go ahead full steam and build these systems, because if, at some point in time, we are attacking them or their interests or their allies or their friends, there will not be in place a sufficient defense.

So let us not put the blinders on and let the hobbling of the past, of 20 years ago, as pointed out by the distinguished Senator from Wyoming, be the reason that at some future point in time we cannot defend ourselves.

Mr. WALLOP. Will the Senator yield for a question?

Mr. WARNER. Am I not correct about hobbling the horses in the corral, the two of them together?

Mr. WALLOP. Absolutely.

The question I would direct to the Senator from Virginia is, is it not true that in the gulf, in the most perfect set of circumstances you could imagine—desert, no hills, no foliage, more or less clear skies—that we did not destroy a single missile battery from the air on the ground; not one?

Mr. WARNER. That is correct.

Mr. WALLOP. The only destruction that took place was with a try-hard but relatively inadequate Patriot missile.

What we are asking for is for the Congress and the people of the world to understand that we are not going to find these missiles on the ground and shoot them from 20 miles away with F-15's. We are either going to defend the men and women of the armed services of United States and our allies from missiles we know that exist, theater missiles that we know exist, or not. It is a very simple question in front of the Senate.

Mr. WARNER. Madam President, the Senator is correct.

And I repose my question to the distinguished Senator from Nebraska, the chairman of the subcommittee: Do we not have a threat from North Korea, from Iraq, from Iran who are working on these systems right now? The question is posed.

Mr. EXON. I am glad to respond.

I would simply say that I have some of the same identical concerns that have been expressed very eloquently, I think, by my friend from Virginia and my friend from Wyoming.

I would simply point out, by and large, that is why we have language in the bill that is before us that the administration has agreed to proceed with and welcomed, and that is for a study and review of this matter pending recommendations from the administration.

Certainly, I do not wish to be placed—and I hope the Senator from Wyoming and the Senator from Virginia are not trying to place those of us who think the timing of their amendment is wrong—in a position of not wanting to defend properly the troops of the United States of America and our allies.

I would simply remind my colleagues that the making of treaties, world negotiations on treaties, are first in the

purview of the executive branch of Government. The executive branch of Government in this case, as I understand it, the President of the United States, the Secretary of State, and the Secretary of Defense, have agreed that the language we have in the bill to do a review certainly expresses the recognition on the part of the administration that they share the concerns that have been raised on the floor by this amendment from the Senator from Wyoming.

The administration, as I understand it, is in agreement with the point of view that I have expressed and the point of view expressed by the chairman of the committee that they think we would be going too far too fast on this matter, but they have agreed, as you know full well, to do a study of this, to come back with recommendations to us as to what and what should not be written into the law.

I would simply reiterate once again that I am not questioning the motives nor the intent of the Senator from Wyoming or the Senator from Virginia. I just say I think we should allow the President, who, under our Constitution, has the right to make laws and enter into treaties—we have the right to either accept or reject those—but I am afraid that what is being suggested here by the Senator from Wyoming would be the U.S. Senate getting ahead of the administration on treaty matters, which I think is not wise.

Mr. WARNER. Will the Senator simply address one short question?

Mr. EXON. I will be glad to yield.

Mr. WARNER. Do we not have a threat from theater missiles from Iraq, from Iran, and possibly other sources and, therefore, we should—

Mr. EXON. May I answer the question?

Mr. WARNER. Yes.

Mr. EXON. In my opinion, the answer is, yes.

Mr. WARNER. That answers my question, Madam President.

And, therefore, we should not look at this issue in the narrow context of a Russia alone as hobbled.

Mr. EXON. Oh, now, in fact I would agree wholeheartedly with the Senator from Virginia in that I believe the threats to the United States of America, our allies and our troops, in at least the immediate future as we view it today, the threats to our combat troops are from other than the Soviet Union, Russia, or the Republics of what has come out of the demise of the Soviet Union.

I really think we have a particular threat from some of the countries that my colleague has mentioned, and possibly others, that concern me. I share my colleague's concern. I question whether this is the time to make the move that he is suggesting.

Mr. WARNER. Madam President, I thank the distinguished Senator and yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH. Madam President, I rise in very strong support of the amendment offered by my friend from Wyoming, Senator WALLOP. I ask at this time unanimous consent that my name be added as a cosponsor to the amendment of the Senator from Wyoming.

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

Mr. SMITH. I also want to compliment my friend from Virginia for his efforts in this area. The American people owe a debt of gratitude to the Senator from Wyoming for his leadership on the issue of missile defense. He has been a long-time leader in the U.S. Senate on the issue, and a leader in America in general. I think when history records the events of this time and we look back on today, this debate is going to take on a whole new meaning. And the Senator from Wyoming will be remembered for his perseverance. Unfortunately, it does not seem to be the majority opinion of this body that the Senator from Wyoming is correct. But I have never been one to stand on the sidelines whether I am in the majority or minority. The question is whether the cause is just and proper. In this case, there is no question about it, and the national security of the United States of America is hanging in the balance.

During each of the past 2 years, the Senate has overwhelmingly endorsed the development and deployment of effective theater missile defenses. Implicit in this action was the assessment that theater missiles pose a clear and present danger to U.S. troops and our friends and allies abroad.

What is also very clear is the fact that the 1972 ABM Treaty which prohibits nationwide defenses against strategic ballistic missiles was not intended to restrict theater missile defenses deployed abroad to protect our forward-deployed forces. The architects of the ABM Treaty had no way of knowing, nor did they attempt to predict, how technology would evolve in the future. The treaty was only intended to apply to the missiles that were covered by the SALT I agreement on strategic offensive arms.

In the 20 years since ratification, new technologies have blurred the line between the 1970's strategic missiles, such as the Soviet SSN-6, and the Chinese CSS-2 theater ballistic missile, which is deployed today in Saudi Arabia. The SSN-6 has a range in excess of 2,400 kilometers and a maximum speed of approximately 4.7 kilometers per second. It is considered a strategic missile, bound by the ABM Treaty. The CSS-2, as sold to Saudi Arabia, is estimated to have a range of 2,700 kilometers and a reentry velocity of 4.7 kilometers per second. It is considered a theater missile. Thus, technology and time have blurred the distinction between what constitutes a strategic missile and what constitutes a theater missile. But we should not let semantics dictate national security. We must be very, very careful here.

To be sure, any effective U.S. theater defense system must be able to counter the full range of current and projected theater missile threats. And Congress has a responsibility to take action to clarify that theater systems such as THAAD, Arrow, and Patriot upgrade are not bound by a treaty never intended to restrict their deployment. This amendment does just that. It ensures that our theater missile defense programs have the capabilities necessary to counter the most capable theater ballistic missile threats that the United States will face.

Now more than ever, Congress and the administration must set politics aside and get on with the business of defending the United States of America. That is what the Constitution says we must do. That is what the American people expect us to do.

In today's threat environment, we simply cannot afford to underdesign our theater missile defense capabilities out of unilateral compliance with a treaty that was never intended to restrict these systems in the first place.

The Wallop amendment represents a very timely and substantive clarification of this issue and the Senator from Wyoming deserves a great deal of credit for his persistence and diligence. I have seen him, year after year, debate after debate, in the Armed Services Committee—which unfortunately he is no longer a member of—making these points saliently and succinctly. Unfortunately, too few of our colleagues have listened to the eloquent words of the Senator from Wyoming.

Let me conclude by saying this. The amendment before us applies only to theater missile defense systems. It ensures that they have the capabilities necessary to counter the most sophisticated theater ballistic missiles in existence and that they have not been tested against a modern strategic ballistic missile, or demonstrated a capability to counter a modern strategic ballistic missile. In short, this amendment ensures that we comply with the letter of the ABM Treaty, while at the same time, develop effective theater defenses. How can anyone be opposed to that?

I say to my colleagues who appear—I hate to use the term but frankly I think it is appropriate—to have a knee-jerk reaction, who oppose this amendment as just another pro-SDI effort, that somehow SDI has become a profanity in the Halls of Congress these days as we slash and cut. But, not only are we slashing and cutting SDI, we are slashing and cutting the defense of America.

This amendment is designed to protect forward-deployed U.S. troops. We

have an obligation, a serious obligation, to protect our troops who go into harm's way no matter where they are. This amendment is not about broad versus narrow. It is an effort to ensure that never again will our forward-deployed troops enter battle ill-equipped to defend themselves.

Think about it. Think about the Persian Gulf war. For the first time in modern history, an American commander was directly attacked by ballistic missiles. We owe it to the 28 brave men and women who lost their lives in the Dhahran barracks at the hands of a Scud missile, never, never to allow this tragedy to occur again.

I must say that we are walking a tightrope today. If we defeat the Wallop amendment, we may again expose more young men and women to that same type of attack and expose another commander to a direct hit from ballistic missiles. We must not put the American people and our troops in that position. The only way to prevent it is to support the amendment of the Senator from Wyoming.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Madam President, what is the pending business?

The PRESIDING OFFICER. This is the amendment of the Senator from Wyoming.

Mr. SHELBY. Madam President, I move we temporarily set aside the pending business.

The PRESIDING OFFICER. Is there objection? Hearing none, the amendment is set aside.

Mr. SHELBY. Madam President, I will send a modification of my amendment to the desk.

I withdraw the pending amendment.

The PRESIDING OFFICER. The pending amendment is set aside.

Mr. SHELBY. I send an amendment to the desk.

The PRESIDING OFFICER. The Senator has a right to withdraw his own amendment and his amendment is withdrawn.

The amendment (No. 778) was withdrawn.

Mr. SHELBY. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

Mr. SHELBY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BINGAMAN. What is the pending business, Madam President?

The PRESIDING OFFICER. The amendment which the Senator from Alabama sent to the desk at first was out of order.

Therefore, the amendment of the Senator from New Mexico is the pending business.

AMENDMENT NO. 777, AS MODIFIED

Mr. BINGAMAN. Madam President, as I understand it, under the rules, I have permission to modify my own amendment since the yeas and nays have not been ordered on it. I would so modify it now, on behalf of myself and Senator SHELBY, in the form that is pending at the desk.

The PRESIDING OFFICER. The Senator has that right. The amendment is so modified.

The amendment, with its modification, is as follows:

On page 432, strike out line 6 and all that follows through page 434, line 8.

On page 34, line 12, delete the figure "$9,765,951,000" and substitute in lieu thereof "$9,775,951,000".

On page 35, line 15, insert "(a)" at the beginning of the text.

On page 36, after line 23, insert the following:

"(b) Of the amounts authorized to be appropriated under Section 201, $10,000,000 shall be available, in addition to the amounts specified in subsection (a), for the programs, projects, and activities described in subsection (a).".

On page 74, after line 2, insert the following new section:

"Sec. 236. SENSE OF THE SENATE ON METALCASTING INDUSTRY.

"It is the Sense of the Senate that—

"(1) The health and viability of the metalcasting industry of the United States are at serious risk, and

"(2) The Secretary of Defense should seriously consider providing funds, from within the funds made available pursuant to Section 204, for metalcasting industry research and development activities, including the following activities:

(A) "Development of casting technologies and techniques.

(B) "Improvement of technology transfer within the metalcasting industry in the United States.

(C) "Improvement of training for the metalcasting industry workforce.".

Mr. BINGAMAN. Madam President, let me speak very briefly on it, and then defer to the Senator from Alabama.

The state of play at this point is that the amendment that Senator MCCAIN and I and Senator NUNN and Senator MATHEWS earlier offered would be adopted, assuming we could get agreement on this. In addition to that, we have added some language to accommodate the concerns the Senator from Alabama and the Senator from South Carolina expressed and were urging in their amendment.

What we have done is to essentially appropriate an additional $10 million and say that that funding will be added to the technology reinvestment project funding and that the Secretary of Defense is directed to give serious consideration to the problems of the metalcasting industry in deciding how to allocate that funding.

But it is clear from what we have put in the language, the modified amendment, that the metalcasting industry would have to compete for funding just as all other industries do under the technology reinvestment project. That is consistent with a suggestion that Senator THURMOND, from South Carolina, made during our earlier discussions. I think it is an appropriate way to proceed.

I compliment Senator SHELBY and Senator THURMOND for their leadership on this. I think this is a good resolution of a problem that is a very real problem for that industry.

So I will at this point yield the floor and allow the Senator from Alabama to make any statement he would like.

Mr. SHELBY addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Madam President, I concur in the statements made by the Senator from New Mexico. We have, I believe, worked out some good language. We would have to compete, but it would be, among other things, stating that the DOD needs to really look at the metalcasting industry.

This is one of the statements we have been trying to put forth in the committee and on the floor, and Senator THURMOND and I concur with the Senator from New Mexico and certainly support the amendment at this point.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Madam President, I support the compromise amendment worked out by my distinguished colleagues, Senator SHELBY and Senator BINGAMAN. The amendment would provide an excellent opportunity for the metalcasting industry to engage in much-needed research and development.

This amendment makes available $10 million for the Secretary of Defense's use in advanced research programs, projects, and activities and provides this funding in accordance with the guidelines which are compatible with similar research programs.

Madam President, I urge my colleagues to support this amendment in order to ensure the viability of this important national industry.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Madam President, I support the amendment as is modified. I thank the Senator from New Mexico and the Senator from Alabama for working this out. As I understand the amendment, it stresses very clearly that we are concerned in this area about this industry. We are concerned that it be given whatever degree of attention the Department of Defense is able to give it, consistent with the overall programs that we have set forth.

As I understand it, this industry now would be mentioned in the legislation as a high priority, but there would be no setting aside of money from stockpile. There would be competition, and this would be based on merit and it would be part of the overall defense technology program and, basically, be treated as others are, of course, with the attention that is being focused on it in this debate. So I support the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

The amendment (No. 777), as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

NATIONAL AND COMMUNITY SERVICE TRUST ACT OF 1993—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to consideration of the conference report on H.R. 2010, which the clerk will report.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2010) to amend the National and Community Service Act of 1990 to establish a Corporation for National Service, enhance opportunities for national service, and provide national service educational awards to persons participating in such service, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

(The conference report is printed in the House proceedings of the RECORD of August 5, 1993.)

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. KENNEDY. Mr. President, I ask unanimous consent that the time of the previous quorum call be divided equally.

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

Mr. KENNEDY. Mr. President, I understand that we are now on the national community service conference report. Am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. And that there is a time limitation of 3 hours evenly divided?

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. I yield myself such time as I might use.

Mr. President, I urge the Senate to pass the conference report on President Clinton's national and community service initiative. This measure is a wise investment in the country's future. It achieves three major goals: It creates opportunities for Americans to be active and responsible citizens through service to their country; it provides educational assistance for those who serve; and it helps communities to address increasingly serious challenges that they face.

Above all, this legislation offers Federal leadership and Federal seed money to encourage these opportunities. Too many citizens, preoccupied with their own lives, assume that the challenges facing America are someone else's problem. This measure harnesses the creativity, drive, and talents of our greatest national resource, Americans themselves. Those who participate will gain self-confidence, useful skills, and a lifelong commitment to do something about the problems in their neighborhoods. The concept of service to others can revitalize communities or parts of the country by creating opportunities for citizens to deal more effectively with problems like drug use, poor performance in schools, lack of affordable housing, and rising crime.

Those who participate will receive financial aid for education and job training. The principle is clear and reciprocal: Those who give assistance to their country deserve assistance from their country.

The National Community Service Trust Act will create opportunities for many kinds of service, from our youngest citizens to the oldest. Title I reauthorizes the Serve America Program, which has been funded since 1990 by the Commission on National and Community Service. It provides $45 million in fiscal year 1994 to fund part-time service learning programs for young citizens through their schools and through community organizations like the YMCA, or the United Way.

We have had many examples of those programs in the course of the hearings on the legislation which included children in kindergarten in Springfield, MA, that made centerpieces out of folded napkins, that were used in programs helping to feed the homeless; fourth graders who adopted a senior citizen in a nursing home and called that individual for 5 minutes every day and visited that individual on their birthday or Valentine's Day; sixth graders who traveled to nursing homes and performed the captivating pantomime of the rabbit and the tortoise, to scores of senior citizens in the nursing homes, enriching their lives; children between the 8th and 12th grade that would work under supervision to assist in providing day care for many of the children of working families in the community and tutored these children to help them enhance their academic skills.

It was interesting in Springfield that the children being supervised and helped by the older children, the 8 through 12, preferred those books which were actually written by the older students to commercially available texts.

So we know that these programs can work, that all that is really needed is some help and guidance and technical assistance to school districts to administer those programs.

Over 40 million Americans are in K through 12 and begin their lives with the spirit of voluntarism. This spirit can be nurtured until they go to college, and then through the course of their lives, whatever career they might have. If so, their desire to serve can last into their golden years. And we have a great deal of experience in creating voluntary programs for seniors eager to serve.

The concept of voluntarism is a continual ideal which ought to begin at the earliest age and be imbued in a lifetime's experiences.

In the bill's Serve America Program, service-learning participants are not paid, but participate in community programs that combine service with education. Such service is vitally needed. Studies have shown that students learn more effectively through this interactive method of learning. Serve America's goal is to make such programs available to every student in America from kindergarten through college, and to instill the habit of lifelong service.

Many of us are hopeful that these voluntary programs and these learning programs will actually impact the curriculum in various schools and make the curriculum a good deal more relevant to the life experience of the young people as well. In a number of different schools and in a number of different colleges they have developed that approach and the response and the results have been most impressive.

Title I also offers specific opportunities for senior citizens by reauthorizing the older American volunteer programs currently administered by the ACTION agency. These programs are an extraordinarily effective and low-cost method of enabling senior citizens to become involved in community activities such as assisting other elderly Americans and caring for foster children.

Title I also recognizes that many citizens will be able and willing to make a substantial commitment to expand the number of full-time and part-time opportunities. The bill authorizes $300 million in fiscal year 1994 to support 20,000 participants in the National

Service Trust Program. Those serving will receive a $4,725 post-service educational award. This award can be used for past, current or future higher education, vocational education, and job training.

As part of the full-time national service effort, the bill reauthorizes the VISTA program which has proven its ability to address the needs of low-income communities for over 20 years. VISTA volunteers have demonstrated their commitment and effectiveness in improving literacy, promoting economic development, and providing other needed services in communities nationwide.

Title II establishes the structure to administer these service efforts. There are two existing organizations are now responsible for most domestic service efforts; ACTION and the Commission for National and Community Service.

This bill reorganizes them into a leaner organization called the Corporation for National and Community Service. The Corporation will be nonpartisan and entrepreneurial with a bipartisan board of citizen directors. New Corporation employees will not be under the Civil Service System but will be covered by a more flexible merit-based personnel system. The Corporation will be authorized to solicit and receive private donations to help fund the efforts.

Individuals wishing to participate in the national service program will be able to obtain lists of programs that receive funding and then apply directly for positions in these programs.

The legislation does not restrict funding for student financial aid programs in any way. Nor will it require any person to serve in exchange for Federal benefits. It will not impose a new bureaucracy on States or localities. It is designed to work through existing agencies and programs. It will not require any State, locality, institution, or individual to participate.

The conferees have worked diligently to preserve the most important bipartisan features of the Senate and House versions. We have retained the key compromises in the Senate bill. The House voted overwhelmingly in support of this conference report on August 6 in a strong bipartisan vote of 275 to 152.

This legislation presents a realistic and affordable approach. It will ensure that the program starts at an achievable level and gives it the potential to grow at a reasonable rate. The Senate spending levels for new national service were retained: $300 million in 1994, $500 million in 1995, and $700 million in 1996. We have actually reduced the amount which can be spent on administrative costs below the level in the Senate bill.

Language was included to clarify that the national service program is not an entitlement. The living allowance and post-service educational benefit will be subject to tax.

Studies will be carried out by the Corporation for National and Community Service to test fundamental principles of national service, such as whether educational benefits are needed to attract participants, whether programs should be economically targeted or diverse, and what outcomes we should expect from service programs.

States and the Federal Government must develop priority areas for service.

National service participants are prohibited from engaging in lobbying.

Broader discretion is given to the Corporation and to State educational agencies to set application requirements for the Serve America service-learning program.

Programs must provide descriptions of the service that participants will perform, including the minimum qualifications for such service.

The administrative role of the Corporation is reduced by making the Corporation's representative on State commissions an ex officio nonvoting member.

Child care is limited to those who demonstrate that such care is needed to enable them to participate.

The postservice educational benefit is limited to 90 percent of the GI bill's benefit, to ensure that the legislation does not interfere with military recruiting. In addition, a report to the Department of Defense is required on the impact of the legislation on such recruiting.

Protection is added to ensure that the educational awards do not have the unintended consequences of raising tuition at educational institutions.

The conference report also retains provisions of the Senate Governmental Affairs Committee on the structure of the Corporation. These provisions are as strict as those for any other agency of Government. They will protect against financial mismanagement, ensure effective audits of operations, and require accountability for grants.

Since Congress adjourned on August 6, momentum for this national service legislation has continued to build.

Schools have already begun to participate financially. Hampshire College in Massachusetts has announced that it will match the educational awards for any students who participate in the program and subsequently enroll at Hampshire. As a result, educational assistance for such students will increase from $4,725 per year to $9,450. Other colleges and universities in all parts of the country are planning similar commitments to those who serve and are in the process of asking their trustees to approve the plans. The private sector is likely to become involved as well.

On August 31, President Clinton held a summit for those who participated in the Summer of Service—the 1,500 Americans who served this summer in 40 different projects nationwide. Seventy-nine of these men and women, including six from Massachusetts, spoke with the President about their achievements. From the questions they asked the President, it was evident that the summer not only produced tangible results, but that they had become active citizen-experts on issues such as housing, health care, the environment, and education. They asked important questions and clearly intend to stay involved in their communities.

Overall, our specific goal in this legislation is to help the country do a better job of meeting its challenges through more active citizen participation. Our larger purpose is to restore the sense of community we have lost in recent years, and to revitalize the sense of common purpose that has served America so well from the beginning of our history.

In coming weeks, we will be hearing a great deal about reinventing Government. By passing this legislation, we are taking an important step in this direction, because we will be using Government in an effective way to rekindle the ideals that have always been the hallmark of America at its best. I urge the Senate to approve this conference report.

Finally, Mr. President, the concept of voluntarism has had partisan support from the birth of this Nation. I want to pay tribute to those in the recent times—and I will do that in greater detail at the conclusion of the debate—who have been most involved in keeping the concept of voluntarism alive. I include President Bush, who was very much involved in the debate and discussions on voluntarism and helped develop the Points of Light Foundation. This foundation was included in our previous community and national service program of 1990. National service has been an issue which has really reflected the best instincts and values of both political parties.

I respect those that differ with the approach that we have taken, but we have tried—in the 1990 act as well as in this legislation—to offer to young and old alike a wide variety of opportunities for service to the community. We give the assurance to the membership that we will be reviewing this program and reporting back to our colleagues and to the American people on the programs which are most effective.

So I am grateful to all of those who have supported the legislation and even to those who have supported the concept of voluntarism but have expressed reservations about the particular manner of the national service program.

President Clinton gave this national and community service program his strong commitment during the course of the campaign, and on other occasions he talked eloquently, persuasively, and compellingly of the need to challenge young and old alike to give something back to their country. He has identified this as one of the four

major areas of interest in his administration—economic legislation, reinventing Government, health care reform, and national service.

This bill does not incorporate the entirety of the President's service program. Parts of the budget reconciliation program already enacted will permit direct student loans and income contingent loan repayment which will allow young people to serve in community service programs rather than be forced to take high-paying jobs because of high indebtedness.

So this measure is an integral part of challenging our young people, reforming our educational system, and reinvigorating Government. And most importantly, I think, the final judgment on this measure will be whether we as a society become a more compelling and caring society. That ultimately will be the real challenge of this program. I think all of us, those of us who support the program as well as those who do not, want to challenge Americans to give something back to the country in return for all it has given to them.

Mrs. KASSEBAUM. Mr. President, first I want to recognize the tremendous amount of work that has gone into the National and Community Service Act. As has been mentioned before, when we completed the passage of the legislation in the Senate before it went to conference, and as the chairman of the Labor and Human Resources Committee has said, there has been a bipartisan effort. There have been cosponsors of the legislation on the Republican side of the aisle.

Few would argue with the goals of national service: To rekindle the American tradition of giving our time and energy to benefit our communities and pulling together various groups within our communities and country to tackle our problems.

Unfortunately, I still believe, Mr. President, this bill represents lost opportunities. I spoke to that when it was on the floor before. I would like to go over a few points.

When we passed the national service bill in August, many amendments were included which I believe substantially improved the legislation. I say to Senator KENNEDY, who has managed the bill, along with Senator WOFFORD from Pennsylvania, that they have been very accommodating in trying to listen and regard these requests with the good intentions that they have been offered. Most of the amendments were retained during the House and Senate conference.

The conference bill kept the Senate authorization levels at $300 billion for fiscal year 1994, $500 million for next year, and $700 million for fiscal 1996, as well as a 3-year authorization for this program. This provision offers a better opportunity to review the performance of this program and to consider the results of the studies to be conducted by the National Service Corporation—so that it will be possible to reshape the legislation and some of the efforts that we have addressed on both sides of the aisle during the course of this debate before they become too embedded.

I also was pleased that the conference bill retained the Senate provision which lays the groundwork for future consolidation of national service and domestic volunteer programs by requiring the Corporation to study and make recommendations regarding how this goal can be achieved. This mandate to the Corporation offers a promising start, which I believe will ultimately lead us in a new direction with regard to service program delivery.

The conference bill also caps the administrative costs for administering the national service program and lowers the administrative cost limits for ACTION. Capping administrative expenses will make more money available for programs rather than for the bureaucracies that support them.

I am disappointed that several important provisions in the Senate bill were dropped in the conference. The Senate restrictions on lobbying and other activities designed to influence public policies were basically gutted in the conference bill.

The Senator from Massachusetts, Senator KENNEDY, listed these lobbying provisions.

But I just suggest, Mr. President, that the only restriction retained in the bill is the exclusion of organizations failing to comply with the Internal Revenue Service lobbying restrictions from participation in the national service program. I believe that the omission of the stronger Senate provisions will hurt the national service program in the long run and regret that that was changed in conference.

For the majority of the American people, national service suggests images of our young people helping out in Head Start centers, cleaning up city parks, and rehabing low-income housing—not petitioning the city planning commission for a zoning change or organizing support to save the snail darter. National service needs to be about providing direct service to individuals and communities, not the creation of a cadre of political organizers pursuing policy agendas with taxpayer money.

I really believe, Mr. President, this is something we will have to regard with close attention as the implementation of this legislation takes place.

It is also unfortunate that the Senate provision limiting the liability of national service participants, as provided under the Federal Tort Claims Act, was omitted from the conference bill. This provision would have provided individual participants a shield from liability to the same extent as participants in other federally funded service programs. It was a narrowly crafted good Samaritan provision. In the rush to complete the conference on this legislation, I am uncertain as to whether this provision was intentionally dropped or inadvertently overlooked. Given that both the House and the Senate addressed this issue generically, I think it would have been appropriate to retain this provision in some form.

Another important Senate provision that was dropped in conference was a change in the allocation of funds for national service. In the conference bill, the Corporation makes the funding decisions on two-thirds of the funding for national service programs. The Senate bill distributed a larger percentage of the funds to States based on a formula. A larger allocation of formula funds would have provided States with less experience in national service programs the opportunity to develop the infrastructures and capacity to compete on a more level playing field with other States having considerably more experience.

We have lost a tremendous opportunity, Mr. President, to lead the way in reinventing Government. The Senator from Massachusetts mentioned reinventing Government, and there has been a great deal of focus on that, of course, with the administration's initiative. I believe this was a great opportunity to show that we could put together an initiative that would address some of the very concerns that the Vice President addressed in his report to the President on reinventing Government. But we chose to take the old tried and true way. We did not want to change any of the programs that already existed and reconstruct them in a new and more inventive manner. And so we just kept pretty much all the old frameworks in place.

Not only does this legislation fail to consolidate and restructure the myriad of national service programs funded by the Federal Government, but it also further legitimizes the creation of narrowly focused programs such as the Urban Youth Corps, the Public Lands Corps, the Civilian Community Corps, and the VISTA Literacy Program. This is not to say that these programs do not serve a very important purpose. But I question the creation and continued support of numerous programs which could easily fall into the scope of the national service program administered by the Corporation for National and Community Service, without losing the importance of the mission they were serving.

I am keenly disappointed in this, and I know that many who worked on this bill share those concerns. I hope as this process progresses we can take another look at how better to cosolidate and coordinate the myriad different service programs and administrative structures.

In addition, this legislation continues a pattern of Federal control of

local programs and congressional control of Federal agencies. Among other things, this bill delineates application requirements, lists members to be appointed to State commissions, identifies areas of need and targets 50 percent of the funds to those areas and specifies the criteria that must be used to evaluate applications for funding.

These and other provisions, Mr. President, demonstrate the lack of trust that characterizes current relationships between Federal and State governments and between Congress and Federal agencies. Reinventing Government includes the concept of providing administrative entities with the flexibility and the trust necessary to achieve the goals of the program.

It is ironic that this legislation is coming before the Senate the day after Vice President GORE unveiled the administration's plan to reorganize the Federal Government. This bill is fraught with duplicative administrative structures, overlapping programs, unnecessary legislative requirements, and cumbersome bureaucratic structures.

My initial problems with this legislation still exist—I think it is too costly, too bureaucratic, too prescriptive, and misdirects scarce educational dollars.

Having said that, I certainly hope that I am wrong and that the program will work as its sponsors intend. I recognize their sincerity and commitment to the cause and commend them for that. I will certainly work with them all that I can to help strengthen the program as it moves forward in its implementation.

I yield the floor, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. How much time do I have?

The PRESIDING OFFICER. The Senator has 67 minutes remaining.

Mr. KENNEDY. I yield 10 minutes.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 10 minutes.

Mr. WOFFORD. Mr. President, with great hope and enthusiasm, I support this legislation because it can change our Nation for the better now, soon, and in the future.

I appreciate very much the good words from the Senator from Kansas and the good work by Senator KASSEBAUM in trying to craft a bill that we can go forward with in making important contributions to this bill.

I appreciate her noting the many amendments by Republican colleagues that were adopted here in the Senate, most of which were retained in conference.

On the other points where she is disappointed, I feel sure that we will hear more from her again on those points, and I look forward to working with her to accomplish the good goals that she set forth in her analysis just now.

Two keys to change our Nation are recognizing that civil rights bear with them certain civic responsibilities and returning to the values that made this country great. In an age of cynicism, in a time of grave doubts about the future, we must all move from placing blame to assuming leadership. That is what this bill does. It reinvents. It is part of the process of reinventing Government, not by more Government but by igniting citizen action and citizen responsibility.

By itself Government cannot fix problems nor can it change values. But it can and it should be a partner in efforts to promote an ethic of responsibility for ourselves and our Nation.

National service is our first test case of changing how Government operates in this respect. Creating a decentralized system of national service can be a test of the Federal Government's ability to become a leaner, more efficient, and antibureaucratic force for change.

Mr. President, in the sixties when we sent the Peace Corps forth, we knew that the logic of doing so was that that idea would be brought home. I think most of us in the framing of the Peace Corps, the founding and sending forth of the Peace Corps assumed that the home Peace Corps, the domestic Peace Corps, would be something like the overseas Peace Corps—one Federal agency, one corps that worked in many different ways but was like the Peace Corps, a U.S. domestic Peace Corps.

That is not what this bill does. And I, for one, think that this approach—which builds on what has happened in our communities, which will have a few Federal models, such as the new Civilian Community Corps that with great bipartisan support was adopted last year, but which most of the options for service will be options developed by local communities, by State and local leaders and, above all, by the private sector—I think that kind of national service system, decentralized and percolating up, is better than the way we would have done it in the 1960's.

If done right, this new approach will represent a fundamental change in direction from decades of well-meaning, but so often ineffective, social welfare programs—programs flawed in that they promote dependency, not responsibility; complacency, not initiative; make-work, instead of real work, hard work.

The new system of national and community service will not be top-down from Washington, but will be built up and will reinforce efforts that have come up from the grassroots: urban and rural youth corps, as well as service opportunities generated by high schools and colleges, foundations, churches, civic associations, and especially by young people themselves. It is premised on the notion that real change will come about when the people who are closest to the problem are empowered to change them.

The act on which we are about to vote has many features that Democrats and Republicans support. It does not create a big, new Federal bureaucracy telling young people what to do. It will not be one federally run program like the Peace Corps or Franklin Roosevelt's Civilian Conservation Corps. It is result-oriented and includes rigorous quality control measures. It requires matching contributions, thus ensuring the market will play a role in how fast service grows and that performance will determine sustainability. It streamlines two existing Federal agencies into one and demands that the employees of the new corporation reflect the fact that, while working to create a system of national service, they are themselves rendering service.

It fosters competition—intrastate and interstate.

We have had some competition among our colleagues who are cosponsoring this, between Senator DURENBERGER and Senator WELLSTONE of Minnesota and myself and Senator SPECTER from Pennsylvania. We think Pennsylvania is the furthest out in line, but we welcome the competition from Minnesota and from California and from Kansas.

Local competition with national competition of the national models; school versus school; college competing with college, and how best to do this; nonprofit organization competing with nonprofit organization, to recruit the young people to prove that they are the most cost-effective and important program and valuable program offered. That is the kind of competition we need.

Building on President Bush's efforts and the bipartisan 1990 National and Community Service Act, the plan before us creates an innovative public-private partnership, a public corporation for national and community service that will challenge all Americans to serve according to their means, talents, and stage of life.

During its first year of operation, through a highly competitive process, the corporation will invest seed capital in programs that will directly engage more than 1½ million Americans of all ages—not Federal employees—mostly volunteers, mostly part-time, in meeting community needs. That figure includes the estimated 20,000 young people engaged in direct service on a full-time basis—larger, by the way, than the Peace Corps was at its height.

Over the course of the next 3 fiscal years, we hope to enable 100,000 young people to engage in full-time service. That is a quantum jump in full-time service.

I submit, Mr. President, that full-time service is a dimension of the service idea in America which needs to grow because it is a multiplier, leading to not only immediate organizing of much voluntary part-time service, but

leading those who engage in the intense experience of the year or two of full-time service into a lifetime of more voluntary service than they would have rendered otherwise.

In Pennsylvania, the statewide conservation corps—the type of program the President's initiative seeks to encourage all over the Nation—in studies has been found to return $1.81 for every dollar in terms of services rendered. That does not even include the savings realized from keeping its members from dropping out of school, falling into the welfare system, or ending up in prison.

National service is a hand up, not a handout. Keeping within the deficit reduction targets that have been adopted by this Congress, the legislation requires national service to grow only according to demand of the market and the extent to which it passes the kind of strict tests that taxpayers rightly demand of Government effort. It must demonstrate excellence. It must be cost effective.

We have had a good and spirited debate. Reflecting strong bipartisan support, the House of Representatives and the Senate each passed national and community service legislation before the August recess. The House also passed the conference report with a 275-to-152 vote, including 26 Republicans.

In this body, several of my Republican colleagues moved with great courage to end the filibuster. And seven of my Republican colleagues voted in favor of this legislation when it was last before us on August 3. I thank them for their leadership. I thank them for their support and their role that they will have in building this program. So passage of this bill was bipartisan.

We turn now to building a program that is nonpartisan and that gains the respect and support of all. That is what has happened in my own home State of Pennsylvania, where national service-related legislation recently passed the State legislature unanimously. Let me repeat, unanimously—197 to nothing in the Pennsylvania House, and 47 to nothing in the Pennsylvania Senate.

That is my goal for this body; that we will all come to see that this is the road on which we must journey. We have already seen the future of national and community service in Pennsylvania. It works.

I take it as a personal challenge and a challenge to all of us interested in this bill, including those who had doubts about the exact frame of it. I take it as a challenge to all of us, and a very personal one to me, since I have been pursuing this goal for 25 years—to ensure that national service works all across this Nation as well as it has in Pennsylvania, under the leadership of Gov. Robert Casey and PennSERVE, and that support for this initiative will increase dramatically when we return 3 years from now for reauthorization.

In closing, I am happy to join now with other Democrats and Republicans, liberals and conservatives, on the common ground of national service and move from debate to action. This common ground is built on the belief that:

We must see young people and older citizens, and help them see themselves, not as problems but as resources; through new public-private partnerships, we must attack valuelessness, hopelessness, and alienation confronting so many young people in our society; and civil rights must be balanced by civic responsibilities.

The idea that we must ask and enable the dropout and the college-educated, black and white, rich and poor, young and old, to take ownership of—and provide stewardship for—our country is one that transcends party and ideology.

So let us move from combative argument to creative action on the problems facing our families, our neighborhoods, and our Nation.

National and community services is, as President Clinton has suggested, the American way to change America. It is a good bill that properly challenges all of us and our institutions to exercise leadership—not to place blame—and encourages us to return to the values that we share and that have made this country great.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Massachusetts has 55 minutes. The Senator from Kansas has 75 minutes.

Mr. KENNEDY. How much time does the Senator wish?

Mr. DURENBERGER. May I have 5 minutes?

Mr. KENNEDY. I yield the Senator 5 minutes.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 5 minutes.

Mr. DURENBERGER. Mr. President, today's Senate passage of this conference committee agreement represents an important landmark in defining a proper Federal Government role in support of national and community service. I intend to support the agreement and urge my colleagues on both sides of the aisle to support it, as well.

As the chairman has already reported, this agreement reflects the Senate position on most of the significant issues that were in dispute:

Lower ceilings on authorized spending on new national service programs;

A 3-year initial authorization period;

Required priority setting at the national and State level;

More flexibility for States in setting up their grantmaking commissions; and

A whole series of studies and demonstrations to address a number of long-range issues about the organization and purpose of national and community service.

Many of those differences were Republican amendments to this bill, and they do remain a part of the conference agreement now before us.

These Republican changes make this a different—and, I would argue, better—bill. These changes also offer an opportunity for all of us to agree on a different—and, I would argue, more accurate—justification for national and community service.

Last year during the campaign, then-candidate Bill Clinton drew loud cheers whenever he promised to use national service to ease the financial burdens of college for millions of American young people and their families.

After his election, the new President used the same justification to launch a program that would cost American taxpayers more than $10 billion over 4 years.

But, under the legislation we are about to approve, Congress was willing to commit less than 15 percent of the President's earlier $10 billion proposal and only a tiny fraction of his even larger campaign pledge.

Many observers of Congress and the Presidency are asking a logical question as we now pass this legislation.

Does the difference between where we started on this issue and where we are now ending up represent some kind of an embarrassing defeat for the President on a major legislative priority?

As far as I am concerned it does not. But, the differences we have made in this proposal do mean at least five important things to all of us.

First, the changes Congress made indicate that every proposal made by the President from now on will require a fiscally responsible justification.

Second, the President and other supporters of this bill must acknowledge that national service will never play a major role in financing higher education.

At a minimum annual cost of $15,000 to $20,000 per participant, we can't depend on this new program to help meet the rising cost of going to college.

Instead, our first priority must be to increase our commitment to currently underfunded Pell grants, and to implement the student loan reforms we also adopted just prior to the August recess.

Third, this is not FDR's Civilian Conservation Corps or the Peace Corps and VISTA programs launched in the 1960's.

Those previous initiatives were national programs, totally funded and run from Washington.

This program is very different. If properly implemented, this shouldn't even be a National Government program.

Its success will depend on thousands of local community initiatives all over America.

Fourth, this new legislation should also help leverage State, local, and private sector support for programs that respond to this diversity and that enjoy strong local community ownership.

If that happens—and it should—the impact of this new initiative will reach far beyond what is possible with the limited Federal appropriations that today's fiscal realities will allow.

Finally, as we complete action on this legislation, much greater recognition must be given to the value of the provisions that encourage service learning.

In States and communities all around the country, young Americans from kindergarten through college are demonstrating the value of community service that's creatively integrated into their school curriculum.

In Minnesota, more than 100,000 young people are now participating in school-based service learning programs.

These programs are improving educational outcomes, benefiting local communities by using the community as a classroom.

And, they are achieving these goals at a fraction of the cost of the stipended service programs that have dominated debate on the legislation now pending in the Senate.

These comments are not meant in any way to diminish the importance of the legislation now before us. I intend to support adoption of this agreement and urge my colleagues to support it, as well.

But, these comments do suggest that national and community service must be justified as something other than a new way to pay for college.

If the President is willing to make that concession—and refocus its rationale—the initiative we're about to pass can be an exciting opportunity to improve young lives and better American communities.

That's an opportunity that Senators on both sides of the aisle should now be eager to help launch.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I will be glad to yield 5 minutes to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 5 minutes.

Mr. BOREN. Mr. President, I thank my colleague from Massachusetts, the manager of the bill. I want to compliment those who have worked on this conference report. This is a great step in the right direction.

I cannot think of a more important investment that we could make now in this country than the investment in human resources provided in this legislation. It will allow 100,000 Americans to make a long-term commitment to community service in return for educational benefits, and it will encourage millions of others to contribute, to give back to their country, to give back to their home communities, by supporting national and community service by school-aged youth and other Americans, including older Americans.

So it will really affect all communities in this country and rebuild a spirit that has become frayed, that has decayed. It will allow people from different walks of life, from different backgrounds, from different economic levels, to work together on a common purpose. It will unite them behind this purpose and help them to realize how much they share together as part of one American family.

Not only will it pay tremendous benefits in terms of rebuilding the spirit of community and service in this country, but it also makes economic sense as well. A study of the Washington Service Corps indicates that the community benefited by $2.80 for every $1 spent. Another study of the Michigan Conservation Corps indicates that over $2 was returned in community benefits for every $1 spent.

Service learning has also proven to be a very important tool to improve student outcomes. Nearly 800,000 students across this country have been participating in service programs connected with their educational training. When Philadelphia laid off 1,200 teacher aides because of budgetary pressures, the Philadelphia Literacy Corps organized 150 students to tutor for a minimum of 120 hours per semester. Not only did the school districts save $250,000, but the tutors themselves were four times more likely to apply to college after their experience than before they had not served their community in this way.

Chestnut High School in rural Bedford County, where the post-secondary education rate has gone up from 30 percent to 80 percent in 5 years since community service has become universal, is another example of what happens when people begin to help others and give back to their community.

I am particularly pleased that the conference report will also reauthorize the demonstration program for a Civilian Community Corps, an updated version of the CCC of the Great Depression.

Many of us have worked on the CCC proposal for a long time, including the Senator from Pennsylvania, Senator WOFFORD. It was our feeling that, along with the local service corps, there should be a different model to analyze as we look for the best way to construct an efficient and effective program of national service.

The CCC will be a Federal residential program. It will therefore allow us to bring young people from different parts of the country together, much as we did during the years of the Depression, when young people from all across the country, from different racial and religious backgrounds, different geographical and cultural experiences, came together to help rebuild the National Park System of this country. They joined together on many construction projects and artistic projects. And we know one result: They learned a lot about each other.

One of the tragedies of modern life is that young people from different walks of life and different experiences have very few opportunities to rub shoulders with each other. A child who grows up in a more affluent suburb does not get to know very much about a child from the inner city, for example. Young people from one part of the country know very little about the lifestyles and values of young people in other parts of the country. The CCC will provide an opportunity for people to come together and to understand each other and to work together. The program will strengthen not only the bonds between those young people, but it will also strengthen our country.

Sometimes it has been said that, through the tragedy of war, we share common experiences that have provided long-term benefits to our country.

We all realize, for example, the reduction in racial discrimination in this country that resulted from common service together during the Korean war. We should not have to wait for the tragedy of a war and armed conflict to bring people together to work for a common cause, to come to understand each other, to rebuild a spirit of community, and to rebuild a sense of understanding of what it means to be an American.

This opportunity for building community spirit is presented by this piece of legislation and by the pilot program for the CCC. I hope my colleagues will adopt this conference report by a very, very strong majority. It is only a start. I am convinced it will be a very successful experiment, and it will give us direction for the path that we should follow in the future.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Massachusetts now has 45 minutes. The Senator from Kansas has 75 minutes.

Mr. KENNEDY. I yield myself 3 minutes.

Mr. President, I want to address briefly and perhaps in greater detail, should it be necessary, two of the points that were raised earlier by my good friend and colleague, Senator KASSEBAUM. The first concerns the issue on tort liability.

The House and Senate bills had different provisions regarding the tort liability of national service volunteers. The House bill basically relieved volunteers of liability but required the supervising agencies to engage in various risk-management techniques, including training for volunteers.

The Senate bill provided that the national service volunteers be covered by the Federal Tort Claims Act. The House appointed Judiciary Committee members to conference these provisions and they discussed the matter with the Senate Judiciary Committee.

Both the House and Senate versions of this provision were controversial. The Senate Judiciary Committee was unwilling to accept the broad House provisions because they would leave the victims of negligence uncompensated. The House Judiciary Committee was unwilling to accept the Senate provisions because it would leave the Federal Government liable for negligence by volunteers who are not directly supervised by the Federal Government. That is different, for example, in the ACTION programs.

This issue could simply not be resolved in the conference. So neither the House provision nor the Senate provision was included in the conference report. This is an important issue. I intend to keep track of the experience of the national service program in the area. I will work for an appropriate resolution, with the chairman of the Judiciary Committee, Senator BIDEN, and other interested members on our committee. I have asked the Justice Department to work with us on this complicated legal issue. But this was not an issue which could be resolved in the context of the bill at this time, so the conferees agreed to delete both of those provisions.

On the second matter, the formula for allocation of funds to the States was as follows in the Senate bill as introduced: One-third went to State commissions based on population; one-third minimum went to the State commissions on a competitive basis; and one-third maximum remained for the Corporation to fund projects of national significance. For example, if you had Youth Build or Magic Me Programs that wanted to start up in 10 different States, they could apply for this final third.

We accepted a Domenici amendment on the floor that increased the amount going to the State commissions by formula, but in conference the House was unwilling to accept the amendment. We convinced the House to drop their such-sums authorization and accept $300 million, $500 million, $700 million, the authorization level, in exchange for dropping the Domenici amendment. By doing so, we reverted to the original allocation of funds: That is, one-third, one-third, one-third.

In practice, the difference to the State commissions is not major. Under the conference report, a minimum of 67 percent of the money will be distributed to the State commissions, while under the Domenici amendment, 70 percent will be distributed to the State commissions in the first year. Under either approach, the bulk of the money goes to the State commissions, not the Corporation.

I was pleased to accept the amendment in deference to the Senator from New Mexico, but was unable to keep it in conference and had to drop it in order to enact larger legislation.

Mr. President, there are additional points I would like to make. I have several Members who want to speak. I want to be able to reserve sufficient time to respond to some of those who may speak in opposition. I understand, there is a meeting of the Republican Party later. I will be glad to work out with my colleague how she wants to proceed.

Mrs. KASSEBAUM. I appreciate the Senator from Massachusetts suggesting that. There are, I believe, five or six Senators on our side who would like to speak. I will suggest at this point the absence of a quorum.

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. ROBB. Madam President, I inquire of the Senator from Massachusetts if I might be granted up to 6 minutes to speak on the conference report.

Mr. KENNEDY. Fine.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I yield 6 minutes to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Massachusetts yielded 6 minutes to the Senator from Virginia.

Mr. ROBB. I thank the Chair.

Madam President, I rise in support of the conference report on H.R. 2010, or S. 919, the National and Community Service Act of 1993.

I am pleased to be an original cosponsor of this legislation.

I commend our President for giving this issue the priority that he has, and I certainly commend my colleagues on the Labor and Human Resources Committee for their dedicated efforts in bringing the bill and now this conference report to the Senate floor for debate.

As a former marine and a member of the Marine Corps and Marine Corps Reserve for more than three decades, I have been a strong supporter of national service in its many forms, for at least that long. Every Member of this body in fact endorses national service; if we did not, we would not be here.

The cause of national service has also long been championed by the Democratic Leadership Council, and in 1989 Senator NUNN and I introduced the Democratic Leadership Council's national service proposal which became, in part, the basis for title D of the National and Community Service Act of 1990.

Madam President, to me national service is part of citizenship. It is about the obligations each of us has to our Nation and the rewards that we get back for contributing to the quality of life in our communities. National service instills civic responsibility by giving those who serve a genuine stake in our country. It could also provide valuable helping hands to communities in such important areas as health care, education, public safety, and the environment.

Unlike many countries, we do not mandate national service in America. While I would not mind seeing it as a requirement, I am not really sure that you gain as much from things you have to do as from things you want to do.

Under this plan, young people stand to gain plenty from national service and so does America.

In passing the conference report to H.R. 2010 and S. 919, we will say to participating young people during the first year of enactment, your country will give you $4,725 in educational benefits if you will give us in turn your time and talent and energy for 1 year—if you will go into a community in need and make a small portion of it better.

This is a good deal for our country. We get thousands of hours of community service.

We get an educated individual. And we get a citizen who has begun to pay his or her dues to this Nation, and who has a genuine stake in its future.

Madam President, S. 919 also reauthorizes the Civilian Community Corps, which I also cosponsored as a means of providing assistance primarily to at-risk youth.

The CCC was initially authorized last year through legislation introduced by my colleague from Oklahoma, Senator BOREN.

I believe the CCC can be enormously useful in helping young people develop discipline, team spirit, and a work ethic that can have a constructive and positive impact on their adult lives.

It is my hope, Madam President, that those who participate in the CCC will come away with not only enough money to further their education, but also a greater sense of self-worth, a feeling of commitment toward their communities, and a belief that hard work and discipline can open many doors.

I am pleased, indeed, that S. 919 includes a reauthorization of the Civilian Community Corps.

The CCC Program is particularly relevant today, as Virginia and many other States hard hit by defense downsizing wrestle with personnel cuts and base closings.

The CCC Program relies on retired and separated military personnel for much of its staffing needs, and the community service provided through

the program is particularly welcome in areas where defense downsizing has already begun to bring—and will continue to wreak—economic and social difficulty.

The American tradition of service to our neighbors dates to the earliest days of our Nation.

This plan reinvigorates that tradition with the spirit of youth, to the benefit of all.

I urge my colleagues to support this conference report.

I yield any time remaining.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mrs. KASSEBAUM. Madam President, I am happy to yield 3 minutes to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Madam President, I rise in support of H.R. 2010, the National and Community Trust Act of 1993 as reported from the committee on conference.

I strongly support this bill because it helps students help themselves and their community. Community service is the backbone of any democratic society, where those who have much have a responsibility to help those who have little.

This Nation has seen a number of very successful domestic and foreign community service programs from the Civilian Conservation Corps of the 1930's to the Peace Corps of the 1960's. I firmly believe that the paths that these great programs have cleared will allow the National Community Service Act to become this Nation's next great service program.

There had been some controversy surrounding the conference report and the inclusion of Senate amendments within the final agreement. It is little wonder. Before adjourning for the August recess an attempt was made to pass the agreement by voice vote. Members had less than 24 hours to review the 144-page report. I, too, had wanted to review the document to be sure it reflected the agreements reached in conference including the amendment that I had offered on the floor and understood had been accepted by the House. The amendment to which I refer is one that establishes clear priorities for funding under the act.

This provision is an essential element in the creation of any new community service bill. Without clear priorities there is no justification for a new service bill nor an assurance that the work of the participants truly addresses the critical needs of this country.

I make this statement with conviction and base it on past experience. Nearly 20 years ago when I was first elected to the House I was assigned to the Committee on Education and Labor and its Subcommittee on Employment Opportunities. One of the first issues that we tackled was the Comprehensive Employment and Training Act or CETA. While CETA's goals were meritorious, its effects were muddled. While no doubt individuals who participated in its public service employment program benefited, the service to the public was hard to discern. As a result, the public and Congress soured on the program, and it was scrapped.

Providing public service as a means of training individuals while at the same time supplying a benefit to the community is a sound philosophy. The problem was that CETA was engaged in too many marginal projects for which there was little to no benefit for the community. There were no clearly defined priorities for funding CETA projects and this caused its demise.

We have learned a great lesson from the past. Under this act we have mandated that individuals work on clearly annunciated goals established through consensus and with community input. Providing visible benefits to communities and this Nation is truly the sole reason to justify the creation of a new program with significant rewards for the participant.

I am pleased, having had the time to review the conference document, that my amendments and this concept is clearly a part of the final agreement. Furthermore, the administration has sent me a letter to reiterate its support for the establishment of priorities under the act.

Madam President, I ask unanimous consent that the full text of the letter be printed in the RECORD. I urge my colleagues to support the conference agreement accompanying H.R. 2010.

I believe we have created a program for which we can be very proud as we progress to the future. It will help us solve so many of the problems that this Nation faces.

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

THE WHITE HOUSE,
Washington, September 3, 1993.

Senator JAMES M. JEFFORDS,
U.S. Senate, Washington, DC.

DEAR SENATOR JEFFORDS: I am pleased to respond to your inquiry regarding the scope of national service priorities established pursuant to Section 122(c)(1) of the National and Community Service Trust Act of 1993 as reported from the committee on conference.

It is my understanding that priorities established pursuant to this section will apply to program funds distributed to the states by formula as well as funds distributed competitively, including both competitive funds distributed directly by the Corporation and funds distributed through the States.

If I can be of any further assistance in clarifying this matter, I would be pleased to respond further.

With all best wishes,

Sincerely,

ELI J. SEGAL,
Assistant to the President and Director, Office of National Service.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. Who yields time to the Senator from Ohio?

Mr. KENNEDY. Two minutes.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. METZENBAUM. Madam President, I rise to commend leadership, the Senator from Massachusetts, and the Senator from Kansas on this issue. It was not an easy road to travel. At times there were problems that appeared to be difficult to pass a national service corps bill. But the fact is they understood the need for it in this country and have plowed forward and made some compromises where necessary, worked with the House on issues of differences. And I certainly hope that we move forward to pass this expeditiously. I think the country is waiting for its passage. I think that the country will applaud the leadership of the two Senators just mentioned, and I certainly join in that leadership. I am pleased to have been able to work with them in bringing this day.

Madam President, I yield the floor.

Mr. KENNEDY. Madam President, just for the information of our colleagues, as I understand it, there is approximately 58 minutes remaining for Senator KASSEBAUM, and I believe that we are down to 32 minutes; am I correct?

The PRESIDING OFFICER. There are 56 minutes for the Senator from Kansas and 34 minutes for the Senator from Massachusetts.

Mr. KENNEDY. Parliamentary inquiry. That adds up to 70 minutes.

The PRESIDING OFFICER. There are approximately 90 minutes.

Mr. KENNEDY. How much remains for each side?

The PRESIDING OFFICER. There are 56 minutes 30 seconds for the Senator from Kansas; 34 minutes 47 seconds for the Senator from Massachusetts.

Mr. KENNEDY. I yield myself 30 seconds.

Madam President, I have several Senators who have indicated that they are on their way over to speak in support of the program. I know there are a number who also want to speak in opposition to the conference report.

I am reluctant—with the limited time available and the number of Senators who have indicated they wanted to speak, and with the disparity of time, I suggest the absence of a quorum and ask unanimous consent that the time be evenly divided.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. KENNEDY. Madam President, I yield 10 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 10 minutes.

Mr. DODD. Madam President, I rise in strong support of the conference report on the national and community service bill, which has been the subject of some lengthy discussion and debate.

This is a bill many of us have worked on over these past several weeks and months.

I note the involvement and contribution of the distinguished Senator from Kansas, Senator KASSEBAUM, and the chairman, who has worked tirelessly on behalf of this legislation, along with our colleague from Pennsylvania, Senator WOFFORD, and Senator MIKULSKI of Maryland, who cared very deeply about the legislation, Senator JEFFORDS, and many others—we would not be here today without their support.

I especially commend the Senator from Minnesota because the word "community" is in the title here. Because of his work, this is not just a national service bill, but national and community service bill. The idea of serving one's community is so critically important and it was a wonderful idea to include it in the title.

Of course, the President not only worked for the legislation, but it was a major theme in his campaign for the Presidency. He talked repeatedly about reviving in our younger generation an interest and involvement in serving their communities and the country.

I stand here today, not only as the proud author of a major piece of this legislation, the Domestic Volunteer Service Act, but also as a former volunteer myself. I served back some 30 years ago in the Peace Corps as a result of the call of another President, President Kennedy, who asked a generation of us whether or not we would be willing to serve our country and others by going to work in communities around the world that were far less privileged than we were. I remember very clearly his speech and the excitement that my generation felt with that message.

I have been asked numerous times what it was specifically that caused me to join the Peace Corps. I cannot recall a specific speech or word. I just thought this was one of the most exciting ideas, to be asked to serve one's country and to try to make it a better and a stronger world.

President Clinton has picked up that same clarion call for this generation, and he deserves the unending thanks of not only the younger generation but of generations across the spectrum for that effort—because of what these volunteers will accomplish.

Beyond my own family, no other experience has as much to do with shaping me as a human being than those 2½ years I spent in the mountains of the Dominican Republic as a Peace Corps volunteer. It was not just the Spanish I learned or the wonderful people and culture I came to know and appreciate, but I gained a deep commitment to public service, to doing what is in my power to help others in my own State and across the country. It came from that experience. I am not sure I would have ever sought a career in public service had it not been for that few months of service as a Peace Corps volunteer.

I think today, Madam President, there is a wonderful opportunity for an expanding community and volunteer program. We are going to find people who never thought of spending a lifetime in a career for their community who will as a result of the experiences they gain in this program.

This legislation is likely to do much more for our country. It will help address the unmet educational, environmental, human, public safety, and other needs in many of our communities. It will provide thousands of Americans with the means to go back to school and receive the training and education so necessary in the economy of the 21st century. But I believe its greatest impact may be on the people who serve—not on the communities in which they serve, or the individuals who benefit from that service, but on those who are the volunteers. That is the greatest benefit in many ways and it is not an insignificant benefit to our country.

Madam President, I was fortunate earlier this year to chair a hearing that featured witnesses from the domestic volunteer service programs: VISTA, the Foster Grandparent Program, the Retired Senior Volunteer Program, and the Senior Companion Program. Our witnesses told incredible stories of service and what it meant to them, to their families, and the communities in which they live.

The testimony of Edith Courville stands out in my mind. Edie is 76 years young. She lives in Worcester, MA, and is a retired garment worker. She volunteers in the Senior Companion Program.

She testified in the following way:

> The program lets me help other people, which makes me feel good. I like to know I am helping ease someone's mind. I like to let people talk about their problems, because they always feel better after they do. The program keeps me active. When I know I am going to visit someone, I get up, get dressed, and get out of the house. I don't know how I would keep busy if it wasn't for my clients. We brighten each other's day.

Madam President, when people tell me those programs do not mean much or have little value, I think of this wonderful woman. Here is a 76-year-old woman who gave a lifetime working in the manufacturing and garment industry of this country, and today she commits her life to other people. Yet, not only the people she serves benefit, but she benefits as a result of that kind of activity. She worked hard and long in her own career, and, yet, in service she has found a new meaning and new lease on life.

Under the auspices of the Corporation for National Community Service, Edie's experience will be multiplied in the lives of thousands and thousands of individuals, and our Nation, I would argue, will be enriched through their efforts. I would hope that many of my colleagues will join me in passing this measure today, so the Corporation can get to this important work.

Let me just lastly point out that this bill is just a beginning. We are just getting the basic program in place, and it will need some correcting, I am confident of that. Anybody who thinks you can put these bills in place, and that it is set, is fooling themselves. What you think is going to happen and what actually happens rarely meet up. They sometimes get close, and I think in this effort they will be close.

I think we must start this process because this generation wants to serve, wants to be part of this work, and needs the educational benefits. And while there will be shortcomings, mistakes, and problems with the program, believe me, Madam President, those will be minor, minor indeed compared to the greater good that will be served as a result of having initiated this national and community service legislation.

So, let me conclude where I began with my compliments to the senior Senator from Massachusetts, the chairman of our committee, who helped fashion this legislation; Senator WOFFORD, of Pennsylvania, as I mentioned earlier; Senator MIKULSKI; Senator DURENBERGER; and there are so many others that are involved in all of this, as well as Senator KASSEBAUM and others who are trying to put together a good and intelligent piece of legislation.

I am proud to be part of it. Today we remember fondly the words of President Kennedy on the steps of the campus of the University of Michigan more than 30 years ago and our various experiences as volunteers in years past. I know I remember very clearly when the legislation passed the Senate of the United States creating the Peace Corps.

I would like to think today there are young people across this country who in future days will look back on this day in September in the year 1993 when another Congress, in another era and another time, offered a new opportunity for a new generation. I think we all will be proud of what we are doing today.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I ask unanimous consent that the time be evenly divided.

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

The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. LIEBERMAN). The Senator from Oklahoma [Mr. NICKLES].

Mr. NICKLES. Mr. President, I do not see the Senator from Kansas here so I yield myself 10 minutes on the national community service bill.

The PRESIDING OFFICER. The Senator has the floor.

Mr. NICKLES. Mr. President, just yesterday President Clinton and Vice President GORE held a press conference while standing before thousands of pages of Government regulations, and talked about the need to reinvent Government. The President talked about the need to shrink the size of Government. He talked about their goal to reduce the number of Federal employees by 250,000. He talked about cutting Government expenses by $181 billion. I can tell you, my constituents and constituents all around the country are saying, "At last. We are actually going to cut Government. We are going to reduce the size of Government." I know they were applauding because those are statements that would be well received in many parts of the country.

Mr. President, I find it kind of ironic that at the same time they are talking about shrinking Government we are expanding Government. We are not shrinking Government with passage of the National Community Service Trust Act, we are expanding Government. As a matter of fact, we are going to see Government spending explode as a result of the legislation we are passing today.

I compliment the sponsors of this legislation. This conference report is better legislation than what came out of the Senate Labor Committee. This is a less costly bill. It is much better than the President originally proposed. The President proposed a bill that would have cost $10.8 billion over 5 years. This bill is not quite that expensive, it is a 3-year bill which will cost $1.5 billion. So that is a significant improvement. But I might just tell my colleagues, it is still a very expensive bill and a program which will only explode in cost.

This bill will cost $300 million the first year, $500 million the second year, and $700 million the third year—and it is only authorized for 3 years. I think that is better than having a 5-year authorization. But do not be fooled, I know President Clinton, Senator KENNEDY, and others who are supporting this concept expect to have a permanent authorization. They expect to have a permanent plan.

If you look at the way this program is growing, it starts at $300 million, goes to $500 million the second year, goes to $700 million the third year. If it continues to expand at that rate, by the fourth year it will be $900 million, the fifth year it will be $1.1 billion. That is an additional $2 billion on top of the bill we are passing today. Then the program will cost $3.5 billion.

I believe this bill is not going to be a very good use of taxpayers' dollars. It is kind of hard to evaluate this bill because I have heard many people call it a jobs bill, and I have heard other people call it an education bill. I do not think it is either.

If it is a jobs bill, it really falls short because it has a provision that says participants cannot compete with organized labor. So this is not a new CCC. This is not a new WPA. Participants will not be constructing bridges, building highways, or building county courthouses. This is not a massive public works projects program. This is not going to be putting hundreds of thousands of people to work that might not have a job in other areas. This is not a jobs bill. It is a failure as a jobs bill. It does not qualify as a jobs bill.

I have heard people say it is an education bill. As a matter of fact, I believe President Clinton was on Larry King about a month ago and was saying that millions of Americans were going to have an opportunity to have an education under this program. Frankly, that is not the case.

If you look at this bill, you will find out it is a very expensive bill. I believe we are talking about in the first year maybe 20,000 beneficiaries. And as the program grows, maybe that number would grow and ultimately there might be 60,000 beneficiaries per year. I am not sure of the number, but it is a very small number if you compare it to the size of the Pell Grant Program, or if you compare it to the size of the Guaranteed Student Loan Program.

It is also very expensive, if you just look at the total cost and compare it to Pell grants. Pell grants in 1991-92 on a per person basis cost $1,335. Student loans cost the Government $416, again on a per person per year basis. But the cost of this National Service Program will be anywhere from $16,000 to $22,667 per year per participant.

I would like for people to think about those figures. I said the cost of the National Service Program will be from $16,000 to $22,667 per person per year. A person is eligible for 2 years. If you take the higher range of that cost estimate, you are talking about the cost for one person for 2 years of participation at $45,000. This is not an inexpensive program. You might say, "Well, where did you get those figures?" I got those from the President's budget. His budget said he wanted to spend $3.4 billion per year to benefit 150,000. If you divide those figures out, you get $22,677 per person. Others might say the cost is only $15,000 or $16,000 because we computed what the cost of minimum wage is, we computed the cost of the health care, we have added the cost of day care service, and we have added in 10 percent for administration, so we get the cost of $15,000 or $16,000.

My point is, whether you are talking about $15,000 or $16,000 per year, or if you are talking about $22,000 per year, compare that to other educational programs we have in the Federal Government that benefit many more people. The cost is astronomical. Again, a Pell grant average cost last year was $1,335. The average cost of a student loan, $416. The combination of those two programs benefited over 9 million students in 1991—9 million students benefited under those two educational programs. Under this program, maybe 60,000, 70,000, or 80,000 people might benefit at a cost in the billions.

So if you compare it on a cost-per-person benefit, this program is over 10 times as expensive as Pell grants, it is many more times expensive than the Student Loan Program and, again, it is not a very effective, not a very efficient way of helping people go to college or to go to school.

So I just would like for people to look at this. If they think this is a jobs bill, it is not. If they think it is an education bill, they are mistaken. There may be some people who will benefit through the educational stipends of almost $5,000 per year. But, frankly, the number of people who are going to be benefiting because we are spending billions of dollars on the National Service Corporation as compared to student loans and Pell grants is almost embarrassing.

I would like to compliment my friend from Massachusetts and also the Senator from Kansas for making some improvements in the bill. Originally, when this bill was reported out of the Senate Labor Committee, it had the first year spending defined, and then the last 4 years "such sums as necessary." It said we would spend about $400 million the first year and then said "such sums as necessary" for the last 4 years. At least now we have defined amounts that are authorized for the first 3 years: $300 million, $500 million, and $700 million. I still think that is a lot of money. I still think this is going to be a very expensive program. I believe we still have the President, who is going to push to make the National Service Corporation benefit millions of students.

I will tell you, if you want to benefit millions of students, you will have a program that is going to cost not $1.5 billion or not $2 billion or $3 billion, you will have a program that will cost $20 billion and $30 billion and $60 billion.

The PRESIDING OFFICER. The time allocated to the Senator has expired.

Mr. NICKLES. Mr. President, I yield myself additional time as necessary.

The PRESIDING OFFICER. The Senator has the floor.

Mr. NICKLES. Mr. President, many, many people have come to this floor talking about the deficit, talking about the need to control Federal spending. I am telling you now that the National Service Program will explode in cost. We will look back—some of us may be here at the year 2000, the year 2005—and see how expensive it is then. My guess is we will look back at this program, say we had no idea it would become so expensive; and wish we had not passed it.

I hope it will be remembered that some of us said "We told you so." Some of us said this program will only increase the deficit.

Mr. President, I am not against national service, I am not against community service, I happen to be in favor of it—but I see this program undermining a lot of the volunteers that we have in the country. We are now going to have the Federal Government paying people to do community-type work. We have millions of volunteers in the country doing it right now that are not receiving a dime from Uncle Sam. They do not have to have the Federal Government telling them what to do. They do not have to have the Federal Government to prescribe their goals or workplace procedures.

Maybe they work for the Salvation Army or the Community Chest or United Way. Maybe they are working in churches. Maybe they are working in soup kitchens. Maybe they are paid something; maybe they are not paid anything. Most volunteers are not paid anything.

I really question whether we should have the Federal Government coming in prescribing what bureaucrats in Washington, DC, or, in some cases, in the States decide what is the best thing for these individuals, these volunteers, to do.

Mr. President, I think this program may be well intentioned. I do not question the motives of the supporters of this legislation. But I do say that the results of this legislation will be exactly the opposite of what President Clinton and Vice President GORE were talking about yesterday when they were talking about less Government, a more streamlined Government, a more effective Government, a more efficient Government. The net result of this bill is going to be more Government, and a spending program that will only grow and grow in cost to the American taxpayers.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GORTON. Will the Senator from Oklahoma yield 3 minutes to this Senator?

Mr. NICKLES. I will be happy to yield to the Senator from Washington such time as necessary.

The PRESIDING OFFICER. The Senator from Washington has the floor.

Mr. GORTON. Mr. President, my comments on this bill need not occupy too much time of the Senate. It is no more an appropriate bill for this Congress to be passing today than it was when the Senate first debated it.

In one sense, I think this proposal is snake pit. It was debated in the U.S. Senate in its original form at exactly the time that the U.S. Senate was being asked to impose perhaps the single greatest tax increase on the American people with which those people have ever been saddled. It was being debated at a time in which we were being presented with the pretense that the budget, which was passed by so narrow a margin, was, in fact, going to cut spending in the United States.

We know that that was not true, that the so-called spending reductions are fiction and will take place at some time in the very, very distant future, but this bill calls for real new spending on a real new program. During the course of the next 3 years, it authorizes $1.5 billion. Presumably, by the time the fifth year is over, that figure will be up to something about $4 billion.

And we are now debating a conference report at exactly the same time the President and the Vice President have spoken about reinventing Government, about reducing the Government's payroll by more than a quarter of a million people, by reducing expenditures in the next 5 years by some $108 billion.

Mr. President, the $4 billion roughly that this bill will cost in the next 5 years would be a wonderful downpayment on that $108 billion and, in fact, would be real savings were we to reject this bill.

This Nation simply is not in a position, with all of these new taxes, with a huge budget deficit which is unlikely to decline, to afford another almost open-ended, new spending program. We should now practice some of the discipline about which we spoke during the course of the debate over new taxes and budget reductions. We should reject this bill. We should provide for a real reduction in Federal employment and a real reduction in spending by turning down this bill at the present time, by utilizing such money as we have for education, on more effective programs such as Pell grants, and not by beginning a new so-called volunteer program costing many, many billions of dollars at exactly the same time we are speaking about reinventing Government and finding ways to spend less.

Our rhetoric on spending less is always very good. Our practice is exactly the opposite, and the Senate, I am very much afraid, is about to go down the road to more spending on another program which is not needed and which will provide more harm to our economy than it will ever possibly help.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I will be glad, on behalf of Senator KASSEBAUM, to yield—how much time?

Mr. MCCAIN. Three minutes.

Mr. KENNEDY. I ask unanimous consent.

The PRESIDING OFFICER. The Senator from Arizona [Mr. MCCAIN] is recognized for 3 minutes.

Mr. MCCAIN. I thank the Chair.

I rise in opposition to this conference report. As my colleague from Washington just stated, it is somewhat paradoxical—it would be amazing if it were not for the fact there are so many taxpayers involved—that on the day after with great hullabaloo we celebrate the attempt to reinvent Government and streamline, reduce the size of the Federal bureaucracy, we will now create, at least according to this bill, I believe, a $1.5 billion bureaucracy over the next 3 years. The President's budget as submitted called for over $10 billion in spending.

I cannot help but wonder—my academic curiosity is aroused—as to how many bureaucrats will be required to run this so-called volunteer program. The fact is that no program in the last 30 years that has been created has been kept within the size of the original estimated budget, nor has it kept within the originally envisioned size of the bureaucracy.

I believe what we are doing in this case really flies in the face of what voluntarism is all about. In 1989, which is the last year we have these figures, 38 million people performed voluntary community service. This program will now pay 150,000 of them for their efforts. I wonder how the other 37,850,000 will feel.

I think this program fails to accomplish its stated goal of expanding educational opportunity, when we look at the fact it will benefit 150,000 people by 1997, contrasted with the 6 million students who are currently assisted through Federal guaranteed loan programs. As I mentioned, the conference report provides for expenditures of $1.5 billion over the next 3 years. I wonder where that money is coming from. In this period of fiscal austerity, when we are putting our men and women in uniform on the streets, those who volunteered for military service we are now forcing out of the military because we tell them we cannot afford to keep them, it seems somewhat incomprehensible we are creating a new Federal program.

Moreover, as we all know, it would be nearly impossible to eliminate or reduce the program if it does not work as advertised.

According to figures that I have, this national service program could cost up to $22,000 per participant per year compared with just $4,000 per student per year for existing grant and loan programs. Moreover, although it has been compared to VISTA and the Peace

Corps, it is a white elephant in comparison. The Peace Corps received a total of less than $4 billion in support over 31 years. The 1992 Peace Corps budget is $200 million. VISTA's budget is just $37 million.

Mr. President, what we have done in the name of national service, which is a concept which I support, is created another bureaucracy at a cost of untold billions of dollars which undermines other programs and in some ways undermines what voluntarism is all about in this country.

I have no doubt that we will approve of this legislation, but it will not be with the vote of this Senator.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. COCHRAN. Mr. President, I wonder if the distinguished Senator would, for Senator KASSEBAUM, yield 2 minutes to this Senator.

Mr. KENNEDY. I yield on behalf of Senator KASSEBAUM.

The PRESIDING OFFICER. The Senator from Mississippi [Mr. COCHRAN] is recognized.

Mr. COCHRAN. Mr. President, I thank the distinguished manager of the bill.

I simply rise to indicate my continued opposition to the passage of this legislation. I am disappointed, Mr. President, that some very good amendments which were included in the Senate-passed bill were not included or were modified to the extent that they were rendered ineffective in this conference report.

First of all, we had an opportunity when the bill was before the Senate to adopt a Kassebaum alternative which would have provided an allocation of more of these funds to the States for the allocation within those States under State decisions that would be made as to what kinds of service, what participants could be involved in this national service program.

What this conference report does is not only reject the Senate judgment that more of these funds should be used in the States, but it even federalizes more than the Senate bill did when that bill passed the Senate, this entire program. It moves away from the concept that States are better situated to make decisions about the kinds of services, the kinds of programs they would like to see in the various States.

So we now have the Federal Government with a new program, telling the States how to design the applications for participants, telling the States who must be appointed to serve on the board that administers the program, the corporation board, and in other words creates a brand new, very expensive Federal program with very little flexibility available to the States.

I regret that that was a decision in the conference, and I am going to vote against the conference report. I hope the Senate will take a look at the provisions here and consider very seriously rejecting this conference report.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. How much time remaining on this side?

The PRESIDING OFFICER. The Senator from Kansas has 25 minutes remaining.

Mr. DOLE. Senator KASSEBAUM.

The PRESIDING OFFICER. That is correct.

Mr. DOLE. I would yield myself 5 minutes of that time, if there is no objection.

The PRESIDING OFFICER. The Senate Republican leader has the floor, without objection, for 5 minutes.

Mr. DOLE. Mr. President, I think a lot of us had hoped we might be able to come to some agreement where we would limit the size and scope of this new program. It has been said in the past of America, when a citizen saw a problem which needed solving, he would cross the street and talk to a neighbor about it. The first thing you knew, a committee would be formed. Before long, the problem would be solved. You may not believe this, but not a single bureaucrat would ever have been involved.

There can be no doubt that serving others is a uniquely American tradition. The debate over President Clinton's national service bill is not about whether national service is good but about what should be the size and scope of Federal involvement.

What has happened to the great American spirit that De Tocqueville praised so highly? Have Americans become so apathetic that we have to rely on environment to create bureaucracies to dictate community service? Do Americans no longer hold out a helping hand to a neighbor in need? If we do, do we have to start paying our Good Samaritans with tax dollars?

I would think the answer to all these questions—in fact, I know the answer to all these questions—is no.

Take a look around. See what happened when the American people responded to Hurricane Andrew or the floods in the Midwest this summer. In fact, wherever you look, we are told that 100 million Americans volunteer about 4 hours a week. No doubt about it: Voluntarism is best when it is kept simple. But now we are going to bring the Government in. The Government is going to be a big player.

We have had the debate. This bill will pass and become law. One day after we talked about reinventing Government, reducing the size of Government, reducing employees, we have a whole new program in this Chamber, and no wonder the American people are confused. One day we are going to shrink the size of Government, shrink a lot of programs; the next day we are going to have $1.5 billion, not paid for. We are going to tell the American people, on one day, we are going to do all these things; the next day we are going to create another program that, as far as this Senator is concerned, there has not been much demand for.

I cannot find anything—in fact we can go back to some of the agonizing votes the Vice President talked about when it comes to ashtrays and specifications for ashtrays, or insect repellent. So nothing it does is very simple or very understandable.

I just suggest that not too many people disagree that the Red Cross was held in higher regard after Hurricane Andrew than FEMA. That is probably because the Red Cross understands voluntarism and the Government does not.

Now, it does not mean that the Government cannot encourage service, because I believe it can. It does not mean FEMA cannot do a good job, because I believe they do, but there is a difference when it comes to voluntarism. We tried to make this point during the debate. We thought there had been a number of changes made. And I thank my colleague from Massachusetts and others in the conference for keeping some of these changes that were made by Republicans. And we think we did it for the right reason, trying to make the bill better.

But I think there is a conflict in the signals being sent. On the one hand, President Clinton says national service will be the centerpiece for his administration. On the other hand, he says he wants, as I said, to reinvent government. Well, we think when we talk about reinventing government, we are talking about less government, less new programs, less bureaucracy, less cost, more user friendly and all the other things that comes to mind.

The case in point: The national service legislation's two goals are to help students pay for better education and to increase voluntarism. Guess what. We already have programs to do this. In fact, our current higher education programs are far more cost effective, and the solutions provided for in the conference report promote voluntarism. The Federal Government encourages such actions to the tune of $1 billion a year.

What is missing here, as I said, is the fact that it is not paid for, not $1.5 billion. Frankly, we think there have been some improvements made. I want to thank my colleague from Kansas, Senator KASSEBAUM, for her tireless efforts to improve the program. I again hope that we might have reached an agreement with broad support. We did not quite make that point. I only wish that we could have limited Government intrusion into truly the American concept.

And, finally, notwithstanding the fact that I will not vote for this program, I hope it works. My view is I hope the President is right. He may have information. He may believe or he may understand things that are not fully understood by some of us who will be voting against the program. The bottom line is it is another new Federal Government spending program. It joins family leave, which is another spending program, a mandate on employers; it joins motor-voter, which is another mandate on States, cities, and counties, not funded, but just send it out there, you pay for it, the States and the cities, counties, private sector, we do not have any money. Here is another $1.5 billion.

So my point would be, again, to let us try to get it right. Are we going to reinvent Government or reinvent Government passing more and more programs and charging the cost up to the American taxpayer in the next generation?

I yield the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Mr. President, how much time does Senator KASSEBAUM have?

The PRESIDING OFFICER. Senator KASSEBAUM has 19 minutes 36 seconds remaining.

Mr. DOMENICI. I had reserved 15 minutes. I might ask, is that acceptable in terms of the Republican Senators? Let me start with 10. I yield myself 10 minutes. We will see if somebody else wants to speak.

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

THE CBO MIDSESSION REVIEW

Mr. DOMENICI. Mr. President, I first want to use about 4 minutes of my time to reflect upon the Congressional Budget Office verdict today on their midsession review. I am very pleased to tell the Senate that the Republican figures were right with reference to the reconciliation bill and the deficit reduction. The midsession review by the Congressional Budget Office—and we all remember now that the President of the United States, in the interest of getting facts to us instead of blue smoke and mirrors, said, "Let us use the Congressional Budget Office." That is admirable. I think we should use them all the time.

If we had, we would find that the Republican estimates were right. The deficit reduction was not $496 billion over 5 years. It was not $505 billion as is currently touted. It was $433 billion, almost exactly what the Republicans said it was going to be. We said months ago it was $428 billion. That means the overclaim is about $75 billion in terms of how much deficit reduction. The Republican verdict that it was $428 billion means that we overestimated the reduction by about $75 billion.

Further, in that deficit reduction package, we combined it with other legislation increasing spending next year, and that meant that there were no real cuts in spending in 1994.

Now, we hear all kinds of statements to the contrary. Once again, the verdict by the factfinders, the Congressional Budget Office figures today, confirm no net cuts in spending for the year 1994.

So those who voted thinking it was going to take a big chunk of cuts out of that deficit, it was precisely what we said, zero; net effect, zero. Using the administration's and CBO's own numbers, any spending cuts in 1994 are offset by new spending increases for flood, supplemental, and other things, and clearly we are going to be in the red. We are going to be spending more rather than less in the year 1994.

Finally, the CBO's estimates today confirm that the deficit for the current fiscal year that ends this month will be $262 billion, and you might recall the debate in the waning days of the tax bill. Why are we raising taxes so much when the deficit came down on its own from $318 billion to $266 billion? It came down $42 billion without any action on our part.

We said it was coming down $50 billion. The administration said $10 or $15 billion or $18 billion. I think we can say the Republicans' estimates were right again, and we legitimately asked, why raise taxes when the deficit is coming down by that amount? Could we not have some kind of credit for it or the like?

Last but not least, we tried to make the point to the American people that the deficit was not going to come down, it was going to come down for a while and then go up.

So let me say what is in the Congressional Budget Office review on that score.

We said that the deficit would still increase after the deficit reduction package was adopted, and again the Congressional Budget Office numbers confirm that while the deficit declines in the near term, it begins growing again in 1997 and reaches $200 billion in 1998. I might add, consistent with our numbers, it will reach $360 billion after all these taxes by the year 2003, says the Congressional Budget Office. That is because we did not reduce spending enough.

NATIONAL AND COMMUNITY SERVICE TRUST ACT OF 1993—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

Mr. DOMENICI. Mr. President, I cannot express strongly enough my objections to the legislation we now have before us. Just as I voted against the Senate version of the national and community service bill, I will vote against the conference report on this legislation. But I want to make it very clear why I will do so.

There is a vast human resource of volunteers waiting to be tapped, and I have seen firsthand the kind of work these individuals have performed in their communities. I strongly believe that national service can make a difference in the lives of those who participate in the program, and those who reap the benefits, both directly and indirectly, of that service. This makes it very difficult for me to cast the vote I will cast today.

First, I have serious reservations about the costs of this new program. At a time when we are burdening our citizens with one of the largest tax increases in history, I am not convinced that we can afford to implement another new program with the potential to grow at an uncontrolled rate.

While we were successfully able to amend the bill to bring the costs of this program down considerably, the amount of spending authorized in this bill—$1.5 billion over 3 years—is still too high, especially considering that this program will only serve, at most, 100,000 participants. This compares to the more than 4 million students we serve through the Pell Grant Program, at a considerably less cost-per-student than under the national service initiative.

I am also worried that we are not entrusting States and local communities with a large enough share of the money allocated under this legislation.

Under the conference report, funding flows in three different directions: one-third flows directly to the States, one-third to a national corporation for competitive bids from the States, and one-third would go to the national corporation for bids from individual programs and national nonprofit organizations.

Frankly, if this program is to truly benefit the needs of communities, I believe we should place a larger share of the funds with the States, rather than with the Federal Government.

For this reason, I proposed amending the bill so that 40 percent of the funds went to the States during the first year of the program, 45 percent during the second year, and 50 percent by the third year. While my amendment was accepted in the Senate version of the bill, it was removed during the conference in favor of the original funding formula.

In addition, the conference report has increased the authorization levels for this bill beyond what we agreed to in the Senate bill. Under the Senate bill, we authorize the program to be funded at $300 million, $500 million, and $700 million over 3 years. Although this is still, in my opinion, too much money, it was a significant reduction from the bill as it was introduced. However, the conferees have not only added an additional $180 million to these costs to be

spent over 3 years, but also specifies that these funds are to be used for administrative purposes.

Mr. President, I find it ironic that 1 day after the President and Vice President announced their plan to reinvent Government that we in the Senate are voting on a conference report that will provide $180 million for administrative purposes. I think if you ask the average person on the street if we need to spend more money on Government—because that is what we really mean when we say administrative purposes—he will tell you, unequivocally, no. And, frankly, he would be right.

But under this bill, not only do we decrease the proportion of funds that flow to the State—from 50 percent, as my amendment provided, down to 33 percent—but we have also increased the proportion of money that goes back into the bureaucracy.

Still, my main concern remains with the costs of this program. Rather than implementing a new program, I believe the Government should place a higher priority on existing initiatives encouraging volunteer work, such as VISTA, the Foster Grandparents Program, and the current Commission for National and Community Service.

We should also place priority on those programs established for the benefit of our children and students, such as the college work study program, the supplemental educational opportunity grant, the Perkins Loan Program, and the Pell Grant Program.

These are programs that currently are not funded at their full potential. In fact, in the case of the Pell grant we have had to reduce the amount of the maximum award due to a shortage of funds.

That is why I introduced and amendment stating that the new National Service Program could not be funded until we ensured that these existing programs were all funded at levels meeting or exceeding their fiscal year 1993 funding levels. My amendment did not in any way reduce funding for the National Service Program; it merely ensured that our priorities are kept in place. While my amendment did not pass, it did receive 44 votes.

I have always supported efforts to encourage the spirit of community service and voluntarism in our communities and will continue to do so. These efforts, however, should be led by communities to meet their unique needs, with minimal intervention by the Federal Government. This bill does not meet those needs.

I will vote against passage of the conference report.

Mr. President, let me try to summarize it. First, I hope the American people understand that we, on this side—most Republicans—took to the floor and said the program is too big, and it is inconsistent with our times. How can we be touting deficit reduction and be looking at a $10.2 billion potential program?

That worked. So those who thought there was some kind of a negativism on this side, that we were bent on gridlock, the point of it is that the program was reduced dramatically. In fact, I believe that the bill now is about $1.5 billion over 3 years. That is still too high, but it is substantially less than when the program came to the floor and appeared in the President's budget. So that is a good plus.

Mr. President, I think the American people would like to hear what we are going to cut so that we can pay for a new program of $1.5 billion. I literally think the time has come that when you put a new program on the books of this country costing $1.5 billion, which is somewhat of a pilot program, clearly, it is not going to have a major effect. It is 100,000 people compared with 4 million that get help under the Pell Grant System. I believe the time has come when you would reach the floor of the Senate with a new program of this size and you would tell the American people that out of the 2,800-plus American programs on the domestic side, we found a few we are going to eliminate to pay for a new program —not one iota of that anywhere in this program.

It is interesting that we are now going to trust—maybe I will change that word and say we are going to expect the Appropriations Committee to throw up in the air the veterans and their money, the housing and its money, and put another new program in that same subcommittee and say: You fix it.

Frankly, I do not think that is the way we ought to be doing business. So I rise to lodge my complaint about what I think is the wrong way to handle reinventing Government, and that is to put a new program of this size on the books.

If that was not enough, let me just say that while our Senators in conference—I join Senator DOLE in words of appreciation because the bill is clearly much better than when it started, and they did not give to the House many of the provisions that might very well have caused that bill to fail here. I still want to mention the paradox and irony that while the President is talking about reinventing Government, cutting administrative costs, when this bill went to conference with the House, what was added—$180 million for administrative costs. That seems to me to be very strange in terms of the time and the enthusiasm with which our President and Vice President are talking about cutting administrative costs and reducing the size of Government.

So in addition to those items, there are a few others. I am concerned that the States are not going to get enough of this money in a flexible manner. We did better in the Senate. And I understand that when the Senators went to conference perhaps their feeling was that not enough Republicans supported it so we can give away all of the amendments. If that was done, I would not say that was the end of the world, but clearly some of the amendments that prevailed on our side, like a Domenici amendment that said let us give 40 percent of this to the States, they were dropped, and the States get less in a direct program, and the rest they either compete for or the Federal Government runs it out of Washington, DC.

For these reasons and a few others, I will vote "no" and conclude that nothing is more important in our country than finding ways to have more and more volunteers and, in particular, to fill the thirst of our young people to do more of this. There are millions of them doing volunteer work. I do not believe a program that could cost as much as $40,000 to $45,000 of tax dollars for a 2-year stint to encourage voluntarism and college when far less money than that is spent on Pell grants and all of the other kinds of student programs and colleges, I do not believe in these times we should pay that much for this kind of increase in voluntarism among our young people.

I yield the floor.

Mr. KENNEDY. How much time remains, Mr. President?

The PRESIDING OFFICER. The Senator has 19 minutes remaining.

Mr. KENNEDY. Mr. President, I yield myself 5 minutes.

Mr. President, over the period of the last half hour, I have listened with great interest to many of those who have expressed opposition to the conference report. They, by and large, have expressed opposition to the passage of the legislation. Many were opposed to even the very modest program that we introduced 3 years ago to enable young and old alike to give something back to their country.

The concept of voluntarism, of participating in the community and giving to the community is as old as the country itself. Obviously, the basic tenet of this legislation is to try to expand that opportunity for young and old alike, and to try to evaluate these programs, monitor them and report back to the American people and the Congress on the changes which are necessary to strengthen these programs.

The fact of the matter is that there is nothing self-sustaining about this legislation. If this legislation is not successful, the American people are not going to volunteer for the programs. So if these programs become the disaster predicted by some of our colleagues, then we will have no volunteers and expend no money. We will have the opportunity to invest in these young and old only if they are going to be challenged by the opportunity to serve their communities. Second, the Congress will not, and should not, fund the

program if it is unsuccessful. I do not believe this will happen, but if it does I would favor cutting the program.

Some of my colleagues have asked why we are funding this program and not reducing the budget instead.

It is interesting to note that we are going to debate the Defense authorization bill in 2 hours. That Defense authorization bill, this year, reduces personnel by 144,000 Americans. It costs $82,000 for every American to be in the armed services. Thus we are reducing costs by 144,000 this year times $82,000 per each one of these. The most we are talking about under the Clinton program is 20,000 individuals serving at $15,000 per individual, not $82,000. We can fund these individuals at one-sixth the cost and provide money for education to those serving.

It is so interesting to me that so many around here were glad to spend that $82,000 on those young people to send them to war and are not interested in giving them an opportunity to serve in peacetime to help on the war against ills in their community. Why is spending there OK and here it is not? I think it defies logic and good sense.

With regard to new Government, our colleagues are moaning and groaning about what happened yesterday on the White House lawn about reinventing Government, and claim not to see it today. Reinventing Government is at the heart of service. Authoritative evaluations of service programs show a benefit to the communities served of 1.5–2 times the cost.

This is a new idea—getting something for half of the cost. Without service someone would have to pay for those improvements. For example, someone would have to immunize children in communities that do not have a service immunization program. Someone will need to care for our senior citizens or provide home care. Someone will have to clean up the environment. What has been demonstrated over the past is that service programs can do it at half the price. That is some of what the President is talking about by "reinventing Government."

So, Mr. President, I find it difficult to be persuaded by those who have talked about reducing Government expenditures when I do not think we could have a clearer example than what is going to happen here on the floor of the U.S. Senate later in the afternoon. The cuts in military personnel could easily fund national service.

Mr. President, I just want to know how much time do I have remaining.

The PRESIDING OFFICER. The Senator has now spoken for 5 minutes, and he has 14 minutes remaining.

Mr. KENNEDY. Mr. President, I just yield myself 2 minutes because I see my colleagues on the floor.

Mr. President, our colleagues misstate facts time and time again and repeat them time and time again, which may be persuasive to some people but it does not make them true.

The purpose of this legislation is to have 1,450,000 individuals serving this year, not 20,000. Some of those serving will be in the National Service Trust program which we have been debating. Others are going to be those 750,000 elementary, secondary and college students, serving in unstipended service learning programs. For example, a young high school student who got $100 in the State of Vermont from a program just like the one that we are supporting here. She wanted to have alcohol-free graduations and used that $100 to solicit the various businesses in her community. She got their support and the graduation was alcohol-free. Other high school seniors saw that program and followed her lead. I daresay that that $100 investment has had an impact in most every high school in the State of Vermont. One hundred dollars—is that the new bloated Federal program which these critics want us to resist?

Those are the kinds of service programs that we have seen throughout time. What history has demonstrated in our society is when you give Americans an opportunity to do it they will do it.

God bless those people who helped with the floods. But not every person is able to have done that. Not every person is going to have the financial resources so that they can go out there and volunteer. Voluntarism is not defined by the size of your pocketbook or your wallet.

There are needy children. There are needy grownups in our society who want to give something back, and they should not be denied that opportunity.

This legislation creates that opportunity, and it deserves the support of this body.

I withhold the remainder of my time. I see my friend and colleague from California.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I am glad to yield.

Mrs. BOXER. I need 1 or 2 minutes.

Mr. KENNEDY. I yield the time.

The PRESIDING OFFICER. The Senator from California is recognized for 2 minutes.

Mrs. BOXER. Mr. President, I would like to express to Senator KENNEDY how much I appreciate his leadership on this bill. There are incredible things that are often thrown in the way of progress, thrown in the way of moving forward.

Now people are saying, well, if we are reinventing Government why are we doing this? Why are we having this new idea?

What reinventing Government means is getting rid of the things that do not work and moving forward with new ideas that do work.

So I am very pleased that after all this debate and the hours and hours of filibuster that we went through that the time is coming that we will be able to pass this legislation. And I think all of us, whether Democrats or Republicans, when we see those people at work giving their time, obtaining money for a college education, we will be very pleased. And I think that this kind of program is what we do talk about when we talk about reinventing Government.

It is looking at our young people and appealing to what is best in them.

So I would be very pleased to join the chairman of the committee and my colleague from Pennsylvania, Senator WOFFORD, who worked so hard, in seeing that this bill becomes the law.

I yield back to my colleague from Massachusetts.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I am glad to yield 2 minutes to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. WOFFORD. Mr. President, invention often is putting together old things that are good into something new.

Franklin Roosevelt said, "The best thing I ever did was the CCC." The Civilian Conservation Corps program turned the lives around of 1.5 million to 2 million young people before they went into the national service of World War II.

The GI bill was the next great thing we did in this country, in my opinion.

And then there was the Peace Corps, which was the best thing President Kennedy did in many respects.

This idea combines those three proven approaches into something that is new but draws on the best of the American tradition.

De Tocqueville said that "The river of voluntary service flows through the heart of American history." And that river is flowing again with this bill and with these new opportunities for full-time service in the tradition of the CCC, the Peace Corps, and the best of the military. We will have a further explosion and quantum jump of volunteer part-time service in this country.

There is not a contradiction. There is a new invention here which America has been waiting for, and we have a chance to start it on its path today.

I yield the floor.

Mr. BYRD. Mr. President, I must once again oppose this legislation which, in my view, has a noble goal, but a faulty game plan. The conference report on national and community service is an improvement over the Senate-passed version in that such sums, authorized in the second and third years of the program have been replaced with real dollar figures of $500 million and $700 million respectively.

But add those sums to the $300 million authorized for the first year and we are talking about a very hefty piece of change for the American taxpayer. As one who constantly grapples with the dilemma of answering real funding needs against the backdrop of frightening budget deficits, I well understand the motivation behind trying to combine the need for volunteer service in America with the goal of furthering the education and training of the volunteers. It is an innovative and creative blending of two national needs. But, these simply are not the times to test and fund new programs of this scale. We have massive deficits and tremendous requirements to pay for existing programs in these same areas, which presently cannot be fully met.

I believe that the organizational concepts embodied in this conference report are too untried to risk its enactment. Should these programmatic structures prove faulty, we will waste millions of taxpayer dollars and, nearly as bad, we will disappoint millions of our citizens who think they see so much promise in this new approach. Sometimes risks are worth taking. Sometimes they are not. Vision and creativity are fine, but so is the wisdom to walk away from a bad bet, especially if one is betting with other people's money.

Mr. COHEN. Mr. President, few people would disagree that service to one's country is an important, and often necessary, method by which this Nation addresses many of its unsolved problems. We need only look at the efforts taking place as a result of the terrible flooding along the Mississippi River. To cope with this tragedy, neighbors are helping neighbors, and residents living in States not directly affected by the flooding are helping their fellow Americans who they have never met but who have lost their homes and their livelihoods.

This experience is not unique. In fact, the spirit of service is one of the strongest threads woven through the fabric of American society. The history of our Nation is really the history of service efforts, and today's volunteers are carrying on the strong tradition of community assistance that began with the earliest settlers in New England. Before we even had an organized government, we had communities which relied on a strong service system. Whether it was fighting a fire, raising a barn, teaching the young, or caring for the sick, our communities had to pull together and work for the common good to survive and prosper.

Even the formation of our great democratic Government was molded by community servants. The Minutemen, Benjamin Franklin, and Paul Revere—all were volunteers helping in large and small ways to shape a new Nation. In later years, community service continued to help shape our social history. Those people who worked the underground railroad, tended to the wounded on the Civil War battlefields, fought to end child labor in sweat shops, spearheaded the women's suffrage movement, faced menacing crowds and firehoses to fight for civil rights—all these are unsung heroes who shaped the development of our Nation by donating their time, talent, and dedication for the common good.

Now, perhaps more than ever, we need to return to this spirit of community and unselfish sharing. Although, as a nation, we are faced with great opportunities, we also face many problems—poverty, drugs, teenage pregnancy, lack of health care, unemployment, closed businesses, natural disasters, homelessness, and moral deprivation. We are unsure of the future and in need of a new dedication of purpose. Dag Hammarskjold, former Secretary of the United Nations, once said that, "You have not done enough, you have never done enough, so long as it is still possible that you have something to contribute."

Today, there are countless ways Americans are serving their communities—by teaching children and adults to read, teaching job skills, helping small businesses, being role models for fatherless boys and teenage mothers, providing companionship to homebound older persons, holding AIDS babies, spending time with terminally ill children and disabled individuals, driving people to the doctor, assisting battered women, or building houses for the homeless. Study after study shows that even just a few hours a week or a couple of times a month spent in a one-on-one relationship with a small child, a troubled teenager, an overstressed family, or a lonely older person makes an enormous amount of difference to that person and the community and simply cannot be duplicated by any government program.

Thus, the debate in the Senate on national service has not been about the benefits of service. Rather, the debate has been about the answer to two very important questions: What role should the Federal Government have in national service? Given our country's current fiscal restraints, is the bill before us now the best way to return to the spirit of community service?

Clearly, Congress has already decided that the Federal Government has an important role in promoting service, and I have played an active role in this effort. The Federal Government currently supports many service programs, including the Volunteers in Service to America [VISTA] program, Special Volunteer Programs, and the Older Americans Volunteer Programs. Just 3 years ago, this body, with my support, passed the National and Community Service Act, which expanded full-time and part-time service opportunities for all citizens. Last year, I joined Senator NUNN and others in promoting service efforts through a program in the fiscal year 1993 Defense authorization bill to allow military members to transition to critical civilian jobs, such as police and teachers. Unfortunately, the program was not funded in the appropriations process. More recently, I held a forum on voluntarism in my own State of Maine to issue a challenge to our growing senior population to use their experience and talents to serve the public good.

In addition to deciding that the Federal Government should be involved in community service, Congress has determined that the Federal Government has an important role in helping students and parents—of all income levels—afford post-secondary education. Again, this is a position I have long supported. Last year, for example, this body, with my active backing, passed the Higher Education Amendments which increased access to financial aid for students and families, increased the amount of grants and loans available to students, and simplified the application process. More specifically, the legislation created an unsubsidized Stafford loan program so that all students, regardless of income, would be able to obtain a student loan. In addition, the legislation removed borrowing limits on Federal PLUS loans to parents who are funding their child's education.

The national service legislation before us now combines these two important objectives—promoting community service and helping students afford post-secondary education and job training. The conference report represents a somewhat modified version of the bill originally introduced in the Senate several months ago. That bill would have authorized $389 million in new Federal spending for the new national service program and would have provided national participants with $5,000 in educational benefits for a term of service regardless of their income level. For many Senators, including myself, the legislation was unpalatable.

Because of my serious concerns with the administration's proposal and my continued support for the concept of national service, I joined with Senator KASSEBAUM and other colleagues in supporting an alternative national service proposal. I was attracted to the alternative proposal's reduced cost, its lower educational award amount, and its measured approach to implementing this expensive but potentially valuable programs.

While this alternative bill was not adoped, the administration and supporters of Senator KENNEDY's legislation recognized that many Senators supported national service but could not support a program with such a high price tag. Accordingly, a process of negotiation and compromise was initiated and ultimately led to reductions

in overall program costs. For this reason, I indicated before the August recess that I would vote to conclude debate on the national service bill.

Despite this, I continue to have two significant concerns with the current national service proposal. First, when we talk about national service, I am afraid that we, as legislators, are talking out of both sides of our mouths. While I agree that the Federal Government could do more to encourage service efforts in this country, I have a serious problem with our commitment, on the one hand, to control the deficit and, on the other hand, to create a new expensive Federal program. I believe that the $1.5 billion total amount for the next 3 years, which is authorized by the conference report, represents a huge cost to this country's taxpaying citizens, a cost that is likely to escalate dramatically in the coming years.

This country has so many important, and more immediate, needs on which to spend its money than on a new Federal service program, even one that builds upon an existing service structure. The flood victims, needy students who will receive less Federal work-study assistance and Perkins loans, workers who have lost their jobs—all these people require our limited Federal dollars and their needs are much more immediate.

My second major concern with the National and Community Service Trust Act is its failure to target limited Federal education assistance to those most in need and its wastefulness in providing funds to many who do not need the aid. The bill would provide $4,725 each year in educational benefits to national service participants—regardless of their ability to help pay for their own education—for up to two terms of service. I believe that this provision of the bill is both unwise and irresponsible. Particularly in these pressing times, our current fiscal situation demands that the Federal Government spend its limited education money wisely.

In an effort to resolve my concerns on this issue, I prepared an amendment that would have ensured available education benefits go to those participants who are most in need. Specifically, my amendment would have set the educational award provided to full-time national service participants at a minimum of $1,500 and a maximum of $4,725 for each term of service and would have set the award provided to part-time national service participants at a minimum of $750 and a maximum of $2,500. The actual award amount an individual received would have varied depending on the participant's expected family contribution as calculated in accordance with the Higher Education Act of 1965. Expected family contribution is currently used for most Federal student aid assistance programs. Unfortunately, the amendment failed to pass.

Because of my serious concerns with the current national service bill, I could not in good conscience support its passage nor can I support the conference report. Clearly, opposing a bill which promotes a concept I support is not easy. If the funding authorization level had been further reduced and the educational benefit awards had been targeted to those individuals who cannot afford to finance their own educations, I could have supported the plan. But, as a country, we must make hard choices about proposals that are well-intentioned and have much support.

I know this proposal will pass the Senate, and that this country will get a new national service program. Despite my doubts about this legislation. I assure my colleagues and my constituents back home that I will continue to support volunteer service efforts throughout this Nation.

Mr. SIMPSON. Mr. President, I rise to express my opposition to the conference report on H.R. 2010, the National and Community Service Trust Act of 1993. The President's national service plan shortchanges the great spirit of American voluntarism by presuming that our concerned citizens need to be financially compensated in order to dedicate themselves to the betterment of society.

The centerpiece of President Clinton's national service bill is a framework that would pay participants an educational stipend in return for voluntary activities. This make-work bill that pays participants to work in their communities will not build civic pride or volunteer activism. It will not instill in the young people of our country the importance of giving something back freely to their communities.

My concerns are not in any way with the spirit of national service but with this legislation in particular. I simply do not believe that this measure will deliver the results that we all seek to promote. It is a budgetbuster that has all the makings of becoming an entitlement program. The legislation authorizes $300 million in fiscal year 1994, $500 million in 1995, and $700 million in 1996 and this is in addition to the $1.5 billion per year for community-service type programs already currently authorized by Congress.

The President initially promised all students that they could work off their educational debts by performing national service. After examining the Federal budget, he quickly realized that there was not enough funding available for such a grandiose plan. The President then retreated and offered a scaled-back plan that would allow around 20,000 students to participate in the first year.

These participants—regardless of their family incomes—would be eligible to receive some impressive benefits. They would receive awards toward education or training for each year of service performed. In addition, participants would receive living allowances no less than the minimum wage, plus thousands of dollars in health care and child care benefits.

The President's bill turns national service into a college grant and job-training program that is more generous by far than the current Pell Grant Program. This bill provides $4,725–$9,450 in education assistance—which equals the benefits received under the GI bill. The average Pell grant in 1991–92 was $1,335 and the average student loan was $416.

The bill establishes an unnecessary bureaucracy—one that ignores the strong foundation of the ACTION Agency and the Commission on National Service. State ACTION committees and State committees on national service will continue to operate—but not necessarily in tandem with the programs established by this legislation.

The bill neglects an important opportunity to streamline national service in this country, and it could compound existing inefficiencies by expanding the Government bureaucracy. I strongly believe that we need to make these programs more efficient and more effective not more bloated with Federal largess.

My fine colleague from Kansas, Senator KASSEBAUM, drafted the Republican alternative that would have streamlined and integrated current volunteer programs and would have allowed a transition period for the incorporation of most existing full-time and part-time federally funded volunteer programs into a single Federal entity. This alternative and was summarily rejected by Senate Democrats.

Senate Republicans believe that service to our Nation should begin at the local level. Local entities have a much better understanding of where the greatest needs are. The President's national service plan takes a Federal command and control approach—federally mandating the application of resources at the local levels.

National service becomes a form of handout under President Clinton's plan. It is an expensive experiment in job training for a very lucky few. We can't afford it. It does not focus sufficiently on true voluntarism, local government autonomy, and the ability of local governments to best respond to the needs of their constituencies.

I urge my fellow colleagues to oppose the conference report on the National and Community Service Trust Act of 1993.

Mr. COATS. Mr. President, today I will cast my vote against H.R. 2010, the National and Community Service Trust Act. I do so regretfully, because of my strong support for the concept of volunteer service.

I recognize and appreciate the enormous effort that has gone into this legislation. The bill before us today is significantly improved from the proposal

sent to us by the President and those who have labored on it should be congratulated. But one fundamental flaw remains uncorrected. This is not a bill about volunteer service. Indeed, some have said it looks more like a job training bill than it does community service. And I find this profoundly disturbing.

Each year, millions of Americans devote themselves to self help and community service, and doing so without a hand out from the Federal Government. Whether Big Brothers/Big Sisters, Habitat for Humanity, or the Salvation Army, America's volunteers have been tireless in their selfless efforts to reach out to those in need. And they do so not because of a paycheck, but because it is the right thing to do.

National and community service is an idea we should all be able to embrace. But the passage of this legislation, I believe, changes in a very significant way, the nature of volunteer service in America—and I cannot support it.

Mr. KENNEDY. Mr. President, I just yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, it would be my intention to yield back the remainder of the time both for myself and on behalf of Senator KASSEBAUM at the conclusion.

I want to, Mr. President, first of all express my great appreciation to all of those who have really done so much to advance this cause.

I want to recognize our good friend, Senator HARRIS WOFFORD, who was there a number of years ago with President Kennedy in the development of the Peace Corps. He was instrumental in helping provide us with some wonderful examples in Pennsylvania when we were considering the community service program several years ago. He has been instrumental in the development of this legislation in our committee.

How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 7¼ minutes.

Mr. KENNEDY. I yield myself 4 minutes.

I also want to acknowledge Senator PELL. Senator PELL, as so many of us know, has been a leader in education, the endowment of the arts and humanities, the seabed treaty. Going back many, many years, he was one of the first to propose a community service program.

Our good friend, Senator DODD, a member of the Peace Corps, had legislation for a number of years and has been a very, very strong supporter of voluntarism and voluntary programs. He chairs the Labor Subcommittee which has helped nourish and sustain ACTION programs.

Senator MIKULSKI has stood shoulder to shoulder with the initial passage of the community service program and was enormously active in our committee and also in the debates earlier when we were considering the legislation. She has been a tireless supporter in bringing to the attention of the American people the wonderful conservation corps in the State of Maryland, and many of their other programs as well.

I acknowledge the leadership of Senator NUNN, Senator BOREN, and Senator ROBB, who were very much involved in helping the Democratic Leadership Conference to focus on voluntarism and service programs when they developed priorities. They have been enormously supportive of this program and other initiatives, and I am grateful to all of them. Senator SIMON has been an outspoken and active proponent for the VISTA Literacy Corps.

I am enormously grateful to our colleague, Senator KASSEBAUM, whom as I mentioned earlier has been enormously constructive. She differs about the way we have approached this issue, but nonetheless, this legislation is better legislation because of her involvement. I appreciate her participation, and her willingness, even though she did have reservations, to stay and continue to propose invaluable recommendations and suggestions throughout the process.

I am enormously grateful to Senator JEFFORDS of Vermont, who has been a very strong supporter of the program. Many of the lessons that we have learned were developed in Vermont. I know Senator JEFFORDS was very active in supporting those programs in his State.

Senator DURENBERGER, as well, brought to our attention excellent programs in Minnesota and was really enormously helpful and valuable to us in his early support for the program.

Senator HATCH had worked with us on the earlier community service program. Although he has concerns about this program, I am sure he will be a supporter in the future.

And we have had a number of our colleagues, Senator COHEN, Senator CHAFEE, Senator SPECTER, Senator STEVENS, and a number of other Republican colleagues, who have been enormously helpful to us.

I thank as well the work of our chairman in the House, Congressman FORD of Michigan; and Congressman GUNDERSON. His testimony indicating why a Republican ought to support the measure made an enormously compelling case. We introduced his statements and comments in the RECORD earlier.

I want to thank Eli Segal for all of his brilliant work, help, and assistance. This has been an enormous challenge for him, to take the President's conceptual idea and to work very closely with Republicans and Democrats in the House and Senate alike and build it into the measure as it stands today. This legislation bears Eli Segal's very important mark.

Finally, I think all of us, as I mentioned earlier, feel that this concept of voluntarism and service by Americans, young and old alike, really was fanned by President Clinton during the course of the campaign. I know how strongly he believes in this program. It is, I know, a top priority for him, both for the country and as well as for him personally. I want to express both admiration and appreciation for the very strong leadership he has provided.

I am thankful to the majority leader for giving us the opportunity to debate this issue and to bring it to a conclusion. I thank the minority leader, as well. I am very hopeful that we will have strong bipartisan support.

The following staff members have been especially helpful in enacting national service legislation. I want to extend my thanks to the wonderful workers for our committee, particularly my staff and Republicans as well. They have been an extraordinary group of men and women who carried this measure along. I am enormously grateful to them.

Nick Littlefield, Senate Labor Committee; Ronald Weich, Senate Labor Committee; Tom Sander, Senate Labor Committee. These three individuals ably staffed the national service bill throughout the process. In the Education office of the Senate Labor Committee which I chaired, Susan Shin, Jason Matt Alexander, Todd Richman, Clark Moore, and earlier Jeff Huang and Nellie Todd, all worked long hours to ensure this program's success. In addition, I thank Marty Rodgers, Senator WOFFORD's staff; Pieter Boelhouwer, Senator BOREN's staff; Sarah Flanagan, Senator DODD's staff; Suzanne Day, Senator DODD's staff; Anita Harewood, Senator MIKULSKI's staff; Pam Devitt, Senator JEFFORDS' staff; Susan Heegaard, and Jon Schroeder, Senator DURENBERGER's staff; Judy Wagner, Senator SIMON's staff; and Jason Rostenberg and David Evans, Senator PELL's staff; Kimberly Barnes O'Connor, and Susan Hattan, Senator KASSEBAUM's office.

Robin Mahler, Senator METZENBAUM's staff; Cheryl Birdsall, Senator METZENBAUM's staff; Betty Ann Soiefer, Senate Governmental Affairs Committee; John Gompers, Senator WOFFORD's staff; Kim Weaver, Senate Governmental Affairs Committee; David Ploden and Lorraine Lewis, also with the Governmental Affairs Committee; John Odgen, Senator BUMPER's office; Cathy O'Brien, Senator NUNN's office; Bev Schroeder, Senator HARKIN's office; Sherry Ettleson, Senator WELLSTONE's office and Liz Aldridge, Senate Legislative Counsel's office.

In addition, the following individuals have also been invaluable. From the White House Office of National Service: Eli Segal, Jack Lew, Shirley Sagawa, Robert Gordon, Jr. From the House of Representatives, Gene Sofer on the

House Education and Labor Committee. Furthermore, the Coalition for National and Community Service, under the supervision of Sara Hartman, and the People for the American Way, assisted by Tracy Sivitz, were very helpful in registering the support of Americans for the national service legislation.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I ask the Chair if it is possible for this Senator to speak in morning business prior to the vote?

The PRESIDING OFFICER. The Chair advises the Senator from California that she may proceed by unanimous consent.

Mrs. BOXER. I ask unanimous consent to proceed in morning business for up to 15 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Reserving the right to object.

If it is agreeable, what I would like to do is yield back our time and their time and ask for the yeas and nays and leave it up to the leadership. I understood we were going to be voting momentarily but did not want to leave this unresolved.

So if the Senator would withhold for just a moment, I yield back the remainder of my time, and I ask unanimous consent that I may yield back the remainder of Senator KASSEBAUM's time.

The PRESIDING OFFICER. Is there objection?

Hearing none, it is so ordered.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays on the legislation.

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

The yeas and nays were ordered.

The PRESIDING OFFICER. Without objection, the Senator from California is recognized for up to 15 minutes.

Mrs. BOXER. I thank the Chair.

(Mr. ROBB assumed the chair.)

NORTH AMERICAN FREE-TRADE AGREEMENT [NAFTA]

Mrs. BOXER. Mr. President, for months I have talked to those who will be impacted by the NAFTA: businesses, workers, local governments, border communities, and other interested Californians. I have listened to testimony about the agreement and have read studies and reports that assess the impact of the NAFTA on the economy of the United States and California. I have studied the side agreement as explained by the administration.

I have decided to vote against NAFTA. In my view, this 1993 NAFTA is not good for America and it is not good for California.

The NAFTA side agreements do not provide sufficient protections for workers and our environment.

First, the NAFTA side agreement on the environment should have provided for a specific source of funds and a detailed plan to clean-up environmental pollution on the border between Mexico and the United States. It doesn't. Under the side agreement, there is no guarantee that the untreated sewage from Tijuana will stop pouring into the San Diego beaches, forcing them to close for fear that swimmers will be infected. And, there is no guarantee that pollution from Mexico will stop finding its way into the United States via the New River.

The Wall Street Journal reported today that Mexico is building a coal-powered generating plant just 20 miles south of Texas. This facility will not use the pollution control equipment that is required for plants in the United States. The emissions from this plant and others nearby threaten to degrade the quality of air throughout the Southwest. The Park Service estimates that the plume from this plant could reduce visibility by 30 percent or more at Big Bend National Park—which is 150 miles northwest.

The side agreement should have contained language that guarantees protection of current U.S. and California environmental standards against unfair trade charges. Under the side agreement, California's strong laws protecting our air, our rivers, and our coasts, and Federal laws protecting marine mammals could be vulnerable to challenge. Our Federal and State laws preventing the import of food grown with the use of damaging pesticides could be vulnerable to challenge.

Second, the side agreement on labor should have included a specific plan to assist American workers who lose their jobs when American plants move their operations south. It didn't. There is no specific funding mechanism. There are no guarantees that we will have the resources needed when it comes time to retrain workers.

But it may come as a surprise that NAFTA negotiators were able to write into the text of the NAFTA substantial protections and standards for corporate investment and business property. About 5 of the 22 NAFTA chapters were dedicated to protections for investors. So we protect those wealthy investors but not the not-so-wealthy middle class.

How does NAFTA protect business? NAFTA article 1110 would limit the ability of Mexico to nationalize foreign property. Other business protections are found in article 1106 and article 1109.

Chapter 17 of the NAFTA addresses other corporate concerns, dealing with intellectual property protection.

Business interests have all their protections in the body of the NAFTA. Where are the protections for our workers? Where are the protections for our environment?

I say: If we can establish standards and protections for our business interests, then we should have established standards and protections for our workers and our environment. The side agreements should have done this. And, they did not.

Third, I am concerned that the NAFTA could have a seriously damaging impact on this Nation's economic recovery.

The U.S. economy is sluggish. Growth is low and job creation is uneven. California is especially troubled: unemployment in my State is running at roughly 9 percent and workers continue to fear for their jobs as we cope with defense conversion and corporate downsizing.

The Clinton administration has taken some strong steps that will help our economy—deficit reduction, defense conversion through dual-use technology grants, tax incentives to our high-technology businesses, real estate provisions to boost economic recovery. But, we still face slow growth.

Economists' predictions about the impact of NAFTA on American jobs range from short-term losses in the thousands to losses of hundreds of thousands. With our economy in this weak and troubled state, we simply should not take the NAFTA gamble. I will not gamble with something as critical as California's jobs and its economic recovery.

Make no mistake, with the NAFTA, American companies will move south and jobs will be lost. With the current political climate, no industry would willingly admit a plan to move operations to Mexico. But, columnist Richard Reeves reported last week: An anonymous American clothing producer admits that its workers in Mexico can make shirts and dresses of the same quality as American workers at about one-tenth of the pay. When the $11 million a year in United States tariffs are eliminated under the NAFTA, this producer intends to use the money to move more of its work force to Mexico; and a CEO of a Michigan manufacturer of refrigeration equipment says that manufacturing operations will be moved to Mexico under the NAFTA.

The Wall Street Journal reported a poll that shows 40 percent of senior executives of 455 major United States manufacturing companies agree that it is very likely or somewhat likely that his or her company will shift some production to Mexico if the NAFTA is ratified.

Time and again California communities have seen companies drawn to Mexico by the lure of low-wage workers. Watsonville, CA, knows this story only too well. Watsonville has for decades provided the families of this country with broccoli, cauliflower, and

other vegetables. In 1983, Green Giant in California moved its vegetable processing facilities to Mexico—costing Watsonville 800 jobs. In 1989, the company decided to use Mexican-grown broccoli and cauliflower—meaning 380 more lost jobs in Watsonville. Other companies employing people in this community also moved south—throwing roughly 9,000 people out of work.

Families were strained. Unemployment benefits, food stamps, and other social services were burdened. And, local governments struggled as revenues dropped.

Preserving manufacturing jobs is critical to our national economic health and to our Democratic system. Richard Reeves said in his NAFTA column:

> The overwhelming goal of American democracy has to be the preservation of a prosperous and overwhelming American middle class. If we lose the middle class we will lose the democracy. If reasonably educated and hard-working Americans cannot provide for their families, we could end up trading free trade for freedom itself.

I will not support a trade agreement that has the potential to divide our country into two halves: The most wealthy who reap the gains from their investments in Mexico, and those displaced by the trade pact who are forced into jobs paying little more than a minimum wage. This country needs to maintain its middle class.

Supporters of NAFTA say that new export jobs will be created in the United States when American exports to Mexico increase. But, the truth is: many Mexican workers cannot even afford the TV's and refrigerators that they produce. How many cars and computers and communications devices can they afford to buy from us? I don't count on Mexican workers to be able to afford a new wave of high-technology advanced American products given their low wages. The minimum wage in Mexico is $4.21 per day.

The threat that American companies can move operations to Mexico will have the affect of driving United States wages down. As a result, many Americans will see their standard of living drop.

And, in years to come, companies seeking to create new products and processes that require retraining of existing workers may close their doors and move to where workers can be trained for less. It is obviously cheaper to train workers in Mexico for $1 per hour than to retrain American workers for $10 per hour.

We have failed to lay the foundations necessary for the kind of massive economic integration of such disparate economies.

In 1992, the United States GDP was roughly $6 trillion—compared to a $334 billion Mexican economy. Mexico's economy is 5 percent of the United States GDP.

The Mexican Government keeps wages artificially low, even as worker productivity continues to grow. And, workers are unable to fight for higher wages because unions are discouraged and outspoken workers are intimidated, harassed, and often fired.

Mexico's wages are also driven down by Mexico's child laws. Mexico allows 14- and 15-year-old children to work up to 36 hours a week, even during the school year. Instead of hiring adults who expect a living wage, many industries rely on those most vulnerable members of Mexican society—almost one-third of Mexico's work force are children.

Despite dramatic differences in our economies, no steps have been taken to ease the way. In contrast, the European Community admits new members slowly. Countries with lower wages and less developed infrastructure are integrated carefully in order to avoid massive economic dislocation. They are not admitted until they can meet certain standards and levels of economic development. The EC clearly recognizes the need to harmonize workplace standards and minimum wages during the process of integration—11 of the 12 EC members agreed to negotiate a social charter to deal with these issues.

We can assist and promote economic development in Mexico, and all of Latin America, in a manner, that does not threaten American jobs and standard of living.

I oppose NAFTA. But I support trade with Mexico and all of Latin America. I support increasing American exports and creating new export jobs. I support a Latin American initiative that focuses directly on balanced economic development. In my opion, if prior administrations had focused more on economic development in Latin America and less on providing weapons, we might be seeing economies south of our border that are now flourishing. Now let's start sending teams, of economists and experts in democracy instead, and get our neighbors to the south ready for a future NAFTA. Let's support Senator HOLLINGS idea of a common market for the Americas.

The era of mistakes in Latin American foreign policy has ended. We should not begin a new era with another mistake. NAFTA is not good for America and is not good for California.

The side agreements fail the test of simplicity and the timing is off. In booming times our economy might be able to absorb the job loss NAFTA will bring. But, America is in a period of streamlining, deficit reduction and consolidation—both in the private and public sectors. This is good for the foundations of economic growth. We are doing what we must do after years of neglect—the Clinton/Gore reinventing government proposal is part of it. And, I applaud it. But given the uncertain economic times, the timing for NAFTA is off.

Let's defeat NAFTA. Let's continue to get our economic house in order. Let's launch a Latin American initiative to build the foundations of a future trade arrangement. This approach is a sound approach for our working people, for our environment, and for our Nation.

The PRESIDING OFFICER. The time allocated to the Senator from California has expired.

Mrs. BOXER. Mr. President, I have a unanimous consent request that has been cleared on the Republican side.

The PRESIDING OFFICER. The Senator may proceed.

REMOVAL OF INJUNCTION OF SECRECY—INVESTMENT TREATY DOCUMENTS NOS. 103–11, 103–12, 103–13, AND 103–14

Mrs. BOXER. Mr. President, on behalf of the majority leader, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following four treaties transmitted to the Senate today by the President of the United States:

Investment Treaty with the Republic of Armenia, Treaty Document No. 103–11;

Investment Treaty with the Republic of Kazakhstan, Treaty Document No. 103–12;

Investment Treaty with the Republic of Kyrgyzstan, Treaty Document No. 103–13;

Investment Treaty with the Republic of Moldova, Treaty Document No. 103–14.

I further ask that the treaties be considered as having been read the first time; that they be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's messages be printed in the RECORD.

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

The messages of the President are as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the United States of America and the Republic of Armenia Concerning the Reciprocal Encouragement and Protection of Investment, signed at Washington on September 23, 1992. Also transmitted for the information of the Senate is the report of the Department of State with respect to this Treaty.

The Treaty will establish an agreed-upon legal basis for the protection and encouragement of investment. This Treaty thus forms an integral part of the framework for expanding trade and investment relations between the United States and the countries of the former Soviet Union. It is designed to encourage economic opportunity—for investment, trade, and growth—in both countries. It will assist Armenia in its transition to a market economy by

strengthening the role of the private sector and by encouraging appropriate macroeconomic and structural policies.

The Treaty is fully consistent with U.S. policy toward international and domestic investment. A specific tenet, reflected in this Treaty, is that U.S. investment abroad and foreign investment in the United States should receive fair, equitable, and nondiscriminatory treatment. Under this Treaty, the Parties also agree to international law standards for expropriation and compensation for expropriation, free transfers of funds associated with investments, freedom of investments from performance requirements, and the investor's freedom to choose to resolve disputes with the host government through international arbitration.

I recommend that the Senate consider this Treaty as soon as possible, and give its advice and consent to ratification of the Treaty at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 7, 1993.*

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the United States of America and the Republic of Kazakhstan Concerning the Reciprocal Encouragement and Protection of Investment, signed at Washington on May 19, 1992. Also transmitted for the information of the Senate is the report of the Department of State with respect to this Treaty.

The Treaty will establish an agreed-upon legal basis for the protection and encouragement of investment. This Treaty thus forms an integral part of the framework for expanding trade and investment relations between the United States and the countries of the former Soviet Union. It is designed to encourage economic opportunity—including investment, trade, and growth—in both countries. It will assist Kazakhstan in its transition to a market economy by strengthening the role of the private sector and by encouraging appropriate macroeconomic and structural policies.

The Treaty is fully consistent with U.S. policy toward international and domestic investment. A specific tenet, reflected in this Treaty, is that U.S. investment abroad and foreign investment in the United States should receive fair, equitable, and nondiscriminatory treatment. Under this Treaty, the Parties also agree to international law standards for expropriation and compensation for expropriation, free transfers of funds associated with investments, freedom of investments from performance requirements, and the investor's freedom to choose to resolve disputes with the host government through international arbitration.

I recommend that the Senate consider this Treaty as soon as possible, and give its advice and consent to ratification of the Treaty at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 7, 1993.*

To the Senate of the United States:

With a view of receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the United States of America and the Kyrgyz Republic Concerning the Encouragement and Reciprocal Protection of Investment, signed at Washington on January 19, 1993. Also transmitted for the information of the Senate is the report of the Department of State with respect to this Treaty.

The Treaty will establish an agreed-upon legal basis for the protection and encouragement of investment. This Treaty thus forms an integral part of the framework for expanding trade and investment relations between the United States and the countries of the former Soviet Union. It is designed to encourage economic opportunity—for investment, trade, and growth—in both countries. It will assist Kyrgyzstan in its transition to a market economy by strengthening the role of the private sector and by encouraging appropriate macroeconomic and structural policies.

The Treaty is fully consistent with U.S. policy toward international and domestic investment. A specific tenet, reflected in this Treaty, is that U.S. investment abroad and foreign investment in the United States should receive fair, equitable, and nondiscriminatory treatment. Under this Treaty, the Parties also agree to international law standards for expropriation and compensation for expropriation, free transfers of funds associated with investments, freedom of investments from performance requirements, and the investor's freedom to choose to resolve disputes with the host government through international arbitration.

I recommend that the Senate consider this Treaty as soon as possible, and give its advice and consent to ratification of the Treaty at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 7, 1993.*

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the United States of America and the Republic of Moldova Concerning the Encouragement and Reciprocal Protection of Investment, with Protocol and related exchange of letters, signed at Washington on April 21, 1993. Also transmitted for the information of the Senate is the report of the Department of State with respect to this Treaty.

The Treaty will establish an agreed-upon legal basis for the protection and encouragement of investment. This Treaty thus forms an integral part of the framework for expanding trade and investment relations between the United States and the countries of the former Soviet Union. It is designed to encourage economic opportunity—including investment, trade, and growth—in both countries. It will assist Moldova in its transition to a market economy by strengthening the role of the private sector and by encouraging appropriate macroeconomic and structural policies.

The Treaty is fully consistent with U.S. policy toward international and domestic investment. A specific tenet, reflected in this Treaty, is that U.S. investment abroad and foreign investment in the United States should receive fair, equitable, and nondiscriminatory treatment. Under this Treaty, the Parties also agree to international law standards for expropriation and compensation for expropriation, free transfers of funds associated with investments, freedom of investments from performance requirements, and the investor's freedom to choose to resolve disputes with the host government through international arbitration.

I recommend that the Senate consider this Treaty as soon as possible, and give its advice and consent to ratification of the Treaty, with Protocol and related exchange of letters, at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 7, 1993.*

Mrs. BOXER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

NATIONAL AND COMMUNITY SERVICE TRUST ACT OF 1993—CONFERENCE REPORT

The Senate continued consideration of the conference report.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the conference report on H.R. 2010, the national service bill. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from West Virginia [Mr. ROCKEFELLER] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Texas [Mrs. HUTCHISON] and the Senator from Alaska [Mr. MURKOWSKI] are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska [Mr. MURKOWSKI] would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 57, nays 40, as follows:

[Rollcall Vote No. 249 Leg.]

YEAS—57

Akaka	Feinstein	Mikulski
Baucus	Ford	Mitchell
Biden	Glenn	Moseley-Braun
Bingaman	Graham	Moynihan
Boren	Harkin	Murray
Boxer	Hatfield	Nunn
Bradley	Heflin	Pell
Breaux	Inouye	Pryor
Bryan	Jeffords	Reid
Bumpers	Johnston	Riegle
Campbell	Kennedy	Robb
Chafee	Kerry	Sarbanes
Conrad	Kohl	Sasser
Daschle	Lautenberg	Shelby
DeConcini	Leahy	Simon
Dodd	Levin	Specter
Dorgan	Lieberman	Stevens
Durenberger	Mathews	Wellstone
Feingold	Metzenbaum	Wofford

NAYS—40

Bennett	Exon	Mack
Bond	Faircloth	McCain
Brown	Gorton	McConnell
Burns	Gramm	Nickles
Byrd	Grassley	Packwood
Coats	Gregg	Pressler
Cochran	Hatch	Roth
Cohen	Helms	Simpson
Coverdell	Hollings	Smith
Craig	Kassebaum	Thurmond
D'Amato	Kempthorne	Wallop
Danforth	Kerrey	Warner
Dole	Lott	
Domenici	Lugar	

NOT VOTING—3

Hutchison	Murkowski	Rockefeller

So the conference report was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Under the previous order, the Senate will continue with the consideration of S. 1298.

The pending amendment is No. 780 offered by the Senator from Wyoming, Senator WALLOP.

The Chair recognizes the majority leader.

Mr. MITCHELL. Mr. President, for the information of Senators, we have now returned to consideration of the Department of Defense authorization bill.

Mr. President, I merely want to inform Senators that there are a number of amendments which will be offered to the pending Department of Defense authorization bill. If we are to complete action on this bill this week, which as I stated earlier in the week and indeed prior to the August recess, it is my intention that Senators will have to be prepared for lengthy sessions today and throughout the day tomorrow.

So I encourage those Senators who wish to complete action this week to adjust their schedules so that we can proceed during the remainder of today and tomorrow to get as much of this bill done as possible and to get as many of these controversial amendments which are to be offered disposed of as promptly as possible.

Mr. President, I want to discuss with the manager the matter of the schedule for the next amendment or amendments. I, therefore, suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I am advised by the managers and Senator WALLOP that they have reached agreement on the Wallop amendment and that the amendment will shortly be disposed of without the necessity for a rollcall vote.

I am further advised by Senator BYRD that he intends, as is his right, to seek recognition thereafter to offer an amendment relating to Somalia.

I have discussed the matter with Senator BYRD, Senator DOLE, Senator NUNN, and others, and, accordingly, I now ask unanimous consent that, when Senator BYRD offers his amendment regarding Somalia, no amendments be in order to that amendment, other than one to be offered by the majority leader or his designee.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object, and I will not object. The reason I will not object is that the distinguished majority leader has the first right of recognition. So, while I will offer an amendment, I cannot offer an amendment to my amendment unless there has been some action on my first amendment. And if I ask for the yeas and nays, I lose the right to the floor and the majority leader has the first right of recognition. So it would be futile for me to attempt to deal with that kind of situation, so I will not object. The majority leader will get his right one way or another, so I am not going to object to the request.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. Reserving the right to object, and I shall not object. I have had an opportunity to briefly be apprised of the amendment by the distinguished President pro tempore, Senator BYRD. I have publicly expressed many of the concerns he has expressed for the past several months. In fact, I praised Senator BYRD because he has called our attention to something that should be addressed.

I think it is fair to say we did have a meeting this morning at the White House with the President. I believe that somewhere between where Senator BYRD is and the President may be on the issue, there may be another opportunity, and I am prepared to work with the majority leader.

I also feel, as Senator BYRD does, that we need to define some role for Congress in this area, and that it is sort of a mission without any clear-cut, clearly defined ending or role for the United States, vis-a-vis the United Nations.

So, I will not object but I am hopeful that our colleagues would give us an opportunity to try to come up with something that might be satisfactory to the majority of our colleagues.

Mr. BYRD. Mr. President, further reserving right to object—I will not object—some may ask why does not Senator BYRD go ahead and offer his amendment to the Wallop amendment? I could do that. But out of respect for the majority leader and others who may wish to have their amendments also before the Senate, that is all I am asking, that I have an opportunity to offer my amendment and speak on it. If other Senators want to amend it that is fine. If the Senate wants to vote it down, that is fine. Let the will of the Senate reign at the end of the day.

So, for that reason I will not offer my amendment to the Wallop amendment nor will I object to the leader's request.

The PRESIDING OFFICER. Is there objection?

Mr. GORTON. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Does the Senator from Washington understand there is a unanimous-consent request that on the subject of Somalia, essentially the only amendments in order will be those of the Senator from West Virginia and a leadership substitute or second-degree amendment? Is that the thrust of the unanimous consent?

Mr. MITCHELL. The unanimous-consent request does not preclude other amendments on Somalia. It precludes second-degree amendments to Senator BYRD's amendment other than one to be offered by the majority leader or his designee. At any subsequent time, once that is disposed of, any Senator can offer any amendment he or she wishes on Somalia or any other subject.

Mr. GORTON. It does seem to this Senator for all practical purposes there is going to be one debate on this subject. This Senator is very reluctant to agree to such a unanimous consent until at least the time that he knows what the two amendments, the first- and second-degree, are going to look like.

Mr. MITCHELL. Mr. President, if I might respond? As Senator BYRD has accurately stated, under the rules the majority leader has the first right of recognition. If we cannot get this unanimous-consent agreement, then we will simply have to go through the procedure which achieves precisely the result which the agreement would otherwise produce. Because if we cannot get the agreement, then as Senator BYRD has correctly stated, once he offers his amendment I will make it a point to be here with the second-degree amendment which I will then offer, which will then be in order.

So I think it will produce a result. All we are doing is saying here is the result that would occur under the rules and let us agree to that result now.

It does not—I do not believe, unless I am mistaken, that it changes the rights or privileges of the Senator from Washington or anybody else in any way. I hope the Senator would agree, but that is up to him, of course.

Mr. GORTON. I would like to inquire of the minority leader, has the Senator from Kansas played a role in the second-degree amendment which is proposed to be offered by the majority leader? Or is this going to be something that we will be cut out of?

Mr. DOLE. No, no. I indicated we have. We are playing a role. We now have language which we believe needs additional work. And we have been in contact with the Senator's staff. It is hopeful there will be some way we can work it out on a bipartisan basis, as I have indicated, somewhere between where Senator BYRD may want to be and where the President may want to be.

So the answer is yes. We are actively doing it as we speak.

Mr. GORTON. And the second-degree amendment will not be adopted—will not be offered, at least until that consultation has been completed?

Mr. DOLE. That is correct.

Mr. GORTON. Under those circumstances this Senator will not have an objection.

The PRESIDING OFFICER. Is there any further objection? Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I thank my colleagues.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. WALLOP. Mr. President, I withdraw amendment 780, that was debated this morning.

The PRESIDING OFFICER. The Senator has the right to withdraw his amendment.

The amendment (No. 780) was withdrawn.

AMENDMENT NO. 781

Mr. WALLOP. Mr. President, I send an amendment on behalf of Senator WARNER and myself on the same subject to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. WALLOP], for himself and Mr. WARNER, proposes an amendment numbered 781.

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

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

The amendment is as follows:

On page 55 of the bill, strike out lines 13–24 and insert in lieu thereof the following:

"(5) That the United States and its allies face existing and expanding threats from ballistic missiles capable of being utilized as theater weapon systems that are presently possessed by, being developed by, or being acquired by a number of countries such as Iraq, Iran, North Korea, and others.

"(6) That some theater ballistic missiles presently deployed or being developed (such as the Chinese-made CSS–2) have capabilities equal to or greater than missiles which had been determined to be strategic missiles 20 years earlier under the U.S.-U.S.S.R. SALT I Interim Agreement of 1972.

"(7) That the ABM Treaty was not intended to, and does not, apply to or limit research, development, testing, or deployment of missile defense systems, system upgrades, or system components that are designed to counter modern theater ballistic missiles regardless of their capabilities, unless such systems, system upgrades, or system components are tested against or have demonstrated capabilities to counter modern strategic ballistic missiles.

"(8) That it is a national security priority of the United States to develop and deploy highly effective theater missile defense systems capable of countering the existing and expanding threats posed by modern theater ballistic missiles, as soon as technically possible.

"(9) That it is essential that the Secretary of Defense immediately undertake and complete compliance reviews of proposed theater missile defense systems, system upgrades, and system components so as to not delay the development and deployment of such highly effective theater missile defense systems.

"(10) That the Secretary of Defense should immediately report to the Congress on any issue which arises during the course of such compliance reviews which appears to indicate that any provision of the ABM Treaty may limit research, development, testing, or deployment by the United States of highly effective theater missile defense systems capable of countering modern theater ballistic missiles.".

Mr. WALLOP. Mr. President, the majority and minority staff and my staff and others have worked out an amendment which does not perform the same substantive task that the amendment offered this morning would have. Instead, it goes to the findings of the statute.

Senator NUNN, Senator WARNER, Senator THURMOND and others have examined the language. I understand they have examined it with administration officials as well. It is my understanding they find it acceptable.

Mr. NUNN. I thank the Senator from Wyoming. I agree with his assessment. This is, I think, an amendment that is consistent with the goals that the Senators from Wyoming and Virginia articulated, but it does change in the sense that it is expressed in a way that I believe leaves room for the administration to make that kind of assessment that is going to be needed for compliance review in terms of the ABM Treaty and its interpretation, and the effect of the ABM Treaty on the efforts to deploy—develop and deploy and test a theater system. But at the same time this amendment does make it clear the U.S. Senate believes that the ABM Treaty was not ever intended to, or designed to preclude the testing and development of a theater missile system; that it was aimed toward strategic missiles.

The difficulty in this area is distinguishing between the words "strategic" and "theater" and the meaning as modern technology leaps ahead, far beyond the original definitions that could have been envisioned by the ABM Treaty.

So this is what the administration has to address. It is compliance review. After that review is completed—and I anticipate it will be completed because of very strong incentives from this debate as well as provisions in the bill. I think it will be completed within the next 6 to 8 months. When that is done it seems to me then the question will be what do we do about it in case there are ambiguities. But this does make it clear the U.S. Senate intends to move forward vigorously with a theater missile defense system and at the same time do it in a way consistent with the overall considerations and obligations of our treaties.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. WALLOP. I particularly want to thank the able chairman of the committee. One of the problems that diplomats and politicians always have is that when they debate a subject they debate it from the standpoint as though they had reached the zenith of human knowledge and no change was ever likely to occur after that moment. As we have seen, technology has outrun the words of 20 years ago in the ABM Treaty and Senators recognize it. We have recognized it. We have tried not to bind the hands of the administration. I think we have succeeded in sending a message as to how we feel without doing just that. I thank him very much.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. I commend the distinguished chairman and my colleague from Wyoming who has taken leadership in this area for many, many years. I think one of the valuable parts of this very thorough debate we had this morning is to lay down some clear guideposts, as the President and other members of the administration begin to work their way through this policy.

I think there is a clear signal being sent by the Senate today, hopefully joined in by the House, as this amendment will hopefully be accepted in conference, that should the administration deviate from the goals as we have enunciated here in this debate and in the language of this amendment, it is most likely that the Congress, and most particularly the Senate, will address it and perhaps even reverse what the administration may come out with, in the event it is in opposition to this amendment.

I thank the Chair and thank the Members.

The PRESIDING OFFICER. Is there further debate?

Mr. NUNN. Mr. President, I urge the adoption of the amendment.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 781) was agreed to.

Mr. WALLOP. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The President pro tempore is recognized.

Mr. BYRD. Mr. President, I have an amendment which I shall read. May I say, before I read this amendment, I of course, understand that there may be others here who would have amendments on the same subject, and it might be that the Senate will determine that one of their amendments is preferable to the amendment that I shall offer. I fully understand that I have no monopoly on that wonderful word, "wisdom."

But I do intend for the Senate to be heard on this matter. I intend for the Senate to be heard. I intend for the Senate to vote on something. The Senate may not prefer my amendment and, indeed, I may see another amendment offered by another Senator that I would prefer to my own. But I do not intend for the Senate just to roll over and play dead to this administration or to any other administration.

I feel that the Senate has an obligation to take some action one way or another on this very important subject because it involves money and it involves blood. It could involve more blood than has already been spilled in Somalia. I think both the House and the Senate have a responsibility to debate this matter and to act. I think the administration has a responsibility to get the Congress, if it can do so, to give its consent to the administration's actions in Somalia.

So it will not hurt my feelings if somebody else's amendment is adopted. But I want to start the ball rolling and let us see where it finally ends up.

I think what I have here is a very reasonable amendment. I will read the——

Mr. PRYOR. Mr. President, may we have order?

The PRESIDING OFFICER. Will the Senator yield?

Mr. BYRD. Yes. I thank the Chair.

The PRESIDING OFFICER. There will be order in the Chamber. The Senator may proceed.

Mr. BYRD. I thank the Chair.

The language that would be effective is as follows:

Effective 30 days after the date of the enactment of this act, funds available to the Department of Defense may not be obligated for support of operations of the Armed Forces in Somalia except to the extent authorized in a law enacted after the date of enactment of this act.

(b) Not later than 30 days after the date of the enactment of this act, the Secretary of State shall conduct a thorough review of the purposes of United Nations policy and actions in Somalia and submit to Congress a detailed assessment of the purposes of such policy and actions.

The President is requested and urged to direct the U.S. Representative to the United Nations and representative in the Security Council to veto any proposed authorization by the United Nations Security Council of continued operations of United Nations forces in Somalia after October 31, 1993, and any proposed authorization by the U.N. Security Council of funding for continued operations of U.N. forces in Somalia after that date, except to the extent authorized in a law enacted after the date of the enactment of this act.

So what I am hoping to do here is create a situation in which I am not yanking the rug out from beneath the administration or the United Nations, but I am saying that if there is not a subsequent law passed authorizing this, then something will happen which is set forth in the amendment. I think that is a reasonable approach that Congress might want to pass a law authorizing in both instances, making such authorization. At least we would debate that and vote on it. Those who want to vote for it could. I may want to vote against it in that event.

But I am only asking that the Senate and the House take some action here and that the administration recognize the fact that the Congress has a role under the Constitution in this matter and the Congress is not going to be ignored.

Mr. President, I will not send the amendment to the desk just yet, but I will when I finish my statement.

Let me before I speak on the amendment exactly read a letter into the RECORD dated July 15 addressed to the President by myself. Now reading:

As you develop your new policy on peacekeeping operations under the United Nations, there are several issues that have become increasingly important from the perspective of the Senate.

This is almost 2 months ago, dated July 15.

First, from a funding standpoint, after discussion with your ambassador to the United Nations, Ms. Madeleine Albright, I attempted to secure some $293 million in FY 1993 Appropriations funds for UN Peacekeeping Operations in the context of the recently passed Supplemental Appropriations bill, H.R. 2118. Although the funds were to pay for U.S. past due assessments for UN peacekeeping operations which have been generally supported in the Congress, there was little or no support from my colleagues in either chamber for this effort. Despite the high priority your administration has placed upon paying the United States' share of peacekeeping bills, I feel it is doubtful that a political consensus exists to pay the escalating costs of the large UN operations underway. The soaring costs of the U.S. share of UN peacekeeping—escalating from a total of $140.5 million at the end of 1991 to $464 million last year, to some $753 million appropriated or requested this year—will be increasingly difficult to support.

While our difficult budget situation may be partly to blame for Congressional reticence to support the costs of current UN peacekeeping operations, there is also a question as to the authority under which the UN is operating in committing U.S. forces to peacekeeping operations. Of particular concern would be future commitments of U.S. forces to U.N. peace enforcement operations where the consent of the disputing parties has not been secured. Such deployment begs all of the well known questions regarding Congressional approval for introducing U.S. forces into situations of actual or imminent hostilities.

In each specific situation, I believe it would be wise to secure the consent of the Congress through formal authorizations of approval. In this way, the costs and possible casualties involved in such operations would have been thoroughly considered prior to the commitment of U.S. forces. While the U.N. has provided and will certainly continue to provide many invaluable services for the world community, when deploying peacekeeping forces under Chapter VI of the Charter, both (1) the escalating costs of such operations and (2) the additional risks which would be assumed in deploying peace enforcement forces under Chapter VII argue for the development of a clear consensus between the Administration and the Congress on the circumstances under which U.S. forces would be committed. This consensus-building exercise is all the more important in light of the testimony of a high-ranking official of your Administration yesterday that "we anticipate that in the future, many UN operations will involve elements of peace enforcement. . . . In many cases, as Somalia all too clearly indicates, the world community will not be prepared to wait for the consent of the parties before acting." Prior Congressional approval would seem necessary and prudent before the U.S. participates in or financially supports such operations.

I hope that these thoughts will be of some help as you continue to develop a national policy on this very important matter.

With kind regards, I am

Sincerely,

ROBERT C. BYRD,
Chairman.

So I expressed this viewpoint, as I say, almost 2 months ago to the President.

Mr. President, the amendment that I intend to offer would establish an endgame to both United Nations and United States operations in Somalia within the next 2 months, unless the President and the Congress reassess and freshly authorize a new chapter of activity there.

The United Nations mandate to disarm the warlords and rebuild a civil society in Somalia, approved by the U.N. Security Council, was never addressed, never debated, or never approved by this body, even though it sought to establish a new era for U.N. peacekeeping forces. The United States operation initiated by President Bush last fall had as its objective the humanitarian relief of starving Somalis, the plight of whom had touched the world. This body endorsed that mission in Senate Joint Resolution 45, in February 1993, in which we authorized the use of "all necessary means to establish as soon as possible a secure environment for humanitarian relief operations in Somalia." That was a limited grant of authority for a strictly humanitarian purpose. That was not a grant of authority for nation-building or forced political reconciliation. That humanitarian mission which we voted to support, was successfully completed last spring, and today there is no starvation in Somalia.

Since May, for the first time, U.N. peacekeeping forces have been operating under chapter 7 of the U.N. Charter, that is, in an environment where conflicting parties had not given their agreement and cooperation. In these situations, a peace is forced on unwilling parties, not enforced among willing parties. More importantly for the United States, for the first time, U.S. forces were to operate under foreign commanders, flying the U.N. flag, in a hostile environment—again, without congressional debate or agreement.

The result today has been less than satisfactory, to understate the situation. The U.N. command has proven incapable of stopping the violence stimulated by Somali gang leaders and mobsters. There are serious divisions among the national groups operating under the U.N. flag. Just last weekend, Nigerian forces, seven so-called peacekeepers, were gunned down while Italian forces under the same U.N. command did little or nothing either to help them or to convince local Somalis to stop the violence. The U.N. command has apparently, according to press reports, been incapable of maintaining security even in its own headquarters. The reported infiltration of the U.N. command by sympathizers of warlord Aideed is crippling the ability of the United Nations to mount any action with surprise or thoroughness. The Nigerian casualties are just the latest in a series of random, frequent attacks aimed at peacekeeping forces that have so far cost the lives of some 21 Pakistanis, as well as foreign journalists and four United States servicemen. Many others are being wounded. Clearly, the humanitarian mission in Somalia has now been totally eclipsed by a gang war in which the United States is taking sides under the U.N. umbrella.

Given the United Nation's ineptitude, we now have over 2,000 Americans operating in a so-called Quick Reaction Force under separate U.S. command, including a newly inserted contingent of some 400 Rangers to help keep the peace.

Mr. President, it is becoming increasingly unclear as to what useful purpose is being served by the presence and operations of these forces in Somalia. I remind my colleagues that over 5,000 Americans serve there, 3,000 of them under U.N. command, not American command. I think the time has come for a hard-nosed reassessment of the mission and utility of this operation. Some say that the United Nations needs to stay in Somalia because, as the U.N. commander is reported in today's Washington Post to have stated, "we would be abandoning them back to anarchy, civil war and eventually starvation." No one can prevent such backsliding. If this is the formula, we might as well attempt to recolonize the Third World, establishing quasi-permanent U.N. occupying sovereignties. At some point, we have to call a mission over, done, and completed.

The cost to the United States of this mission is at least $44 million a month—that is about a half-billion dollars a year, and if things get worse, then the costs will escalate acccordingly—with about one-third of that a direct outflow from Pentagon accounts for the 2,000 Americans operating independently under U.S. command.

In May of this last year, the fundamental purpose of the foreign military forces operating in Somalia was transformed. The United States transferred authority to the United Nations, but the United Nations had something other than simply continuing humanitarian relief in mind. In May, the mission became an experiment in political and economic nation-building, in a country whose political and economic institutions had failed.

The Congress never considered, was never asked, and certainly has never approved of United States participation in what is an attempt at forcible political reconciliation by the United Nations in Somalia.

I, for one, find it difficult to believe it is possible to muster a consensus here, or in the country at large, that such an effort is worth any price in American blood. Without the building of such a consensus, the mandate for American action and participation is murky, at best. U.N. Security Council resolutions have never, and should never serve as a substitute for the responsibility of this institution to affirmatively approve placing U.S. forces into hostile situations.

I see in the front of this Chamber the U.S. flag. I do not see in the front of this Chamber the U.N. flag. I have never saluted the U.N. flag. I saluted Old Glory, the American flag.

This Congress has never bought into the kind of operation that we are now involved in in Somalia.

The U.N. sandcastle is crumbling fast in Mogadishu. We have been focusing our efforts on chasing down one of the worst of the gang leaders, Mohammed Farad Aideed, in the hope that if he is removed from the scene, then peace will come to Mogadishu. That is a fond hope, Mr. President, but, I fear, an unrealistic one. Can we really think that removing just one man will transform the political landscape, and at that point we can think of drawing down the operation? Will not others, Aideed's present lieutenants or other clan leaders, step into his place? Where is the end? How long are we to chase around the Somali capital with helicopter raids, seeking an elusive magic-bullet solution to Somalia's political turmoil?

The building of a consensus around the Somalia operation is necessary for two reasons. First, this U.N. force is unique, and may be a precursor of many such operations by the United Nations in the new, post-cold war, international order. If the United States is going to agree to participate under the U.N. flag in such operations as a matter of practice, some kind of procedure should be agreed upon to seek and gain the approval of the Congress when U.S. servicemen and servicewoman are put at risk, if Congress is going to have to pay the bill. The Appropriations Committee in the Senate and the Appropriations Committee in the House, in both bodies, are going to have to pay the bill. Fortunately, we have not yet shifted the power of the purse from legislative branch to the executive branch. I have been fighting against that for a long time. That power still resides here in the Congress. The elected representatives of the American people have the control over the purse strings.

And the costs are mounting already.

Second, if such a consensus cannot be achieved, our experience in Lebanon and elsewhere should tell us that U.S. support and participation cannot be sustained. With signs of trouble or casualties, the American people will reject the operations and force a fast withdrawal. This kind of inconsistent behavior reduces the credibility of the United States around the world. We should enter into such operations with our eyes open, knowing that we are going to have to open our wallet, knowing that there are going to be increasing costs from the standpoint of treasure and knowing also that there will be costs in blood, and only after careful debate and thoughtful consideration of the possible consequences of the action. Then, when trouble comes, we stand a better chance of maintaining our course. This has not been the case in regard to Somalia ever since the purpose of the operation was

changed by the United Nations last May.

As I have already indicated, I wrote the President on July 15, 1993, explaining what I perceived to be fast-eroding support for the high peacekeeping bills that the United Nations was presenting to our government, and to express my position on the matter of congressional consent through a formal authorization of approval.

That is what I am asking for here. Let the representatives of the American people, the elected representatives in both Houses, in this equal branch, the legislative branch, take a position either to authorize or not to authorize because, if both Houses do not take the position on this, both Houses are going to have to take the position when it comes to appropriating the moneys. We do not have the House acting one way and the Senate acting another when it comes to appropriations. Both Houses have to act.

Mr. President, the esteemed U.S. Ambassador to the United Nations, Ms. Madeleine Albright, who recently completed a term as president of the Security Council, has been an energetic and articulate spokesman for the United States in New York. She has begun instituting very needed reforms in the Security Council. Just last week, for instance, in the case of a resolution regarding Haiti, she forced through a requirement that such peacekeeping operations be costed out beforehand, in advance of Security Council action. Second, she insisted that a 3-month sunset provision be included in the resolution, so we all know when it should be over.

That is a commonsense approach. That is a responsible approach.

She is reported by the New York Times of September 1, 1993, to be demanding that all new peacekeeping operations "define their objectives with greater precision." I commend the distinguished Ambassador for these reforms. They are a step in the right direction. They set parameters that are understandable and frugal. In contrast, the recently defined United States goals for our operations in Somalia are fuzzy and offer no clear timetable for the withdrawal of our troops.

Mr. President, the current mandate for U.N. peacekeeping operations in Somalia expires at the end of October. I would advise, and this amendment provides for, a reassessment of the operation by the administration. First, this amendment provides that the President reassess the role of the independent contingent of United States forces in Somalia. Specifically, 30 days after enactment, or around the end of October, given the history of our conference committees, funds to support United States operations in Somalia will no longer be available—this can be done—unless the President seeks a new debate and a vote by this Congress to approve such an extension; that is all I am asking. Congress may want to do that. Second, the amendment requires the Secretary of State to conduct a thorough reassessment of the UN operation in Somalia and, within 30 days, provide a report to the Congress on the purposes of that policy and action. The President is requested and urged to direct our U.N. Ambassador to veto, in the Security Council, any reauthorization of the U.N. operation or funding for the Somalia action unless—and Congress may want to do this—the Congress has first approved a request from the President to do so, or at least unless the Congress has authorized such action, whether requested or not.

We are all concerned about the image of the United States and the need to share the burden of keeping the peace around the world when it affects important interests of the United States. What are our interests in Somalia that would require the kind of involvement and participation that we are giving there now? I am all for burden-sharing. The United States has gone it alone all too often, incurring too high a cost to the American people. But, I am not for kicking in billions of dollars and putting our forces into harm's way for poorly conceived U.N. missions. Given the performance of the United Nations in Somalia to date, and, I might add, in Bosnia as well, we have a right, and an obligation, to closely question any and all American commitments to those operations.

The President has not yet publicly and forcefully expressed his views regarding this matter. I would hope that this amendment be viewed as an opportunity to stimulate a thorough debate and an informed decision on where we are going in Somalia, and that a clear consensus can be arrived at between the Congress and the administration on this matter.

Mr. President, as I said at the beginning, I do not take the position that it has to be my way or that it has to be my amendment. I take the position that this Congress, which includes both Houses, has a duty to speak out on this one way or the other, and the administration has a duty to seek the approval and the authorization of the Congress before we invest more of the Nation's treasure and more of the Nation's blood in Somalia, where I think we have accomplished the mission which was originally stated to be our cause.

I think the American people expect us to debate this matter. If we do not and there are further killings of United States men and women in Somalia, then what do we have to say to the American people when they call us to account? Do we just lie down and play dead just because it is an administration of our own party? Why did the Congress not speak up? I am afraid that we will pay more in the blood of American men and women in Somalia. How are we going to answer to the American people if that day comes?

So I am seeking, by this amendment, to get a debate going on and to get Senators and Members of the House thinking and to get the American people also alerted. I do not propose just to go along and say nothing. I think it is our responsibility under the Constitution to debate matters of this kind. And I think the administration has a responsibility to try to work out something with the Congress and to get a consensus. When the bodies start coming back home, people are going to be asking a lot of questions. We will be turning tail and pulling our people out fast, if Lebanon was any guiding light.

Mr. President, we cannot continue to send people all around the world with the kind of financial situation we find ourselves in. We passed a reconciliation bill a few days ago which we were told—and I voted for it—would reduce our budget deficits by about $500 billion over the next few years. Does anyone think that these operations in Somalia are not costing us anything? Does anyone think that we can spend money there without it being added to our budget deficits? We had better stop and think where we are going. Let us get a decision on whether or not the Congress really, really thinks that we are justified in continuing our presence there under the circumstances.

Mr. President, I do not intend to hold the floor longer. I simply hope and expect the Senate to act one way or the other. I am sorry that the administration is going to attempt to water down this approach. I have not seen the administration's amendment or what it plans to offer through a Senator. It is any Senator's right to offer his own amendment or the administration's amendment. But at least the Senate will have an opportunity to make a choice, hopefully. I hope I can get this amendment voted on, even if other amendments are voted on and even if other amendments are preferred to this one. As I say, I may see another amendment I like better than my own, but at least I do not like the way we are going now.

The administration cannot feel that it has a blank check to do anything it wants anywhere in the world, Somalia or elsewhere. I have to work over these appropriations year after year after year, and the Federal resources are getting smaller and smaller and smaller, and the needs are getting larger and larger and larger, and we do not have enough money to deal with the needs of our own people. Why should we be trying to settle problems between warlords in Somalia? Let us bring those troops home and put them to work here in the District of Columbia if they want to create peace and if they want to eliminate guns. There is plenty of work right here in the District of Columbia, our own Nation's Capital.

Bring them home. Let them work here on our own streets in behalf of peace and in behalf of subduing drug warlords and gangs. We do not need to go thousands of miles away to do that. We can do it here at home.

Mr. President, I ask unanimous consent that an op-ed piece which appeared in the New York Times, titled "Perils of Peacekeeping," by myself, be printed in the RECORD.

There being no objection, the op-ed piece was ordered to be printed in the RECORD, as follows:

THE PERILS OF PEACEKEEPING

(By Robert C. Byrd)

WASHINGTON.—The news that the Clinton Administration is considering an expanded role in United Nations peacekeeping operations is cause for concern. The plan would allow American soldiers to serve under foreign commanders on a regular basis. Before adopting any directive embracing this policy, the Administration should allow Congress to debate it thoroughly.

If the plan is carried out, we would face more than the dubious prospect of sending U.S. troops into battle under foreign command. We might also become militarily involved in operations that the American people don't properly understand or support.

Unless there is a national consensus in favor of U.S. involvement, any such military endeavors could be disastrous.

U.N. intervention in Somalia is a case in point. The operation was initially commendable. Its goal was to see that humanitarian aid was delivered to needy Somalis, and U.S. troops performed admirably. But now, with the humanitarian mission successfully completed, the U.N. is trying to rebuild the nation's political structure. This risky experiment could include thousands of U.S. troops.

The deaths of four Americans soldiers in Mogadishu this month and the overt hostility of Somalis toward U.N. troops show that the operation is quickly crumbling. It is not worth American lives lost and injuries sustained.

Congress has never approved, or even considered, U.S. participation in forcing a political reconciliation in Somalia. And there is certainly not a consensus among Americans that such an effort is worth any price in our soldiers' blood. Without a consensus, the likely result of such an operation could be a cut-and-run failure similar to the Beirut disaster of 1982 to 1984.

Lacking Congressional and popular support, U.S. combat forces in Somalia should be removed as soon as possible.

Dedication to U.N. Security Council resolutions and peacekeeping missions should not be used by any Administration to escape the hard job of consensus-building in Washington. Despite a Security Council resolution authorizing member nations to do battle against the marauding Iraqi Army in Kuwait in 1990, the Bush Administration sensibly sought Congressional approval before committing American forces.

The humanitarian mission in Somalia has now been totally eclipsed by a gang war in which the U.S. is taking sides under the U.N. umbrella. In October, the U.N.'s initial six-month mandate there expires. If the mission is extended, additional money will be required.

The U.S. is expected to pay about 30 percent of the U.N.'s peacekeeping bill. The U.N. intervention in Somalia and Bosnia is far more expensive than more traditional peacekeeping and humanitarian relief operations. Congress is already being asked to provide billions of dollars to support the mushrooming ambitions of the U.N. in peacekeeping operations around the world.

On Capitol Hill there is a growing reluctance to write such large checks. Congress has even been reluctant to pay our currently overdue peacekeeping bill. This shows that the Administration will have a tough sell in gaining support for more money. Where will these funds come from? We certainly should not cut spending on domestic needs to pay for foreign adventures.

Yet the White House has requested almost $1 billion for U.N. obligations in fiscal 1994. By setting aside this huge sum, the Administration could avoid having to come to Congress to get approval for every peacekeeping endeavor it wants to get involved in.

Congress' ability to support or deny financing is critical to insuring its voice in policy making. Until a clear consensus is reached regarding the U.S. role in all peacekeeping matters, Congress should not hand off its constitutional responsibility.

Mr. BYRD. Mr. President, I thank the Chair and I thank other Senators for their patience.

AMENDMENT NO. 782

(Purpose: To limit further military operations in Somalia)

Mr. BYRD. Mr. President, I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 782.

On page 242, strike out line 19 and insert in lieu thereof the following:

crew of that historic warship.

SEC. 1067. INVOLVEMENT OF ARMED FORCES IN SOMALIA.

(a) LIMITATION.—Effective 30 days after the date of the enactment of this Act, funds available to the Department of Defense may not be obligated for support of operations of the Armed Forces in Somalia except to the extent authorized in a law enacted after the date of the enactment of this Act.

(b) UNITED NATIONS ACTIONS IN SOMALIA.—(1) Not later than 30 days after the date of the enactment of this Act, the Secretary of State shall conduct a thorough review of the purposes of United Nations policy and actions in Somalia and submit to Congress a detailed assessment of the purposes of such policy and actions.

(2) The President is requested and urged to direct the United States Representative to the United Nations and Representative in the Security Council to veto—

(A) any proposed authorization by the United Nations Security Council of continued operations of United Nations forces in Somalia after October 31, 1993, and

(B) any proposed authorization by the United Nations Security Council of funding for continued operations of United Nations forces in Somalia after that date,

except to the extent authorized in a law enacted after the date of the enactment of this Act.

The PRESIDING OFFICER. The Chair recognizes the Senator from Georgia, the committee chairman.

Mr. NUNN. Mr. President, first let me state to the Senator from West Virginia it would have been my preference that this amendment came up on another bill because anyone managing the bill would like to accelerate the procedure, and we do have a lot of amendments. I would have preferred it come up on a foreign relations bill.

But I have to add very quickly that I think the time is long overdue when we had a debate on this subject. I think the Senator is absolutely correct on that point.

When President Bush committed our forces to Somalia last year, the Congress of the United States, as I recall, was not in session. When we got back in session, the Senate passed a resolution of general approval of the humanitarian mission. The House did nothing. Several months later, the House passed a different resolution. That has been at the desk for several weeks if not months.

So what we have is a Congress of the United States that has over the years felt one of its most responsible and important mandates under the Constitution of the United States was to decide questions of war and peace, and not simply be consulted with but also have a voice in it.

So what we have is a commitment in a country, which is a United Nations commitment, led by the United States. We have a lot of countries there now that came in because we took the lead, and yet the mission that President Bush defined as purely humanitarian has now been growing and growing and growing. I am not sure what that mission is now.

If that mission is now defined as stabilizing Somalia, then I have to ask the question, what is the reference point? When was Somalia last stable?

Somalia was not stable when I came to the U.S. Senate. It was not stable in the 1970's when my late departed Republican friend from Oklahoma, Senator Bartlett, flew over to Somalia. I will never forget that because I think he flew 48 hours over and 48 hours back and stayed on the ground for 6 or 8 hours because there were allegations and charges that the Soviets were setting up a military base in Somalia and the Somalia Government was, as I recall, denying that. And I remember him making that exhausting trip over there and back and when he got back he was greeted by headlines in the local paper that he had just been on another junket. I think he had flown 96 hours and was on the ground 8 hours, and it was a back-breaking trip.

I recall a lot of the history of Somalia which goes way back to the Soviets playing games between Somalia and Ethiopia, and there were all sorts of bases in that country. As tragic as it is, it has been unstable for a long, long time.

If we are going to define the mission of the United States forces in Somalia as one of stabilizing that country, then what point in history do we go back to to determine what a stable Somalia

would be like? I do not know the answer to that. Does anyone? Does the administration? I do not know. I have not heard it.

We have had hearing after hearing in our committee on Somalia. We have always gotten rather detailed military briefings of Somalia. But the mission until very recently has always been defined, by our Government at least, in a very narrow sense, humanitarian and a secure environment for the humanitarian purposes. I believe that is what the original U.N. resolution was. Defining a secure environment is not easy, but a secure environment for the humanitarian purposes, which was the original mission, it seems to me is a very narrow scope, narrower than a mission that will say we are going to leave that country only when it is stable.

There are still large elements in northern Somalia that do not want to be part of that country.

I think it is time for the United States to decide what we believe the mission should be. We cannot get in a situation where we basically define a narrow mission, we become part of a United Nations force, we commit our forces, and we basically become the mainstay militarily, and then all of a sudden the mission is greatly expanded. We are then dancing to the United Nations' tune as to what the mission would be.

Where I agree with the Senator from West Virginia is that that mission needs defining. We need to be more than consulted. The Congress of the United States needs to have a voice in this. The administration needs to understand very clearly that the Congress of the United States is going to have a voice in this.

The problem with the administrations that I have observed since I have been here is they always are willing to embark on a mission. As long as things are going pretty smoothly, Congress is not that important. But they never realize that when things start going badly, then the American people demand of Congress that we exercise our responsibilities.

I would have to say in this case, I do not think Congress has exercised that responsibility. The Congress of the United States cannot simply say to the administration, "What are you doing?" We also have to ask ourselves why we have not spoken on this subject in the last 6 or 8 months.

Why is it the Congress of the United States permits American forces to be committed, special forces to be sent, without never having passed anything authorizing it by both bodies, by both the House and the Senate?

So I think the fingers have to be pointed in a circular fashion here, not simply downtown.

I do believe, however, that the President has to lead. In this respect, I think he has to clearly define the mission. I think the mission has to be much more narrowly defined than whatever we have recently heard from the administration in terms of definition.

I think we have to know what we expect of our military forces and how we expect them to perform and what other countries are going to do, and we have to have some clear definition.

The problem in Lebanon is very clear. The problem in Lebanon is we never had a mission. There was never a defined mission in Lebanon. At one point, the Reagan administration defined Lebanon as being in our vital interest. "Vital" means a willingness, something is so important that we should be willing to commit our forces, and basically be willing to have our American forces subject to great harm if it is really vital.

We had the tragic bombing of the marines in Lebanon and, after having defined that as in our vital interest, about 2 weeks or 3 weeks later we had pulled out. So what had been defined as vital all of a sudden was no longer important at all.

We are setting ourselves up for this kind of situation in Somalia. Some people have compared Somalia to Vietnam. I do not see that analogy at all. I do not think that we face that kind of military danger. I do not think it is that kind of threat.

But I do believe we are putting our forces in harm's way without clearly knowing what we expect them to do. I think that mission has to be defined.

I would like to have a dialog with the Senator from West Virginia as we move along in this debate and perhaps hear from others. I have always been reluctant to set a definite time limit on a military mission. The reason I have been reluctant to do that is because when we set a time limit in effect what we say is, even if we have not completed that mission we are going to pull out.

That is a very difficult situation to put the military in. The reason that is so difficult is that it sends a signal to a would-be adversary, troublemakers, whether they are leaders of a tribe or whether they are leaders of a government, that in effect come a certain date we are out of there no matter what.

And that is the problem with the War Powers Act. That is why I think it is so shortsighted for the Congress of the United States to stick to a War Powers Act that has never worked and is never going to work. But that is the subject of another debate.

I would like to see us try to pin the administration down and, in effect, pin ourselves down at a later point, after the administration has responded, as to what we really believe the mission is. Once we have done that, then I think that we ought to say to our military forces, "Here's your mission. We are going to be behind you until that mission is accomplished."

Now if that mission is going to be narrowed, then that is the way we ought to proceed. I would not like us to send a signal out of here to our military forces that we are going to give you a date to leave Somalia and never tell you what the mission was that you were supposed to perform.

Nothing could be more frustrating to the military than to be put in a country and then pulled out without ever having been told precisely by their Government whether the mission has been performed or whether the mission is one that is never going to be achieved.

So I think our goal, as I see it, is to utilize this debate to frame some kind of amendment—and I think the Senator has a good start on an amendment, but I would hope we could refine it some—that we can clearly say what the mission is at the end of so many days or so many weeks, after the administration has submitted to us a precise definition, and then say to our military forces, "We are behind you until the mission is accomplished." But we have to first agree on that mission.

Mr. BYRD. Will the Senator yield, without losing his right to the floor?

Mr. NUNN. I am glad to yield.

Mr. BYRD. I agree with the distinguished chairman of the Armed Services Committee. We never want to put ourselves in the situation, in my judgment, where we say you get out in 10 days or 30 days.

This is one of the problems with the War Powers Act. And we have discussed that, the chairman and I have and others, many times.

My amendment does not, however, say that. My amendment does not draw a line in the sand and say you have to be out by then. My amendment draws a line in the sand that says you have to be out by that time unless there has been a law passed authorizing this action, this mission, authorizing a continuation of it.

So what does that do? That makes the President and the Congress face up to the matter if the troops are going to remain there, because it has to have the Congress to authorize and would require the Congress to authorize an extension of that action. So the Congress would have to face up to it and the President would have to face up to it.

So my amendment, I think, would not do what the distinguished Senator from Georgia expresses concern about; namely, drawing a line, saying you have to get out. It does not do that. It does not say you have to be out in 30 days, period. It says you have to be out unless Congress passes a law—the only way a law can be passed, Congress has it pass it—unless there is a law authorizing extension of the time.

So it seems to me that requires action by both the President and the Congress and that, in itself, will bring forth a debate.

I thank the Senator.

Mr. NUNN. I thank the Senator.

Mr. President, I know we are going to have a good bit of debate on this amendment, which I think is appropriate. It had been my original intent to get to the SDI matter tonight. To me, that can wait until tomorrow. We will debate this as long as required tonight.

I hope out of this we can come to some consensus. I think there are a number of people in this body—I do not know whether it is 50 or 25 or 75 percent, I am not sure—but there are a number of people that are concerned about this. There are a number of people who have been asking questions.

I hope out of this debate we can shape some kind of majority consensus. Whether it is exactly the amendment of the Senator from West Virginia or whether it is some other amendment that would accomplish that goal remains to be seen.

But this is one of those moments where I think the U.S. Senate has a responsibility. And I hope our colleagues will not only pay heed to what is being said here on the floor but will participate themselves. I hope that we can deal with this complex situation that started out as a humanitarian mission and, in many respects, succeeded—I think there have been thousands and thousands of lives that have been saved because of our intervention.

No one wants to leave that country in shambles. No one wants to set up a situation where they go right back into the same kind of despair they had before.

But neither do we, I believe, neither do we want to set up a situation where the United States has committed its military to a mission that is very broad and basically has no end point and really no definition.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona.

Mr. McCAIN. Thank you, Mr. President.

I want to thank the Senator from West Virginia for bringing this issue before the Senate and the American people. The Senator from West Virginia and the distinguished chairman of the Armed Services Committee have, in very articulate and compelling fashion, described what is not only a subject of concern to the Members of this body but to all Americans.

This issue is also part of a larger debate, Mr. President, and that larger debate has to do with what the United States' mission in the post-cold war era exactly is.

We find ourselves in a situation where the lives of young Americans are being committed to many countries, in all kinds of circumstances. They are even being placed under the command of leaders that are not Americans.

We need to consider the overall conditions under which American forces should be committed to such missions. At a minimum, it is important that we at least address the issue of Somalia so that the Senate of the United States carries out its constitutional responsibilities, and helps the administration define what our mission in Somalia is and under what circumstances the Congress will continue that involvement or terminate it.

Since May of this year, when operations in Somalia were turned over to the United Nations, Americans have become increasingly concerned that our service men and women in Somalia have become engaged in open-ended conflict. I have spoken about this risk on the floor of the Senate, as have many Members of this body, including the Senator from West Virginia and Senator DOLE.

Since June 5, 1993, United States forces have also become involved in a conflict with Farah Aideed, the leader of one Somali faction. Despite rising American casualties and efforts by the administration to clarify the goals of our troops, their mission is becoming increasingly vague.

Some in the administration have very lofty goals for our forces in Somalia. Our distinguished ambassador to the United Nations, Ambassador Albright, has defined these goals as disarming, retraining, and reemploying combatants, establishing democratic institutions, and stopping those who disrupt the peace. Command and control problems, she has said, should be "left to policymakers in New York and not left to commanders in the field."

With all due respect to our distinguished ambassador, that is dangerous rhetoric. In my view, it is not in keeping with the views of the American people as to the employment, the command and control, and the mission of U.S. men and women who serve in our Armed Forces.

The Secretary of Defense has defined our objectives recently as quelling the violence, disarming the warlords, and establishing effective police forces. He has been far less definite about how U.S. troops will accomplish these objectives.

Mr. President, such sweeping statements raise the worst of my fears. The current situation in Somalia, as was pointed out by the distinguished chairman of the Armed Services Committee, is all too reminiscent of our involvement only 10 years ago in Lebanon. In that conflict, we failed to recognize the limits of American power and the fact that the original mission of our troops had changed.

I believe we are making a similar miscalculation today. As in Lebanon, our forces in Somalia have become engaged in a larger effort to end a civil conflict, the complexity of which sometimes eludes the most astute experts on the region.

Mr. President, I remember all too well that we sent marines into Lebanon for the purpose of peacekeeping. In contrast, we sent American troops into Somalia for humanitarian purposes because there was the risk of over a million people starving to death. The American people overwhelmingly supported such action. It was clearly humanitarian in nature, and it was clearly intended to be of short duration. That mission appealed to what is best in America, the need to save the lives of innocent people.

There was no vital national security interest involved, but our Nation, and its outstanding young men and women, had the ability to keep people from starving to death by the thousands. We did, in fact, succeed in that mission.

Now we read in the papers and see television coverage of aborted raids that end up in U.N. headquarters, and of the dispatch of elite troops who are now in the game of warlord hunting.

What does a warlord hunt have to do with keeping people from starving to death, Mr. President?

At the same time, we are in a bizarre and unusual situation in Bosnia, where the chance of U.S. air strikes being launched is all too possible, but no one has yet defined who is going to be struck.

Mr. President, we need to define the United States' role militarily in the world in this post-cold war era, and there is no better place to start than by addressing the situation in Somalia. I hope very soon that we will similarly address the issue of Bosnia and what the United States is going to do there, I hope we will do so before we find ourselves enmeshed in that area with no way out other than the way we got out of Beirut—with disgrace, dishonor, and tragedy.

So, Mr. President, as we speak, there are Members on both sides of the aisle and the leadership working together to try to find a reasonable compromise along the lines of the amendment proposed by the Senator from West Virginia. It is not clear to me that we should mandate the absolute removal of American troops on a date certain. But I think any amendment, if it is going to be supported by the majority of this body, should call for a time certain in which the Congress of the United States can approve or disapprove of the continued military presence of the United States of America in Somalia.

I cannot predict the future of "nation building." I cannot define a mission ending in "peace and stability." I cannot predict who should be in charge in that unhappy and war-torn land of Somalia. But I do know that American lives have already been lost and American lives are in danger. It will be a

great and grave disservice to those young men and women if we leave them in an exposed position for which there is no viable political and military objective. We owe it to them to ensure that Congress reviews this commitment and its future.

In addition, the Congress of the United States must exercise its constitutional responsibility. It is by debating this amendment, resolving it in this body on this bill, that we will be fulfilling our constitutional obligations.

So again, my thanks to the Senator from West Virginia. I look forward to our continued discussion on this issue because it is only through such debate that the United States can determine what it must do in a very unsettled world. We have gone from a very dangerous but very stable world, a predictable world, to one which is safer but much more unpredictable and unstable now.

Consider the world of which Somalia is only a small part. The United States of America is involved in 11 peacekeeping operations. There are 20 to 30 crises going on throughout the world. The United Nations is rapidly shifting from peacekeeping to peace enforcement, and there are 13 U.N. peacekeeping missions now underway.

Once such a mission starts, it usually leads to a long-term commitment. Five out of the 11 current missions were started before 1988; two of them before 1950.

The United States has already paid 30 percent of $3.6 billion in annual peacekeeping costs, equaling $1.08 billion. It has paid costs out of its defense budget that are at least twice that. I think the American taxpayer deserves to know that those dollars are carefully spent and deserves to know how their taxpayers' dollars are spent before we continue an open-ended commitment in Somalia.

I look forward to extended further debate on this issue.

I yield the floor.

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

Mr. MCCAIN. I will be happy to.

Mr. BYRD. I thank the Senator for his valuable and thoughtful and supportive comments. I appreciate his viewpoint and am grateful for the comments he has made.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Illinois [Senator SIMON].

Mr. SIMON. Mr. President, first of all, this debate is healthy. And Senator BYRD, by offering the amendment, is forcing us to do something that, frankly, we should have been doing earlier. While I disagree and would vote against his amendment if that ultimately comes to a vote, I agree with the point he made and the point Senator NUNN made, that we have not acted decisively on this. The Senate passed one resolution; the House another. We have kind of semi-acted in this whole area.

I, probably 2 months ago or 3 months ago, had a discussion with Congressman LEE HAMILTON, saying we really ought to have clear guidelines from the U.S. Congress. I believe that our colleague from Arizona, Senator MCCAIN, is correct when he talks about a world of instability. Ten years ago, we were worried about the nuclear threat. We were worried about the threat of world communism. Today, the threat is instability. I think that is what we have to keep in mind as we decide what to do in the Somalia situation.

I was involved in the early discussions by the administration when the decision was made to go to Somalia. I returned with Senator HOWARD METZENBAUM from a trip to Somalia on a Sunday night. Monday morning I talked to the Secretary General of the United Nations, Boutros-Ghali, by phone. I talked to our Secretary of State, Larry Eagleburger, and to some others.

I have seen a lot of grim things around the world—in Africa and Asia and elsewhere. I have never seen anything like what I saw in Somalia and I hope I never see it again in my life. I would say, to the credit of George Bush, I think his finest hour will be judged by history when he made the decision to send troops and save the people of Somalia. It was not just thousands of people who were saved, 2 million-plus lives were saved. Without the action that was taken at that point, it would have been the largest single loss of life in any nation since the Irish famine of the 1840's. It would have been tragic.

The question now is where do we go? I agree with Senator NUNN that putting a deadline—and while it is not called a deadline in the amendment of Senator BYRD, in fact that is what it is—and to have a deadline in there of October 31, as a signal to anyone in Somalia who wants to make mischief you just be quiet for a while and, as of October 31, everybody is going to pull out—I think that would be a great mistake.

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

Mr. SIMON. I am always pleased to yield for a comment, although I retain the right to the floor.

Mr. BYRD. Yes, I have no desire to seek the floor.

This amendment does not say that.

Mr. SIMON. But this amendment——

Mr. BYRD. This amendment does not say that. What this amendment says is this: The administration and the Congress have to take some action to authorize our involvement there. And unless that happens, then we pull out.

So no warlord need reap hope from the language in this amendment. I am not attempting to draw a line and say we have to get out, period. But I am saying we better authorize such action. The American people's elected representatives here had better authorize such continued action or we will pull out.

I thank the Senator.

Mr. SIMON. I acknowledge that his point is accurate; that he says "unless." But it could very well be that one House or the other, or both Houses, do not act. And then that suddenly becomes the deadline.

But in the discussions on that Monday after I called the Secretary General of the United Nations, and talked to Secretary Eagleburger—and then a series of meetings took place—Secretary Eagleburger was asked to fly to New York to meet with the Secretary General. And on Thursday a meeting was held at the White House. I was there. General Powell was there. The Secretary of Defense was there. The Secretary of State was there.

I remember very clearly General Powell saying after our initial mission is over, and this was the phrase that was used, there will have to be residual forces in Somalia to make sure there is stability in that country. And that, it seems to me, is our goal.

I just heard Senator MCCAIN outlining Ambassador Albright's statement as to what our goal was in Somalia. That would be great if we could get all those things done, but I think our goal has to be more limited than that; and that is to have some stability in Somalia.

I see on the floor the distinguished former chairman of this subcommittee, Senator KASSEBAUM, who has also been to Somalia. In Somalia, you do have a system of elders in the various areas and you can build on that. Somalia is not as hopeless as it would appear from the headlines or our television sets. Is there instability in Somalia? In one area, the capital city. In the rest of Somalia, you have a relatively stable situation. In fact, in the rest of Somalia, if you ask are you safer there or on the streets of Washington, DC, or Chicago, you would have to say real candidly—and I say this with great regret—you are safer in Somalia than you are in some of our big cities; and that underscores, obviously, that we have to be moving on our problems.

Senator MCCAIN also mentioned Bosnia. I am concerned that if we move on this kind of an amendment, we will send a doubly bad signal. Real candidly, our response to the Bosnian situation by the Bush administration and also by the Clinton administration has been anemic. We have not sent a message to the world: "You can't move in and take over neighboring countries." So if we compound that message that we have given to Bosnia with a message in Somalia that once the U.N. takes over and we have four American deaths, tragic as that is—but we might

have four American deaths at Fort Riley, KS, in an automobile accident, where I took my Army basic training, or a great many other places. But to send a message to the world that the only nation that can lead—and there is only one nation that can lead—the only nation that can lead is going to get frightened real easily and is going to move out, I think is the wrong message.

Twenty-three nations responded and are over there now because President Bush appealed to them, to President Bush's credit. And for us to suddenly step back and not do what we should, I think, would be a great mistake.

We have been 50 years plus in Europe and we have been in Somalia less than a year, and all of a sudden we want to hightail it out of Somalia. I think that just is not a rational response. It is not the way for a nation that has to lead the world.

We keep saying we do not want to be the policemen of the world, and I do not want us to be that, either. But if that is our aim, then we have to work with other nations. And if we ask 23 other nations to come into Somalia and they respond, and then we suddenly say, "Sorry, we are getting out," what kind of stable leadership is that?

The costs have been talked about, $44 million a month, and that is a lot of money. But $44 million a month, that is about $500 million a year. That is not the cost—I do not recall the costs of the B-1 bomber or the B-2 bomber. I know we spent $10 billion, $11 billion on an aircraft carrier. The cost is great, but $500 million, that amounts to about one-sixth of 1 percent of our military budget. The chairman of the Appropriations Committee knows that better than anyone else here.

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

Mr. SIMON. I will yield.

Mr. BYRD. Without losing his right to the floor.

Mr. SIMON. Absolutely.

Mr. BYRD. The distinguished Senator is saying we ought to get involved in all of these places; at least, this is what I am hearing him say.

Mr. SIMON. You are not listening correctly.

Mr. BYRD. Mr. President, may I just finish? ought to send all these messages. We ought to keep on in Somalia.

Is not the Senator one of the foremost supporters of a balanced budget amendment? How can we do all of these things and balance the budget? These things cost money.

Now, the Senator is always pushing a balanced budget amendment. That is his right to do it. I know he genuinely believes that that is one of the answers to our budgetary problems. But how can we reconcile the other?

We cannot balance our budget even if we stay out of all these places. It is going to be even more difficult to balance if we continue on these experimental and adventurous undertakings. They cost money. So we cannot be saying let us balance the budget, let us pass a constitutional amendment that will balance the budget; and then stand up and say let us spend it, let us continue in these adventures.

Mr. President, I respect the Senator's viewpoint. But I would like to have him answer that question. How would we balance the budget? We are going to have to pay the bill.

Mr. SIMON. Mr. President, if I may respond to my colleague, for whom I have great respect—and I have said to others, not only are you one of the most distinguished Members of this body, but I think you are one of the most distinguished Members ever to serve in this body—but you are absolutely correct that I believe we have to have a balanced budget amendment.

The Senator from West Virginia is a great student of history. Thomas Jefferson was not in the United States when our Constitution was written in 1787. He was over in Paris negotiating for us. When he came back, he said:

> If I could add one amendment to the Constitution, it would be to prohibit the Federal Government from borrowing money. One generation should not be able to obligate the next generation.

And, as in most things, I think Thomas Jefferson was absolutely correct.

But when we talk about Somalia, we are talking, using the figures from your speech, about $500 million a year. That is a substantial sum of money. But when you talk about the military budget, you are talking about a budget of almost $300 billion a year. We are talking about one-sixth of 1 percent of that budget. And I know the distinguished chairman of the Appropriations Committee well enough to know that he can find somewhere in that $300 billion this kind of money.

Let me just add, if we do not follow through—now, you may differ with the decision that was originally made by President Bush. But when the President of the United States makes a decision after consulting with leaders of Congress and then we do not follow through, I think we invite instability in the rest of the world, and I think those military appropriations are going to go way, way higher than $300 billion.

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

Mr. SIMON. I will be pleased to yield.

Mr. BYRD. Mr. President, we followed through on the proposition by President Bush. We followed through; we kept that commitment. We ought to get out. We did not buy on to the continuing action.

Now, the Senator says that the chairman of the Appropriations Committee can find the money. We had great difficulty finding the money, and we did not, to deal with the disastrous floods in the Midwest. We do not pay as we go there. We just simply add it to the budget deficits. We did not find the money for that, and we are not going to find the money for this. It is going to be added to the budget deficits.

And then wait until there is another catastrophe such as we experienced in Lebanon and the American people see a cost to them that the chairman of the Appropriations Committee cannot provide, nor the President nor anyone else—the succor and comfort from having lost that kind of treasure. That can happen.

I thank the Senator for yielding.

Mr. SIMON. Mr. President, we are not living in a risk-free world. I wish we were. And if we lived in a risk-free world or if, instead of the United States of America, this were the Senate of, let us say, Costa Rica—I do not mean this disrespectfully to Costa Rica—what Costa Rica does not have is a huge impact beyond Central America. What the United States of America does and how we handle foreign relations has a huge impact on the rest of the world. And we have to remember that.

What kind of a message, if this amendment were to be adopted—and I hope it will not be—what kind of a message does that send to the rest of the world about the solidity of U.S. leadership? I think it sends the wrong message.

It so happens that the people who are involved in Somalia are Moslems by background. In Bosnia, those who are threatened are Moslems, and in much of the Moslem world people are saying, if it was not for the fact that Moslems are at risk, Western Europe and the United States would have done something a long time ago. What kind of a message do we send to the Moslem world if we just walk out? What kind of message do we send to African-Americans if we walk out? If this were Italy, Germany, France, some other place like that, would we be talking about getting out?

The community of nations has to work together, but the United States has to lead. And sometimes that leadership involves pain. We have to recognize that. And we are going to have to do some things sometimes that may not be popular with our own people. That is part of leadership, whether you are a Senator from Illinois or West Virginia or Washington or Vermont or wherever we are.

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

Mr. SIMON. I am always pleased to yield to my friend from West Virginia.

Mr. BYRD. I thank my friend. He is one of the most patient and congenial, amicable and lovable Senators in this body, and I consider him to be my friend. I have genuine admiration for him.

If this was a civil war going on in Somalia—this is a war. We did not buy

into this. And I am saying that the American people ought not to have their tax money and the blood of their children and grandchildren put at risk by our continued involvement there when we have no particular interest there.

The Senator speaks of sending messages. What kind of message are we sending to our own people? We do not have any business there. If we have, let us have the Congress vote to say it is our business there and we are ready to shell out the dough—and we may have to shell it out by the wheelbarrow loads—and we are willing to do it. We have not done that, and I do not think we ought to do it.

I thank the Senator, and I apologize for continuing to interrupt him, and I shall not do so again.

Mr. SIMON. I do not want the Senator from West Virginia to live up to that commitment. If he feels like interrupting again, he should do so.

When you ask the question what is our interest in Somalia, I think there are two interests. First, there are human lives at stake, and we have an interest there. But second there is a security interest, and that security interest is we have to build a world of stability.

Frankly, we have not sent a strong signal in the Bosnia situation, and I am not one who advocates ground troops in Bosnia, but there are other things we could have done in Bosnia. We did not do it. And for us to compound that by sending a timorous signal from Somalia would be a great mistake.

Now, have mistakes been made? Yes. I think there has been an overemphasis on Aideed there, for example.

I also favor legislation—and I have discussed this briefly with Senator BIDEN and Senator BOREN—I favor legislation that would authorize the President of the United States, whenever there is U.N. Security Council action, to send a limited number of U.S. troops to a situation that develops, maybe up to 5,000, which is what we have there in Somalia.

One of the difficulties in Somalia is that it took so long for the United Nations to respond. When the Security Council authorized 3,500 troops to go to Somalia, it took 6 weeks to get 500 Pakistani troops there.

That is clearly one of the problems.

What the Byrd resolution also suggests is that the U.N. representative veto any continued operations there if we do not authorize it here. That would mean in an action initiated by the United States, if the United Nations wanted to continue it, we would veto an action initiated by U.S. leadership. That, frankly, just does not make sense.

The debate is good. I frankly think we need this, and I commend Senator BYRD for precipitating that.

Do we have problems at home? Of course, we have problems at home, all kinds of problems at home. But the answer is also, if we are going to protect our homes, if we are going to see to it that these pages who are here are not going to be sent off to war, we have to build a world of some stability. And that is what the basic question is.

Let us not send a message that whenever we get involved anywhere in the world, if someone makes a little trouble for the United States, we are going to pull out right away. I think that is the wrong message. I think we have to send a message that when we make a commitment to do something, we are going to follow through; that our leadership is solid; it is firm.

We clearly ought to be getting out of Somalia in a limited period of time, but right now the residual force that we have there, among other things, sees to it that other troops from other nations get clean water and other things, just basic things that many of them are not technically competent to provide. For us to just pull out because of the tragedy of the loss of four U.S. troops since the United Nations has been in charge there, tragic loss as that is, I think would send the worst possible message to the rest of the world.

I do not know what is being drafted. I know my staff is working along with other staffs to try to draft a sensible amendment that may be an alternative amendment.

But to pass this amendment would send the worst possible signal to the rest of the world.

I hope it can be defeated.

Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. FEINGOLD). The Senator from Washington.

Mr. GORTON. Mr. President, this Senator agrees with and supports the amendment that is proposed by the distinguished President pro tempore, the senior Senator from West Virginia.

In December when then-President Bush dispatched American troops to Somalia, he did so in order to end a situation in which literally thousands of Somalians were starving to death. It was sold to the American people as a purely humanitarian gesture with no further implications, and was designed to see to it that innocent men, women, and children who were starving could and would be fed.

President Bush expressed the hope that the entire mission could be conducted and completed by the time his term in office ended some 30 days later or, at the most, in a couple of months.

In one narrow sense, the mission was a success. The great bulk of those who could be saved simply by the provision of food were saved, for the time being, at least. But, of course, far more than 1 month or 2 months have passed by and the mission of our forces in Somalia now is quite different.

This Senator believes that the stated purpose of the Bush mission could never conceivably have been attained on anything other than a temporary basis because it simply was not, standing in isolation, an attainable goal.

As Charles Krauthammer so eloquently stated in an essay written late in July of this year, and I quote him:

> There is no such thing as just feeding the hungry if what is keeping them from eating is not crop failure but vandalism and thuggery. One has first to destroy the vandals and the thugs. In a country wracked by civil war, what starts with feeding ends with killing. There is no immaculate intervention.

So obviously, at the end of that 60 days, with the hungry fed, American and U.N. troops could not leave Somalia without risking the fact that the same conditions which caused the starvation in the first place would recur.

One must emphasize that this was not thuggery and thievery and violence created by some form of outside intervention. It was starvation imposed on Somalians by other Somalians.

I find the argument that Somalia was and is a relatively peaceful and secure society, except perhaps for one or a handful of warlords, to be rather curious. My reading and understanding of the history of that unhappy country is that it has not been secure since it ceased to be an Italian colony, in any respect whatsoever. It has been wracked by killing and ruled by warlords, warlords whose names and personalities change from time to time, but have not constituted some almost ideal society in which wise elders peacefully ruled the small tribes.

But, Mr. President, Somalia is certainly not the only nation in this world in which there is starvation and the killing of innocents solely caused by other citizens of the same nation or society.

It was in December, not at all coincidentally, the particular society of which such activities were taking place which was shown by the television cameras, and the response of the United States and the rest of the world was due very largely to the fact that television cameras were available there to broadcast these injustices to the world, television cameras which were not then or now found at Kyrgyzstan or Azerbaijan in Armenia, or Moldova, or in half a dozen other places in a world in which at least as horrible a situation exists as does in Somalia.

The distinguished senior Senator from Illinois has said we have two interests in Somalia. One that lives are threatened or being lost, and two that we cannot be secure unless it is secure.

Mr. President, that is the situation in numerous places throughout the world, including perhaps the Republic of Colombia in South America where

the interests of the United States are clearly greater than they are in Somalia.

Mr. SIMON. Will my colleague yield?

Mr. GORTON. I do not intend at this point to carry on the same kind of conversation the Senator from Illinois did with the Senator from West Virginia. If the Senator from Illinois would like to make his points, then I would be perfectly happy to yield.

So since William Clinton has become President of the United States, the policies, the goals of American troops in Somalia have changed quite significantly. Recently Secretary Aspin explained that the administration now seeks three objectives in Somalia. First, to restore a semblance of calm to the capital of Mogadishu; second to make real progress toward taking heavy weapons out of the hands of the warlords in the country; and third, ensuring that credible police forces are established in major cities.

It is not all a coincidence that while those were not the purposes announced by President Bush for our original intervention, they are for all practical purposes the goals of the Secretary General of the United Nations who has pointed out that what began as an effort to prevent mass starvation has become a campaign to reconstruct Somalia's political, social, and material infrastructure on a lasting basis, to disarm warring factions, to apprehend criminal elements, to establish a national police force, a prison system and a judicial system.

There are clearly some Americans who agree that this is an appropriate purpose for the United States, and it may be that the Senator from Illinois is one of them. Robert Oakley, who was at one time our special envoy to Somalia, says that we are supporting a U.N.-led program of total pacification and nation building, and another U.S. diplomat defines our mission as recreating a country, something which exhilarates many to the point at which, he says, this has never be done before in the history of the world, at least in the modern world.

Mr. President, these are broad and ambitious goals. They are also, incidentally, goals which seem to this Senator to be practically impossible of attainment under the methodology adopted by the United Nations in which the United Nations wants advanced notification and generally speaking the right to OK even relatively modest and minor missions, in which we have a command structure under which the various national components seem quite willing to ignore or disobey or, for that matter, to frustrate the goals of other national components to this process.

The Italian contingent, rather specifically basing its policies on its belief that because Somalia is a former Italian colony it has some particular understanding of and ability to deal with the warlords in that unhappy country, has apparently stood by and watched while various other U.N. troops have been ambushed and killed, and may very well in fact be a source of information to the very warlord we are attempting to apprehend, about the goals, the policies, and even the particular campaigns of our troops and of others who are searching for that warlord.

Well, Mr. President, this Senator, for one, does not believe that searching for warlords in the southern part of the city of Mogadishu is a significant enough interest of the United States of America to warrant the loss of American lives in pursuing that goal. This Senator does have a concern about the cost of the United Nation's attempt to bring some kind of peace to Somalia, but would not be here objecting on the floor so vociferously to our current policies were we involved only with money and not at the risk of the lives of American men and women in our armed services.

It may very well be that it is an appropriate goal of someone through the United Nations totally to remake the society of the Somali republic. It may very well be a good idea that some more advanced country be granted a formal trusteeship over that unhappy land. Perhaps colonialism was not such a bad name in that place. If the United Nations wants to offer to the United States such a trusteeship, together with full authority to do whatever we deem necessary to bring peace there, this Senator would at least consider it, though probably with a great deal of reluctance.

But to have our armed services searching through a crowded city for an individual who is not only difficult to find but almost certainly not the only warlord who can create the kind of disturbances which he has created, is a purpose far beyond any interest the United States has which is of sufficient stature and importance to risk the lives of even the four Americans who have already been killed in that country. I, incidentally, do not believe it worth the lives of the citizens of other countries and other armed services, in much larger numbers, who have already been lost.

Fundamentally, this Senator thinks that the problem stems from the fact that the Clinton administration has delegated to the United Nations the foreign policy of the United States. That the Clinton administration has decided that whatever the United Nations wishes to do, or to accomplish, should be the touchstone of both the foreign policy and the military policy of this country. That is not a delegation which I believe the majority of the American people wish to make.

The United Nations, of course, supported our actions in the gulf, but they were clearly under the command and the leadership of the United States, and they clearly took place after a determination and a debate in this body over the interests which this country had in the gulf and how they ought to be attained.

If we have gained anything out of this particular intervention, it is the sure and certain knowledge that the War Powers Act is dead. But, at the same time, we should not be engaged in an open-ended military adventure in a nation in which we have no real interest whatsoever, risking the lives of our men and women in the armed services, without a specific authorization from this Congress, which results from a debate carried on by the American people and reflected in this Congress. No such debate has taken place—at least as far as this Senator can determine from looking at the alternative resolutions which are likely to be proposed as amendments to that of the Senator from West Virginia. None will really be required, unless we take sharp and decisive action.

This Senator believes that the proposal of the Senator from West Virginia is exactly that kind of action. This Senator finds it very difficult to imagine a set of circumstances under which he wishes to authorize the continued presence of American troops in Somalia. But the Byrd resolution gives the administration the opportunity to make that case, if it can make it successfully to the American people and to this Congress.

But it also says that if that case has not been made, and if that precise authorization has not been given, all of our troops must be home 30 days after this act becomes law, which is a long time in the future, Mr. President. This is the Defense Authorization Act. It is highly unlikely that it will be passed into law this month or perhaps even next month, and there will be 30 days after that for debate to continue.

Mr. President, the United States of America should not commit its troops except in pursuance to a real and defined interest of the United States in its own security or in the security of its close friends and allies. No such case has been made in connection with Somalia. The troops of the United States should therefore be withdrawn from that country, in the absence of such a case having been made.

We should not automatically follow the dictates of the United Nations and the views of the United Nations, which risks nothing on its own, but a great deal on our part.

What is the American goal in Somalia? What interest are we pursuing? Is that interest worth our money or the lives of our men and women? Can those goals be attained in a reasonable period of time? When can we attain them? Will we be given the authority from

the United Nations to take such actions as we think are necessary to attain them? Not one, not a single one of these questions has been answered satisfactorily to this point, after the better part of a year of our presence in that country. With a goal which was insufficient really to make any major change in the society of the country in the first place, it was unwise of the Bush administration to have sent troops there in December.

It is far more unwise to keep them there under present circumstances.

Mr. President, this Senator believes very, very firmly that the Byrd amendment should be passed and that notice should be given to the administration that it must make an infinitely better case in favor of this intervention than it has to this point.

Mr. WARNER. Mr. President, if I might just be recognized for a moment to thank our distinguished colleague from the State of Washington for his contribution to the debate, and I am optimistic the outcome will come along the lines of the framework of the discussion of the Senator from Washington.

Mr. GORTON. I thank the Senator.

The PRESIDING OFFICER. The Chair recognizes the Senator from Vermont.

Mr. JEFFORDS. Mr. President, we are discussing, very appropriately, some fundamental questions as we face the future.

We are all pleased that we have become the world leader. But along with the endowment of that honor comes many responsibilities—some traditional, some nontraditional.

It would be unfortunate if we were to make a decision that would set a precedent for the future based entirely upon our feeling or thoughts about Somalia, and, yet, on the other hand, it is an appropriate situation, though, I think to evaluate and discuss what the demands of the new world leadership are with respect to us.

It means that we must take a look at our traditional way of looking at where the national interest is which should precipitate military action and examine the new situations we are faced with and try to determine what action is appropriate under those circumstances.

When is it appropriate for us to get involved in Somalia? Oh, yes we have had situations where it seemed to be pretty clear, although hazy at the start. Kuwait was one of those. Yet there we had the problem of oil and all the kinds of things that go along with the Middle East and the problems there. And after a long and very articulate, well-done debate, we concluded it was in the national interest.

We had no similar debate with Somalia. We have no similar circumstances which really define the term "national interest" in the way we traditionally look at it. Yet, as well as the demands of the new world order is placing upon us, before we take a look at what we should do in these circumstances, we must also recognize that there are tremendous advantages being the world leader. It opens up to us great dimensions of increased trade, of the ability to be able to participate in markets we never participated in before. As the world leader, the one who is exercising the power and has ability to exercise the power, our ability to participate in those trade zones and take advantage of those will certainly be enhanced greatly. There are many advantages that come to us as a world leader, and we should examine them.

However, we also must examine our utilization of the term "national interest" and ask ourselves if there are not only circumstances which may require different kinds of action but are necessary as the responsibility of the world leader to take action in these situations.

I suggest that there is a new term which we must recognize and a new approach we must take to such actions as in Somalia and that if we look at it from different perspectives some of the old problems that are raised perhaps would not be there. I would suggest that there are at least three options to be considered when we get involved with the situation such as Somalia and how we can deal with them.

First of all, we can support United Nations actions with or without our own forces, economically, by money or whatever;

Second, of course, we can take unilateral action;

And third, of course, we could support the creation within the United Nations under article 43 of a separate U.N. force made up, say, of volunteers from different nations to be responsible for taking actions in such situations as Somalia.

I think our critical problem that we have to deal with in this and that we all think about is the term "I do not want to send my child to Somalia or Africa and be placed in harm's way where my child may be injured."

Traditionally, we have said the national interest justifies that kind of risk for our child. But does it, in Somalia? That is the question that is being asked us.

I personally feel that that can be faced by creating within our own military a volunteer force made up of those who are willing to participate in actions which are not in the traditional national interest but very much in the interest of the world leader or the world peace and security. And as we face the future, that those forces can be made up either by our Nation, under our control and utilization as a military force, or could be forces dedicated to the proposition that they can be sent over to work with the U.N. in these kinds of operations and thus get us out of the problem of saying that our child is going to be placed in a position that is not in the national interest.

I believe that we have to take a look now at these new problems that we are faced with as a world leader. We cannot just ignore them. We must find ways that are reasonable to our population and acceptable to them.

But, on the other hand, as has been pointed out by others, at this time the use of Somalia is demonstration of how we should react, and to cut and run after a situation which started out in a miserable situation with regard to humanity and is now well under control with one small exception in terms of the largest of the problem of Aideed in Mogadishu when almost all of the rest of the country is a satisfactory conclusion of a U.N. action, to cut out would invite extremely difficult problems in the future.

I have spoken several times on the war in Bosnia. I could go on with that for a long time. I am happy that our Foreign Relations Committee took some positive action today for that is another disastrous one if we do not do something now.

But to have two disastrous problems to look forward to the future as examples of the rest of the Nation or the rest of the world to look at as to how we are going to react to these things would be devastating on our position as a world leader.

So I am opposed to the amendment as it now is drafted. I will hopefully be able to support one which I know is going to be drafted. But what we do here today may well determine whether or not our reputation as a world leader, which should give us all the advantages of opening trade, and all of that, by a responsible country dedicated to world stability, will depend on our vote tonight on this issue.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, I think all of us would have some difficulty, as has been expressed by Senator BYRD and others, with an open-ended commitment. But I would like to reiterate what Senator JEFFORDS and Senator SIMON have said, among others, that we must not overlook that it has been a successful mission, a country that was in anarchy, with thousands and thousands of people dying from starvation, has been saved. It is a country which now is far, far more stable than most people realize. We are not even sending food to Somalia anymore. They have been able to get their own country, outside part of the city of Mogadishu, back into a secure and stable environment.

It should not be an open-ended commitment. We have reduced the U.S.

troops in Somalia by half over the last 4 months, and we will continue to withdraw those troops. I think it is important for us as a Congress, the United States Senate and the House of Representatives, to require that there be a report and a delineation of what our goals are and when those will be met.

But I certainly would disagree that it has been a failure. I think it does a disservice to the young men and women of our Armed Forces to say this is a mission that has been a disgrace.

It is a mission of which we should be very proud and we do not turn tail and run when it just appears to be uncertain. Uncertainty today is all around the world, and everybody wishes that they could have a clear-cut view of exactly what we should and should not do as far as our responsibilities as leader of the world.

U.S. leadership is important in these difficult places. We have an important role to play in that, and we have not given up our responsibilities in any way in the command and control situation in Somalia. We have been a leader in that and we have exercised that leadership, I would argue in an honorable and successful fashion.

I think there can be an agreement reached and there have been a number of people working on an agreement because I think that, as I said before, there is no one who just wants an open-ended sort of commitment and feeling uncertain about what our end goals will be.

But I am confident, Mr. President, that we can reach that successfully and agree on language that will send a strong message from the U.S. Senate but not undermine efforts that have been undertaken there.

There have been many risks taken, I would agree, but I salute those who have undertaken those risks and who have served in great distinction in Somalia.

I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. WARNER. Mr. President, if the Senator would yield for just a minute, I would again thank our distinguished colleague from Kansas (Mrs. KASSEBAUM), for that very insightful observation.

I certainly agree with the Senator's observation that this mission in Somalia has been carried out with distinction, with honor, and with credibility by the men and women of the United States Armed Forces and of some 20 or so other countries that are likewise committed toward providing a more secure environment within which the humanitarian efforts can take place.

I congratulate the Senator for her contribution.

Mr. LEVIN. Mr. President, this Nation and this world should stand tall for what we have done in Somalia. By the end of 1992, a half million people had died in Somalia of starvation. One thousand people per day were dying, mainly babies and elderly, and 2 million additional people were at risk from the chaos and the anarchy which created the mass starvation that existed in Somalia.

The world responded and America responded.

We have suffered some losses in Somalia; one of those servicemen killed in action was from my home State of Michigan. I share the pain of those families. Other nations have suffered losses, too, in even greater numbers than ours. But ours are enough.

However, we should do nothing here tonight to diminish the sacrifice of our people who are still there and the greater sacrifice of some who have given their lives for a very important humanitarian cause in Somalia. That cause is preventing the additional death, from mass starvation caused by anarchy and chaos, of hundreds of thousands and perhaps additional millions of human beings.

If it was important enough to go into Somalia—and I think all of us agree that it was—then it is important enough to make a reasonable effort to see to it that when we leave Somalia it does not immediately relapse into the same chaos and the same anarchy that created starvation.

What is a reasonable effort to make sure that return to chaos and anarchy does not occur? That is the issue.

Ours cannot be an effort without limits. It cannot be open ended. I think the Senator from West Virginia's points in that regard are well taken.

I happen to share a real concern that our presence not be open ended, that our mission be clear, that our purpose be clear, that the structure of the command of the U.N. forces be clear, that the social and economic effort needed be funded by the United Nations. And we have not succeeded yet in any of that.

The command structure is not yet clear. Just look at what happened the other day when the Italians did not come to the aid of other U.N. peacekeepers who were in danger. That cannot be allowed to continue.

I believe the purpose is too broad and that we should narrow the purpose. I do not believe that our forces should stay there until a country is completely reconstructed. I do not know when that would occur.

But I do believe that the U.N. peace enforcement efforts should continue until there is a reasonable assurance that the same chaos and the same anarchy which brought us there in the first place will not immediately be returned to Somalia upon our departure. Because if that is allowed to happen, then we will not have succeeded in that original humanitarian mission which I believe almost every member of this body supports.

The stakes are high in Somalia. First and foremost, the stakes are high for our men and women in Somalia. And that is why there has to be an improved U.N. command structure and there has to be a clarification and narrowing of the goal.

First and foremost is the well-being, safety, and morale of our men and women in Somalia. But that morale and well-being will be undermined if we, in effect, set a deadline for their departure. What that will do is put them in limbo every single minute that they remain.

If we, the Congress, try from these Halls to set a deadline for their departure, they will be in limbo while they remain. We will be putting our own troops in danger if we effectively set a deadline. We will be undermining their morale. And we cannot do that.

What we can do and should do is press this process—press for a clarification and narrowing of our mission; press for a clear U.N. command structure; and press for the funding of the economic personnel and political and social personnel that the United Nation has not yet been able to send in there.

We talk about funding a police force, but it has not been funded by the world. The police force that we hope will take over has not been funded and, therefore, is not yet in place, nor is it going to be in place unless those funds are forthcoming.

So, first and foremost, the safety and well-being and morale of our troops. But, second, what is at stake here and, if we are precipitous or misstep, what we will put in jeopardy is the future of multinational peace enforcement in this world.

The cold war is over. This is the first chapter VII peace enforcement effort, I believe, of the United Nations.

So the stakes are not only high for our men and women. They are high for the future of the world if this first effort in multinational peace enforcement falters, or if we here in the Congress do anything to undermine it.

Should we get a report from the President within a certain period of time on a narrowing of a goal for our presence in Somalia? I think we should. I think our Commander in Chief should give us a clearer purpose.

I believe America should lead at the United Nations in insisting that the U.N. command structure be clear and workable, so that what happened the other night in Mogadishu never happens again, where some U.N. troops in trouble are not assisted by other U.N. troops on the scene because of a lack of clear command.

I believe that a report from the President is appropriate and that he should inform the people and inform the Congress as to what efforts are being taken at the United Nation to avoid the repetition of that tragedy of the other night.

But we cannot and should not undermine the effort in Somalia to try to bring sufficient stability so that there is not again a reoccurrence of the anarchy and chaos which brought us there in the first place.

That is a narrow goal. It is achievable. I believe, again, that the good Senator from West Virginia and others who are forcing this issue are correct in doing that.

I believe we should press the issue of narrowing and clarification of goal and the U.N. command structure. But we should not prejudge that issue by setting a deadline, and we should not prejudice the outcome. And this amendment, by saying no more funding after a date certain unless the Congress acts, undermines, prejudices, and prejudges the outcome of the Commander in Chief's effort.

So, yes, press for clarification; yes, press for narrowing of the goal; yes, insist that the United Nations get its command structure together; yes, press for the funding needed for that police force to take over in Somalia. Press for a report from the President on all of that. But, no, do not prejudge; do not prejudice the outcome of that process.

This amendment goes too far. It is well intended, well motivated, and I think is useful in getting this Congress to debate the critical issues that are involved in Somalia: multinational peace enforcement, the future thereof, and all that is involved in that for the world, all over the world. That is what is at stake here. But, again, above all, what is at stake here is the morale of our troops and the well-being of our troops in Somalia. And the setting, in effect, of a date certain is inconsistent with preserving their safety, their well-being, and their high morale.

I hope we can work out a compromise amendment. I know the leadership is working very hard on it. I commend them and all those who are involved in this. I have tried to work with the language to see that it is consistent with the goals I have set forth. I also want to commend my friend from West Virginia because, while I think his amendment has gone too far, I think he has performed a very useful service for the Senate and for the country in rais- ing it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I wish to commend our distinguished colleague from Michigan, Mr. LEVIN. I have had the privilege of serving with him now 14 years on the Senate Armed Services Committee, and he has always given a very insightful contribution on that committee on every issue, as he has today. I wish to concur in his concluding remarks.

I think the distinguished Senator from West Virginia [Mr. BYRD] has provoked a timely and important debate. I do not think we should be too harsh in whatever criticism we may have of his amendment. While I do not support the language of his amendment, I certainly support his objective; namely, to get the Congress involved, to have a congressional voice in this critical issue, hopefully a voice in support of the President of the United States. Because thus far I think President Clinton, having inherited this issue, has handled it very well. And he has kept, so far as I know, the Congress informed on the steps that he has taken.

I also would like to pick up on another point made by my distinguished colleague. We certainly do not want to have a precedent of cut-and-run. As we look at the uncertain future of this world, more and more the United States will be called on to participate with other nations in joint action. We certainly saw that in the Persian Gulf war, when we were able to join with other nations and free Kuwait. We are in there now, in Somalia, with some 20 or so other nations. We have United States military personnel actually in the Balkans involved in many ways with respect to Bosnia.

So joint actions are the future. And we want to have a clear record that the United States is a credible, reliable partner in such joint actions. I interpreted the comments of the Senator from Michigan [Mr. LEVIN] to mean just that, as I do the comments of others who have spoken tonight. Because, if we fail to exercise that credible position as a partner, then it does indeed send a signal to those despots, wherever they are in the world tonight, tomorrow, and in the future, that they should go ahead and take a risk and see if they can cause a problem and determine whether or not the Congress would jerk the rug out from under a President.

I think at this point I would like to put into the RECORD some research I have done on this point.

Mr. LEVIN. Will my friend from Virginia yield at this point?

Mr. WARNER. Of course.

Mr. LEVIN. First, let me thank him for his comments and the service he is providing the Senate. He is my ranking member, Republican, on the subcommittee of the Armed Services Committee that Senator NUNN chairs so ably. Working together in a bipartisan fashion, as we have consistently and as that committee does consistently, has, frankly, made a very important contribution to this Nation. I thank him for that. I thank him for his remarks. And I really agree with him that what is at stake here is the reliability of this Nation as a participant in something broader than itself, because we cannot be the policemen of the world. But the world at times needs some policing. We can be part of a police effort. We cannot do it on our own. But if that kind of system is going to emerge, it is going to take a tremendous bipartisan effort to help it along during these birth pangs. My friend from Virginia, as always, is a major part of that bipartisan effort, and I thank him for it.

Mr. WARNER. Mr. President, I thank my colleague. That brings to mind one of my more memorable visits to the White House. I was joined at that time by the distinguished chairman of our committee and several others. We had just come back from an inspection trip with respect to the complicated issues in Bosnia and were discussing it with the President. And the President very wisely, in his deliberations, always was looking beyond Bosnia to the importance to our Nation of the extent we participated or did not participate in certain aspects of the Bosnian problem, to make sure that we were acting in concert with our allies, and particularly those allies that stood by this Nation—Great Britain, France, and others—throughout history, because it is important to our future.

I think that is the approach I would like to see this institution take with respect to Somalia. Indeed, it is a problem, but we must look beyond it and make certain that our position, that of the United States, is one that is respected and is credible so we can contribute to a solution in Somalia and contribute to solutions in the future should problems arise.

Mr. SIMON. Will my colleague yield?

Mr. WARNER. Yes.

Mr. SIMON. I just want to commend him also. Twice he used a word that I think is very important. That is the credibility of our country. I really think that is at stake. Are we going to indicate to the rest of the world that we are going to be solid partners in this kind of a situation? Or, as soon as there is a little bit of trouble, are we going to start cutting and running? I commend my colleague from Virginia.

Mr. WARNER. I thank my colleague from Illinois. He serves on that committee that has more or less had the prime responsibility for this operation. And, again, it is the continuity of one President after another, President Bush followed by President Clinton, that has been a consistent policy. It does not mean it cannot be improved as a consequence of this debate, urging clarification and other, as we call it, certifications to the Congress. But it is a continuity that gives the credibility from one administration to another. And we have achieved that, and I thank my colleagues.

Mr. LEVIN. If my friend will yield further for one additional comment?

Mr. WARNER. Yes.

Mr. LEVIN. His comments reflect the great tradition of bipartisanship relative to the foreign policy of this country. The leadership, as we speak, is working jointly in a bipartisan fashion, trying to work out an alternative that carries out the thrust of the Byrd

amendment that there are some clarifications of purpose and some other things we should press, but avoids some of the pitfalls of the Byrd amendment. The leadership is doing that on a bipartisan basis. It is part of a great tradition of this body that foreign policy be handled that way. And my friend from Virginia, again, reflects this. He always has. Invariably, I have seen it over and over again, that bipartisan tradition, I think, in our committee, under Chairman NUNN's leadership. And the ranking Republican has always worked with our chairman in that same bipartisan spirit which is so critical to this country's security.

Mr. WARNER. I thank my colleague for that observation. Indeed, I have been privileged to serve on the Armed Services Committee not only under the leadership of Chairman NUNN, but of Chairman Stennis, Chairman Jackson, Chairman Tower, Chairman Goldwater. These real giants of the Senate ascended to the responsible position of the chairmanship of the Armed Services Committee. I certainly feel it has been a privilege and honor to have served with them.

Mr. President, again, Senator BYRD—how many times have we been on the floor here in these past years about the War Powers Act? His approach has always been to preserve the voice of the Congress. That I interpret as the principal objective of his amendment.

Following up on the observation of the Senator from Michigan about bipartisanship, the leadership of the Senate, both the majority leader and the Republican leader, are now working on a draft. I urge the Senator to take a look at it, as I have just done, to perhaps contribute his thoughts to that draft.

Mr. LEVIN. We have already done that.

Mr. WARNER. Mr. President, as I interpret the draft, it is clearly directed toward a strong bipartisan resolution of this issue that is before us right now. But I will be very brief, and then I will yield to my colleagues. There are others who want to speak.

I want to put some things into the RECORD because I think scholars and others will examine this debate tonight. My contribution would simply be some of the precedents regarding the President of the United States' authority in a situation like this.

One of the most definitive documents was a legal opinion by the Assistant Attorney General of the United States, Office of Legal Counsel, issued on February 12, 1980, at the request of President Carter's Attorney General. It was done in relation to the planning of operations concerning the United States hostages in Iran. It is now, of course, a matter of public record. Therefore, I ask unanimous consent that that opinion of February 12, 1980, which is a very broad and detailed recitation of the constitutional authority, and to the extent that any President has acknowledged that authority being affected by the War Powers Act, it is set forth in here. I think other Members of the Senate will find it, as I have, to be a very valuable resource for their consideration of this issue and future issues of like nature.

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

PRESIDENTIAL POWER TO USE THE ARMED FORCES ABROAD WITHOUT STATUTORY AUTHORIZATION

The President's inherent, constitutional authority as Commander-in-Chief, his broad foreign policy powers, and his duty to take care that the laws be faithfully executed generally empower him to deploy the armed forces abroad without a declaration of war by Congress or other congressional authorization. A historical pattern of presidential initiative and congressional acquiescence in emergency situations calling for immediate action, including situations involving rescue and retaliation, confirm this inherent power, and the courts have generally declined to review its use.

The War Powers Resolution generally precludes presidential reliance on statutory authority for military actions clearly involving hostilities, unless a statute expressly authorizes such actions, and regulates the President's use of his constitutional powers in this regard. In particular, it introduces consultation and reporting requirements in connection with any use of the armed forces, and requires the termination of such use within 60 days or whenever Congress so directs.

The term "United States Armed Forces" in the War Powers Resolution does not include military personnel detailed to and under the control of the Central Intelligence Agency. [In an opinion issued on October 26, 1983, published as an appendix to this opinion, this conclusion is reconsidered and reversed.]

The term "hostilities" in the War Powers Resolution does not include sporadic military or paramilitary attacks on our armed forces stationed abroad; furthermore, its applicability requires an active decision to place forces in a hostile situation rather than their simply acting in self-defense.

The requirement of consultation in the War Powers Resolution is not on its face unconstitutional, though it may, if strictly construed, raise constitutional questions.

The provision in the War Powers Resolution permitting Congress to require removal of our armed forces in particular cases by passage of a concurrent resolution not presented to the President is a *prima facie* violation of Article I, §7 of the Constitution.

MEMORANDUM OPINION FOR THE ATTORNEY GENERAL, FEBRUARY 12, 1980

This responds to your request for our review of certain questions regarding the effect of the War Powers Resolution on the President's power to use military force without special congressional authorization and related issues. We have considered the President's existing power to employ the armed forces in any of three distinct kinds of operations: (1) deployment abroad at some risk of engagement—for example, the current presence of the fleet in the Persian Gulf region; (2) a military expedition to rescue the hostages or to retaliate against Iran if the hostages are harmed; (3) an attempt to repel an assault that threatens our vital interests in that region. We believe that the President has constitutional authority to order all of the foregoing operations.

We also conclude that the War Powers Resolution, 50 U.S.C. §§1541–1548, has neither the purpose nor the effect of modifying the President's power in this regard. The Resolution does, however, impose procedural requirements of consultation and reporting on certain presidential actions, which we summarize. The Resolution also provides for the termination of the use of the armed forces in hostilities within 60 days or sooner if directed by a concurrent resolution of Congress. We believe that Congress may terminate presidentially initiated hostilities through the enactment of legislation, but that it cannot do so by means of a legislative veto device such as a concurrent resolution.

I. THE PRESIDENT'S CONSTITUTIONAL AUTHORITY TO EMPLOY THE ARMED FORCES

The centrally relevant constitutional provisions are Article II, §2, which declares that "the President shall be Commander in Chief of the Army and Navy of the United States," and Article I, §8, which grants Congress the power "To declare War." Early in our constitutional history, it perhaps could have been successfully argued that the Framers intended to confine the President to directing the military forces in wars declared by Congress.[1] Even then, however, it was clear that the Framers contemplated that the President might use force to repel sudden invasions or rebellions without first seeking congressional approval.[2]

In addition to the Commander-in-Chief Clause, the President's broad foreign policy powers support deployment of the armed forces abroad.[3] The President also derives authority from his duty to "take Care that the Laws be faithfully executed,"[4] for both treaties and customary international law are part of our law and Presidents have repeatedly asserted authority to enforce our international obligations[5] even when Congress has not enacted implementing legislation.

We believe that the substantive constitutional limits on the exercise of these inherent powers by the President are, at any particular time, a function of historical practice and the political relationship between the President and Congress. Our history is replete with instances of presidential uses of military force abroad in the absence of prior congressional approval. This pattern of presidential initiative and congressional acquiescence may be said to reflect the implicit advantage held by the executive over the legislature under our constitutional scheme in situations calling for immediate action. Thus, constitutional practice over two centuries, supported by the nature of the functions exercised and by the few legal benchmarks that exist, evidences the existence of broad constitutional power.[6]

The power to deploy troops abroad without the initiation of hostilities is the most clearly established exercise of the President's general power as a matter of historical practice. Examples of such actions in the past include the use of the Navy to "open up" Japan, and President Johnson's introduction of the armed forces into the Dominican Republic in 1965 to forestall revolution.

Operations of rescue and retaliation have also been ordered by the President without congressional authorization even when they involved hostilities. Presidents have repeatedly employed troops abroad in defense of American lives and property. A famous early

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Footnotes at end of article.

example is President Jefferson's use of the Navy to suppress the Barbary pirates. Other instances abound, including protection of American citizens in China during the Boxer Rebellion in 1900, and the use of troops in 1916 to pursue Pancho Villa across the Mexican border. Recent examples include the Danang sealift during the collapse of Vietnam's defenses (1975); the evacuation of Phnom Penh (Cambodia, 1975); the evacuation of Saigon (1975); the *Mayaguez* incident (1975); evacuation of civilians during the civil war in Lebanon (1976); and the dispatch of forces to aid American victims in Guyana (1978).

This history reveals that purposes of protecting American lives and property and *retaliating* against those causing injury to them are often intertwined. In *Durand* v. *Hollins*, 8 F. Cas. 111 (No. 4186) (C.C.S.D.N.Y. 1860), the court upheld the legality of the bombardment of a Nicaraguan town which was ordered because the local authorities refused to pay reparations for an attack by a mob on the United States Consul. Policies of deterrence seem to have eroded any clear distinction between cases of rescue and retaliation.

Thus, there is much historical support for the power of the President to deploy troops without initiating hostilities and to direct rescue and retaliation operations even where hostilities are a certainty. There is precedent as well for the commitment of United States armed forces, without prior congressional approval or declaration of war, to aid an ally in repelling an armed invasion, in President Truman's response to the North Korean invasion of South Korea.[7] But clearly such a response cannot be sustained over time without the acquiescence, indeed the approval, of Congress for it is Congress that must appropriate the money to fight a war or a police action. While Presidents have exercised their authority to introduce troops into Korea and Vietnam[8] without prior congressional authorization, those troops remained only with the approval of Congress.

II. JUDICIAL REVIEW OF THE PRESIDENT'S EXERCISE OF CONSTITUTIONAL POWER

In the only major case dealing with the role of the courts with regard to this general subject, the Supreme Court upheld presidential power to act in an emergency without prior congressional authority. In the *Prize Cases*, 67 U.S. 635 (1863), the Court upheld President Lincoln's blockade of Southern ports following the attack on Fort Sumter. The Court thought that particular uses of inherent executive power to repel invasion or rebellion were "political questions" not subject to judicial review: "This Court must be governed by the decisions and acts of the political department of the Government to which this power was entrusted." (*Id.* at 670). The Court's unwillingness to review the need for presidential action in a particular instance in the *Prize Cases* or since has left the field to the President and Congress; much has depended on presidential restraint in responding to provocation, and on congressional willingness to support his initiatives by raising and funding armies.

More recently, the courts have applied the rationale of the *Prize Cases* to avoid judicial review of the constitutionality of the President's actions with regard to the Vietnam conflict.[9] Although the Supreme Court did not hear argument in the case, we believe some significance may be attached to the Court's summary affirmance of a three-judge court's decision that the constitutionality of the government's involvement in that conflict was a political question and thus unsuitable for judicial resolution. *Atlee* v. *Laird*, 347 F. Supp. Supp. 689 (E.D.Pa. 1972), *aff'd*, 411 U.S. 911 (1973).

III. THE PRESIDENT'S STATUTORY POWERS

Congress has restricted the President's ability to rely on statutory authority for the use of armed force abroad by its provision in the War Powers Resolution that authority to introduce the armed forces into hostilities or into situations "wherein involvement in hostilities is clearly indicated by the circumstances" is not to be inferred from any statutory provision not specifically authorizing the use of troops and referring to the War Powers Resolution. 50 U.S.C. §1547. Thus, the President may not rely on statutory authority for military actions clearly involving hostilities unless the statute expressly authorizes such actions.

Nevertheless, it may be possible for the President to draw authority for some actions not involving the use of the armed forces in actual or imminent hostilities from the provisions of an 1868 statute, now 22 U.S.C. §1732:

"Whenever it is made known to the President that any citizen of the United States has been unjustly deprived of his liberty by or under the authority of any foreign government, it shall be the duty of the President forthwith to demand of that government the reasons of such imprisonment; and if it appears to be wrongful and in violation of the rights of American citizenship, the President shall forthwith demand the release of such citizen, and if the release so demanded is unreasonably delayed or refused, the President shall use such means, not amounting to acts of war, as he may think necessary and proper to obtain or effectuate the release; and all the facts and proceedings relative thereto shall as soon as practicable be communicated by the President to Congress."

We are unaware of any instances in which this provision has been invoked. It was passed in response to a dispute with Great Britain after the Civil War, in which that nation was trying its former subjects, who had become naturalized Americans, for treason. The House version of the bill, which would have authorized the President to suspend all commerce with the offending nation and to round up its citizens found in this country as hostages, was replaced by the present language which was in the Senate bill. Cong. Globe, 40th Cong., 2d Sess. 4205, 4445–46 (1868). It is not clear whether this change was meant to restrict the President to measures less drastic than those specified in the House bill. It is also not clear what Congress meant by the phrase "not amounting to acts of war." At least Congress did not seem to be attempting to limit the President's constitutional powers.

IV. THE WAR POWERS RESOLUTION

The War Powers Resolution, 50 U.S.C. §§1541–48, begins with a statement of purpose and policy that seems designed to limit presidential use of armed forces in hostilities to situations involving a declaration of war, specific statutory authorization, or an attack on the United States, its possessions, or its armed forces. This policy statement, however, is not to be viewed as limiting presidential action in any substantive manner. That much is clear from the conference report, which states that subsequent portions of the Resolution are not dependent on the policy statement,[10] and from its construction by the President since its enactment.

The important provisions of the Resolution concern consultation and reporting requirements and termination of the involvement of the armed forces in hostilities. The Resolution requires that the President consult with Congress "in every possible instance" before introducing the armed forces into hostilities, and regularly thereafter. 50 U.S.C. §1542.

The reporting requirements apply not only when hostilities are taking place or are imminent, but also when armed forces are sent to a foreign country equipped for combat. 50 U.S.C. §1543(a)(2), (3). The report must be filed within 48 hours from the time that they are introduced into the area triggering the requirement, and not from the time that the decision to dispatch them is made.[11] The report must include:

(A) The circumstances necessitating the introduction of United States Armed Forces;

(B) the constitutional and legislative authority under which such introduction took place; and

(C) the estimated scope and duration of the hostilities or involvement.

50 U.S.C. §1543(a)(3). Reports which have been filed in the past have been brief and to the point. The reference to legal authority has been one sentence, referring to the President's constitutional power as Commander-in-Chief and Chief Executive.[12]

The Resolution requires the President to terminate any use of the armed forces in hostilities after 60 days unless Congress has authorized his action.[13] It also requires termination whenever Congress so directs by concurrent resolution.[14]

As enacted, the ambiguous language of the Resolution raises several issues of practical importance regarding the scope of its coverage as well as questions of constitutional magnitude. We shall discuss first several issues related to the scope of its coverage and then discuss several constitutional issues it raises.

A threshold question is whether the Resolution's use of the term "United States Armed Forces" was intended to reach deployment or use by the President of personnel other than members of the Army, Air Force, Marine Corps, Navy, or Coast Guard functioning under the control of the Secretary of Defense and the Joint Chiefs of Staff. For example, does it extend to military personnel detailed to and under the control of the Central Intelligence Agency (CIA), CIA agents themselves, or other individuals contracting to perform services for the CIA or the Department of Defense? We believe that none of these personnel are covered by the Resolution.[14a]

The provision most closely on point is §1547(c), which defines the term "introduction of United States Armed Forces" to include "the assignment of members of such armed forces to command, coordinate, participate in the movement of, or accompany the regular or irregular military forces of any foreign country" in actual or imminent hostilities. This provision appears to be intended to identify activities subject to the Resolution, and not the identity of persons constituting "members of such armed forces." It could be argued that anyone officially a member of the armed forces of this country, although on temporary detail to a civilian agency, is within this provision and therefore covered by the Resolution. The legislative history of the Resolution, however, persuades us to take a contrary view. In the Senate, where §1547(c) originated, Senator Eagleton introduced the following amendment:

"Any person employed by, under contract to, or under the direction of any department or agency of the United States Government who is either (a) actively engaged in hostilities in any foreign country; or (b) advising any regular or irregular military forces

engaged in hostilities in any foreign country shall be deemed to be a member of the Armed Forces of the United States for the purposes of this Act."

He explained that it was intended to cover CIA paramilitary operations involving persons who might be military officers under contract to the CIA. 119 Cong. Rec. 25,079–83 (1973). He recognized that without this amendment the Resolution as drafted would not cover the activities of such personnel, and argued that it should, citing CIA activities in Laos as leading to America's Indo-China involvement. Senator Muskie and Javits opposed the amendment, principally for reasons of committee jurisdiction. They argued that if the Resolution were extended to cover the CIA, its chances to escape presidential veto might be jeopardized, and that the matter should be considered pursuant to proposed legislation to govern the CIA. Senator Javits also argued that the amendment was overbroad, since it would include foreign nationals contracting with the CIA. He argued that CIA activities should not be within the Resolution, because the CIA lacks the appreciable armed force that can commit the Nation to war. Senator Fullbright came to Senator Eagleton's defense, arguing that the amendment, applying to the CIA and DOD civilians alike, would avoid circumvention of the Resolution. *Id.* at 25,083–84. No one suggested that the Resolution would apply to anyone other than military personnel under Department of Defense control unless the amendment passed. The amendment was defeated.[15]

In the House of Representatives, Congressman Badillo asked Congressman Zablocki, the manager of the bill, whether he would support in the conference committee a Senate provision that would include the CIA within the bill when it carried out military functions. Congressman Zablocki replied that he would support the Eagleton amendment if it passed the Senate. 110 Cong. Rec. 24,697 (1973).

Another provision of the Resolution that had its source in the House is consistent with the view that the Resolution was not intended to apply to CIA paramilitary activities. The reporting requirements of §1543(a)(2) apply when the armed forces are introduced "into the territory, air space or waters of a foreign nation, while equipped for combat . . ." It is clear from H.R. Rep. No. 287, 93d Cong., 1st Sess. 8 (173), that this provision was using the term "armed forces" to mean significant bodies of military personnel:

"A report would be required any time combat military forces were sent to another nation to alter or preserve the existing political status quo or to make the U.S. presence felt. Thus, for example, the dispatch of marines to Thailand in 1962 and the quarantine of Cuba in the same year would have required Presidential reports."

A companion provision reinforces the view that the Resolution applies only to significant bodies of military personnel. The House report goes on to discuss §1543(a)(3), which requires a report when the number of armed forces equipped for combat is substantially enlarged in a foreign nation. For examples of substantial increases in combat troops, the report gives the dispatch of 25% more troops to an existing station, or President Kennedy's increase in U.S. military advisers in Vietnam from 500 to 16,000 in 1962.

The section threshold question raised by the War Powers Resolution regards the meaning of the word "hostilities" as used in §1543(a)(1). In the 1975 hearings on executive compliance with the Resolution, Chairman Zablocki of the Subcommittee on International Security and Scientific Affairs drew the Legal Adviser's attention to a discussion of "hostilities" in the House report on the Resolution:

"The word *hostilities* was substituted for the phrase *armed conflict* during the subcommittee drafting process because it was considered to be somewhat broader in scope. In addition to a situation in which fighting actually has begun, *hostilities* also encompasses a state of confrontation in which no shots have been fired but where there is a clear and present danger of armed conflict. '*Imminent hostilities*' denotes a situation in which there is a clear potential either for such a state of confrontation or for actual armed conflict."

H.R. Rep. No. 287, 93d Cong., 1st Sess. 7 (1973) (emphasis added). Chairman Zablocki then requested the views of the Departments of State and Defense regarding the Executive's interpretation of the term "hostilities" in view of the language quoted above. Those Departments responded in a letter to the Chairman dated June 5, 1975, *reprinted* in *War Powers: A Test of Compliance* at 38–40. After first noting that "hostilities" is "definable in a meaningful way only in the context of an actual set of facts," the letter went on to state that, as applied by the Executive, the term included:

"a situation in which units of the U.S. armed forces are actively engaged in exchanges of fire with opposing units of hostile forces, and 'imminent hostilities' was considered to mean a situation in which there is a serious risk from hostile fire to the safety of United States forces. In our view, neither term necessarily encompasses irregular or infrequent violence which may occur in a particular area."

We agree that the term "hostilities" should not be read necessarily to include sporadic military or paramilitary attacks on our armed forces stationed abroad. Such situations do not generally involve the full military engagements with which the Resolution is primarily concerned. For the same reason, we also believe that as a general matter the presence of our armed forces in a foreign country whose government comes under attack by "guerrilla" operations would not trigger the reporting provisions of the War Powers Resolution unless our armed forces were assigned to "command, coordinate, participate in the movement of, or accompany" the forces of the host government in operations against such guerrilla operations.[16] 50 U.S.C. §1547(c).

Furthermore, if our armed forces otherwise lawfully stationed in a foreign country were fired upon and defended themselves, we doubt that such engagement in hostilities would be covered by the consultation and reporting provisions of the War Powers Resolution. The structure and thrust of those provisions is the "introduction" of our armed forces into such a situation and not the fact that those forces may be engaged in hostilities. It seems fair to read "introduction" to require an active decision to place forces in a hostile situation rather than their simply acting in self-defense.[17]

A final issue of statutory construction involves interpretation of the requirement for consultation with "Congress."[18] As a practical matter, consultation with more than a select group of congressional leaders has never been attempted. The Legal Adviser of the State Department has argued for this Administration, correctly in our view, that there are practical limits to the consultation requirement; he has said that meaningful consultations with "an appropriate group of congressional representatives should be possible."[19] During the *Mauaguez* incident about ten House and eleven Senate Members were contacted concerning the measures to be taken by the President.[20]

In requiring consultation in "every possible instance," Congress meant to be firm yet flexible. H.R. Rep. No. 287, 93d Cong., 1st Sess. 6(1973). The House report continued:

"The use of the word 'every' reflects the committee's belief that such consultation *prior* to the commitment of armed forces should be inclusive. In other words, it should apply to extraordinary and emergency circumstances—even when it is not possible to get formal congressional approval in the form of a declaration of war or other specific authorization.

"At the same time, through use of the word "possible" it recognizes that a situation may be so dire, e.g., hostile missile attack underway, and require such instantaneous action that no prior consultation will be possible."

The State Department Legal Adviser, again speaking for this Administration, has pointed out the problem that exists in emergencies, noting that "[B]y their very nature some emergencies may preclude opportunity for legislative debate prior to involvement of the Armed Forces in hostile or potentially hostile situation." He recognized, however, that consultation may be had "in the great majority of cases."[21]

There may be constitutional considerations involved in the consultation requirement. When President Nixon vetoed the Resolution, he did not suggest that either the reporting or consultation requirements were unconstitutional. Department of State Bulletin, November 26, 1973, at 662–64. No Administration has taken the position that these requirements are unconstitutional on their face. Nevertheless, there may be applications which raise constitutional questions. This view was stated succinctly by State Department Legal Adviser Leigh:

"Section 3 of the War Powers Resolution has, in my view, been drafted so as not to hamper the President's exercise of his constitutional authority. Thus, Section 3 leaves it to the President to determine precisely how consultation is to be carried out. In so doing the President may, I am sure, take into account the effect various possible modes of consultation may have upon the risk of a breach in security. Whether he could on security grounds alone dispense entirely with 'consultation' when exercising an independent constitutional power, presents a question of constitutional and legislative interpretation to which there is no easy answer. In my personal view, the resolution contemplates at least some consultation in every case irrespective of security considerations unless the President determines that such consultation is inconsistent with his constitutional obligation. In the latter event the President's decision could not as a practical matter be challenged but he would have to be prepared to accept the political consequences of such action, which might be heavy."

War Powers: A Test of Compliance at 100. Other constitutional issues raised by the Resolution concern the provisions terminating the use of our armed forces either through the passage of time (60 days) or the passage of a concurrent resolution.

We believe that Congress may, as a general constitutional matter place a 60-day limit on the use of our armed forces as required by

the provisions of §1544(b) of the Resolution. The Resolution gives the President the flexibility to extend that deadline for up to 30 days in cases of "unavoidable military necessity." This flexibility is, we believe, sufficient under any scenarios we can hypothesize to preserve his constitutional function as Commander-in-Chief. The practical effect of the 60-day limit is to shift the burden to the President to convince the Congress of the continuing need for the use of our armed forces abroad. We cannot say that placing that burden on the President unconstitutionally intrudes upon his executive powers.

Finally, Congress may regulate the President's exercise of his inherent powers by imposing limits *by statute*. We do not believe that Congress may, on a case-by-case basis, require the removal of our armed forces by passage of a concurrent resolution which is not submitted to the President for his approval or disapproval pursuant to Article I, §7 of the Constitution.—John M. Harmon, *Assistant Attorney General, Office of Legal Counsel.*

FOOTNOTES

[1] Hamilton, in The Federalist No. 69, disparaged the President's power as that of "first General and Admiral" of the Nation, contrasting it to that of the British king, who could declare war and raise and regulate armies.

[2] *See* M. Farrand, 2 The Records of the Federal Convention of 1787, 318–19 (1911). Other presidential actions, such as protecting American lives and property abroad and defending our allies, were not directly considered by the Framers. This is understandable: the military needs of the 18th century probably did not require constitutional authority for immediate presidential action in case of an attack on an ally.

[3] *See generally United States* v. *Curtiss-Wright Export Corp.*, 299 U.S. 304 (1936).

[4] *See In re Neagle*, 135 U.S. 1 (1890) (broad view of inherent presidential power to enforce constitutional as well as statutory provisions).

[5] It should be observed, however, that treaties may not modify the basic allocation of powers in our constitutional scheme, *Reid* v. *Covert*, 354 U.S. 1 (1957). Mutual defense treaties are generally not self-executing regarding the internal processes of the signatory powers. Similarly, customary international law, which includes authority for reasonable reprisals in response to another country's breach of international obligation, probably does not confer authority on the President beyond the warrant of necessity.

[6] In other contexts, the Supreme Court has recognized the validity of longstanding presidential practices never expressly authorized by Congress but arguably ratified by its silence. *See United States* v. *Midwest Oil Co.*, 236 U.S. 459 (1915) (withdrawal of public lands from private acquisition).

[7] Although support for this introduction of our armed forces into a "hot" war could be found in the U.N. Charter and a Security Council resolution, the fact remains that this commitment of substantial forces occurred without congressional approval.

[8] The substantial American military presence in Vietnam before the Tonkin Gulf Resolution was known to and supported by Congress.

[9] *See, e.g., Mora* v. *McNamara*, 387 F.2d 862 (D.C. Cir.), *cert. denied* 389 U.S. 934 (1967); *McArthur* v. *Clifford*, 393 U.S. 1002 (1968); *Massachusetts* v. *Laird*, 400 U.S. 886 (1970).

[10] *See* H.R. Rep. No. 547, 93d Cong., 1st Sess. 8 (1973). Section 1547(d)(1) states that the Resolution is not intended to alter the constitutional authority of the President. Fisher, *A Political Context for Legislative Vetos*, 93 Political Science Quarterly 241, 246 (1978), explains that because the two Houses could not agree on the President's responsibilities under Article II, Congress fell back on purely procedural controls.

[11] *See generally* Franck, *After the Fall: The New Procedural Framework for Congressional Control over the War Power*, 71 Am. J. Int'l L. 605, 615 (1977).

[12] *See War Powers: A Test of Compliance Relative to the Danang Sealift, the Evacuation of Phnom Penh, the Evacuation of Saigon, and the Mayaguez Incident, Hearings before the Subcommittee on Int'l Security and Scientific Affairs of the House Comm. on Int'l Relations*, 94th Cong., 1st Sess. 75 (*Mayaguez*) (1975) (hereafter *War Powers: A Test of Compliance); The War Powers Resolution, Relevant Documents, Correspondence, Reports*, Subcomm. on Int'l Security and Scientific Affairs, House Comm. on Int'l Relations, 94th Cong., 1st Sess. 40 (Danang); 42 (Phnom Penh); 45 (*Mayaguez*) (Comm. Print 1976).

[13] 50 U.S.C. §1544(b). There are exceptions to the 60-day period if Congress extends the period or is unable to meet, or if the President certifies that more time is needed to extract the forces.

[14] 50 U.S.C. §1544(c).

[14] NOTE: This conclusion respecting the applicability of the War Powers Resolution to military personnel detailed to the Central Intelligence Agency was reconsidered and reversed in an opinion dated October 26, 1983, which appears as an appendix to this opinion at p. 197 *infra*. Ed.

[15] It is an accepted canon of statutory construction that the rejection of an amendment indicates that the bill is not meant to include the provisions in the failed amendment. *See, e.g., Norwegian Nitrogen Products Co.* v. *United States*, 288 U.S. 294, 306 (1933).

[16] We believe that the definition of "introduction of United States Armed Forces" in §1547(c) supports the proposition that members of the armed forces stationed in a foreign country for purposes of training or advising military forces of the host government are not generally to be viewed as subject to the War Powers Resolution.

[17] In contrast, as passed by the Senate, the bill would have required a report whenever our armed forces are "engaged in hostilities." S. 440, 93d Cong., 1st Sess. §4, 119 Cong. Rec. 25,119 (1973).

[18] This replaced an earlier version which merely required consultation with the leadership and appropriate committees of Congress. H.R. Conf. Rep. No. 547, 93d Cong., 1st Sess. 8 (1973); H.R. Rep. No. 287, 93d Cong., 1st Sess. 6 (1973).

[19] Statement of State Department Legal Adviser Hansell before the Senate Foreign Relations Committee, reprinted in State Department Bulletin, August 29, 1977, at 291–92.

[20] Testimony of State Department Legal Adviser Leigh in *War Powers: A Test of Compliance* at 78.

[21] Statement of Legal Adviser Hansell, *id.*

APPENDIX—WAR POWERS RESOLUTION: DETAILING OF MILITARY PERSONNEL TO THE CIA

Memorandum opinion for the Deputy Attorney General, October 26, 1983

This responds to your inquiry whether a Central Intelligence Agency (CIA) operation utilizing military equipment and military personnel detailed to the CIA would require compliance with the War Powers Resolution. In responding to this inquiry, this Office has found it necessary to re-examine and revise a broad conclusion expressed by this Office in its February 12, 1980 memorandum, the "Harmon Memorandum,"[1] that "military personnel detailed to and under the control of the CIA . . ." would not be covered by the War Powers Resolution were they to be deployed into hostilities or a situation otherwise triggering that Resolution.

The heart of the argument in the Harmon Memorandum is the essentially negative inference drawn from the Senate's rejection of the so-called "Eagleton amendment,"[2] which is reprinted on page 8 of that memorandum. The Eagleton amendment would have supplemented §8(c) of the War Powers Resolution regarding the definition of the term "introduction of United States Armed Forces." As enacted, §8(c) now provides:

"For purposes of this chapter, the term 'introduction of United States Armed Forces' includes the assignment of members of such armed forces to command, coordinate, participate in the movement of, or accompany the regular or irregular military forces of any foreign country or government when such military forces are engaged, or there exists an imminent threat that such forces will become engaged, in hostilities." 50 U.S.C. §1547(c). Senator Eagleton urged adding the following sentence:

"Any person employed by, under contract to, or under the direction of any department or agency of the United States Government who is either (a) actively engaged in hostilities in any foreign country; or (b) advising any regular or irregular military forces engaged in hostilities in any foreign country shall be deemed to be a member of the Armed Forces of the United States for the purposes of this Act." 119 Cong. Rec. 25,079 (1973).

We observe at the outset that the Eagleton amendment on its face does not suggest that it deals with a situation in which uniformed personnel would be detailed to the CIA; indeed, what it would have done on its face was to provide that all government employees under the direction of *any* department or agency either engaged in hostilities in any foreign country or advising any regular or irregular military forces engaged in hostilities would be deemed to be a member of the armed forces for purposes of the War Powers Resolution. In other words, military or paramilitary activities by the CIA would have triggered the War Powers Resolution irrespective of whether the activities were performed by military personnel, civilian employees, or persons under contract to or under the control of the CIA.

The sentences in the Harmon memorandum that follow the quotation of the Eagleton amendment read as follows:

"He [Senator Eagleton] explained that it [his amendment] was intended to cover CIA paramilitary operations involving persons who might be military officers under contract to the CIA. 119 Cong. Rec. 25079–83 (1973). He recognized that without this amendment the Resolution as drafted would not cover the activities of such personnel, and argued that it should, citing CIA activities in Laos as leading to America's Indo-China involvement."

We have carefully reviewed not only the remarks of Senator Eagleton contained in the cited pages of the Congressional Record, but also the full Senate debate on the Eagleton amendment. We have been unable to find a single remark made by Senator Eagleton or any other Senator that reasonably could be read to support the assertion contained in the sentences quoted above from the Harmon Memorandum. In fact, Senator Eagleton and the other Senators who spoke at length for or against the Eagleton amendment manifested an understanding that the debate revolved around the CIA's potential use of *civilian* personnel to conduct combat operations rather than situations in which the conduct of the same operations by military forces might occur. Senator Eagleton and his principal ally in the floor debate, Senator Fulbright, repeatedly expressed the view that failing to include activities which the CIA might conduct with civilian personnel was a major "loophole" which would allow Presidents to evade the War Powers Resolution. The whole point of the Eagleton amendment, which emerges with considerable clarity once the legislative history is examined closely, is that Senator Eagleton intended that *civilian* forces were to be treated the same as military forces for purposes of application of the War Powers Resolution:

"My amendment would circumscribe the President's use of American *civilian* combatants in the same manner uniformed Armed Forces are circumscribed by S. 440 as presently drafted. It would, in other words, prevent a President from engaging *American civilians*, either directly or as advisers, in a hostile situation without the express consent of Congress." 119. Cong. Rec. 25,079 (1973) (emphasis added).

Thus, Senator Eagleton spoke at considerable length about his concern that wars or

[1] Footnotes at end of article.

lengthy and costly military engagements would be caused by CIA covert civilian operations. The discussion did not relate to covering, by this amendment, the detailing of military personnel to the CIA.

Furthermore, the record implies, albeit less strongly on this point, that CIA activities which actually used military personnel would be covered by the War Powers Resolution irrespective of the Eagleton amendment.

The closest that Senator Eagleton himself comes to saying something similar to what was attributed to him by the Harmon Memorandum is in a paragraph that reads as follows:

"So military activities will be carried on by *civilian* employees of the Pentagon, because under the War Powers bill nothing prevents the Pentagon from hiring or contracting with civilian employees, *ex-military* people perhaps, but people that are called civilians." *Id.* at 25,083 (emphasis added).

Senator Eagleton's statements do not support the argument that the Eagleton amendment was an attempt to expand the War Powers Resolution to embrace CIA activities using military personnel. When examined in their full context, it was concern over any American involvement in a military context which the Eagleton amendment was intended to address. He also said: "unless we treat all Americans in military situations alike, whether they are wearing a green uniform, red-white-and-blue or a seersucker suit with arms—what payroll you are on is really secondary; whether you get it from the Pentagon or whether you become a member of the Armed Forces, the end result is the same: Americans are exposed to the risk of war. And as they are exposed to the risk of war, the country, then makes a commitment to war." Id. at 25,080 (1973).

In this same debate, Senator Javits, speaking in opposition to the Eagleton amendment, stated his understanding of the applicability of the War Powers Resolution to paramilitary activities conducted by the CIA as follows:

"Another important consideration is that there [is] outside the Armed Forces . . . no agency of the United States which has any appreciable armed forces power, not even the CIA. They [the CIA] might have some clandestine agents with rifles and pistols engaging in dirty tricks, but there is no capability of appreciable military action that would amount to war. Even in the Laotian war, the regular U.S. Armed Forces had to be called in to give air support. The minute combat air support is required you have the Armed Forces, and the [War Powers Resolution] becomes operative." Id. at 25,082.

This debate over the Eagleton amendment stands rather clearly for the proposition that CIA civilian operations (at least most of them) were not embraced by the War Powers Resolution as ultimately passed by the Congress unadorned with the Eagleton amendment. We do not believe the negative inference to be drawn from the defeat of the Eagleton amendment can be stretched further than to confirm that CIA civilian operations are not embraced by the War Powers Resolution.

In summary, we believe the legislative history relied on in the Harmon Memorandum supports the proposition that Congress assumed that the CIA's use of civilian or ex-military personnel would not trigger the War Powers Resolution. We do not believe that that legislative history may be relied upon for the conclusion that the involvement of military personnel, if temporarily detailed to the CIA and under civilian control, would remain outside the War Powers Resolution.—Theodore B. Olson, Assistant Attorney General, Office of Legal Counsel.

FOOTNOTES TO APPENDIX

[1] Memorandum for the Attorney General entitled "Presidential Power to Use the Armed Forces Abroad Without Statutory Authorization" from John M. Harmon, Assistant Attorney General, Office of Legal Counsel, Feb. 12, 1980. The occasion for this memorandum was planning relative to the holding by Iran of American hostages and a range of potential American responses to that situation including a possible rescue attempt. The memorandum was general, however, and did not focus on a specific factual situation. Particularly, the Harmon Memorandum's comments concerning a CIA operation involving detained military personnel was a part of a general discussion and was not in response to a precise fact-specific question.

[2] Senator Eagleton introduce several amendments to the War Powers Resolution. Some were adopted. This particular amendment was enumerated as amendment No. 366, and is set out in 119 Cong. Rec. 25.079 (1973).

Mr. WARNER. Mr. President, second, there was a legal opinion issued by the general counsel of the Department of Defense for Secretary of Defense Cheney on December 5, 1992, which, again, reiterates in specificity the authority of the President at that time, President Bush, to take certain actions in Somalia, and sets forth precisely the legal authority for President Bush taking his actions in that timeframe.

I, therefore, ask unanimous consent that that document, Mr. President, be printed in the RECORD.

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

GENERAL COUNSEL OF
THE DEPARTMENT OF DEFENSE,
Washington, DC, December 5, 1992.

Memorandum for the Secretary of Defense
Through: The Deputy Secretary of Defense
From: David S. Addington
Subject: Legal Authority for Somalia Relief Operations

The Chairman of the Joint Chiefs of Staff has presented for your approval an order to the Commander in Chief of the Central Command (CINCCENT) to execute humanitarian relief operations in Somalia, which will include authority to use force if necessary to overcome resistance to safe and effective delivery of humanitarian relief. The order would implement the President's direction to you to conduct such operations. It is my legal opinion that the order is lawful.

The United States has the authority to employ the U.S. Armed Forces as contemplated by the order under a treaty and the laws of the United States concerning support for the United Nations and providing for the conduct of disaster relief activities. The President, as the commander in chief under the Constitution, may exercise this authority of the United States as contemplated by the order.

In addition to the President's constitutional powers as commander in chief, two basic lines of authority and funding exist for the conduct of the Somalia relief operations: (1) the UN Charter, UN Participation Act, and defense appropriations acts and (2) disaster relief statutes, including defense appropriations acts. The President may also have available various other authorities that could be brought to bear in appropriate circumstances in support of the Somalia relief operations.

UN CHARTER, UN PARTICIPATION ACT AND DEFENSE APPROPRIATIONS ACTS

The United Nations Charter is a treaty to which the United States is a party. Chapter VI of the Charter provides for the UN Security Council to address through pacific means situations the continuance of which are likely to endanger the maintenance of international peace and security. Chapter VII of the Charter provides for the UN Security Council to address threats to the peace, breaches of the peace and acts of aggression, including in specified circumstances taking "such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security." (Art. 42) Under Article 25 of the Charter, "[t]he Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter."

On January 23, 1992, acting under Chapter VI of the Charter, the UN Security Council adopted Resolution 733 calling upon all States "to contribute to the efforts of humanitarian assistance to the population in Somalia." With the determinations of the Secretary of State dated August 20, 1992 under Section 7 of the UN Participation Act (22 U.S.C. 287d-1) and Executive Order 10206, the U.S. Armed Forces have been and may continue to be used to implement Resolution 733 as a service to the UN, and Department of Defense funds may be used to fund such action. Operation and maintenance funds used for that purpose count against the overall limitation of $100 million on use of operation and maintenance funding under the UN Participation Act set by Section 9158 of the Department of Defense Appropriations Act, 1993 (Public Law 102-396). By memorandum of August 29, 1992, the Deputy Secretary of Defense authorized CINCCENT to provide support to the UN for UN disaster relief in Somalia under the UN Participation Act within specified funding limitations.

Acting under Chapter VII of the Charter, on December 3, 1992 the UN Security Council adopted Resolution 794, authorizing states to use all necessary means (i.e., including force) to establish as soon as possible a secure environment for humanitarian relief operations in Somalia. Chapter VII and Article 25 of the UN Charter, as a treaty, constitute the supreme law of the land under the Constitution and have the effect of this situation of a request to the United States to undertake a military mission, which the President has directed the Secretary of Defense to execute with the U.S. armed forces. Thus, defense appropriations may be used for employment of the U.S. armed forces for this mission in relation to Chapter VII of the UN Charter. See, Opinion of Acting Comptroller General to Acting Chairman, U.S. Civil Service Commission, 32 Comp. Gen. 347 (1953)("* * * existing appropriations of Departments of Agencies are available to defray the expenses of additional duties imposed upon them by proper legal authority.")

The Secretary of Defense has flexibility in the Somalia relief operation to determine when elements of the U.S. Armed Forces are proceeding in relation to Chapter VI authority and Section 7 of the UN Participation Act (i.e., the noncombatant authority) and when they are proceeding in relation to Chapter VII authority (excluding Article 43, which the Department of Defense is not acting under in this situation) to use all necessary means (i.e., including force).

DISASTER RELIEF STATUTES

With or without UN Security Council action under Chapters VI or VII of the UN

Charter, the U.S. Armed Forces may engage in disaster relief activities authorized by law to the extent of available appropriations. Such statutory authorization for disaster relief activities necessarily includes those security measurements required to ensure safe and effective delivery of disaster relief. The guiding statutory limitation with respect to funding is Section 1301 of Title 31 of the U.S. Code, which provides that "appropriations shall be applied only to objects for which the appropriations were made except as otherwise provided by law."

The Department of Defense may use the $25 million appropriated in Section 8105A of the Department of Defense Appropriations Act, 1992 (Public Law 102-172) "for the unanticipated costs of disaster relief activities of the Department of Defense and the military services overseas;" the at least $50 million available under the "Operation and Maintenance, Defense Agencies" heading of the Department of Defense Appropriations Act, 1993 (Public Law 102-396 for "the global disaster relief activities of the Department of Defense;" and the not to exceed $25 million for the CINC initiatives fund account under the "Operation and Maintenance, Defense Agencies" heading of the Department of Defense Appropriations Act, 1993 (Public Law 102-396). The Department of Defense also has available $28 million appropriated under the "Humanitarian Assistance" heading of the Department of Defense Appropriations Act, 1993 (Public Law 102-396) and Section 2551 of Title 10 of the United States Code and enacted by Section 304 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484). It must be emphasized that there are other planned uses for all these funds, so that use of them for Somalia relief operations would require the Department of Defense to forego alternative planned uses for the funds. It should be noted as well that portions of the amounts cited above already have been obligated.

CONCLUSION

For the foregoing reasons, it is my legal opinion that you may lawfully approve the execute order the Chairman of the Joint Chiefs of Staff has presented for your approval.

It should be noted that the U.S. armed forces always may defend themselves and expend for that purpose operation and maintenance funds appropriated to the Department of Defense.

To keep the Congress informed as a matter of comity and to avoid any unnecessary executive-legislative debate concerning the scope and constitutionality of the War Powers Resolution, the Executive Branch may wish to transmit promptly to the Congress a written description of the Somalia relief operation.

Mr. WARNER. I yield the floor.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, storm clouds on this question have been gathering very quickly in the last several days with events that have transpired in Somalia. However, we really can go back several months into a slightly different part of the world to observe what has happened in the former Republic of Yugoslavia, particularly in Bosnia and Herzegovina because the events there raise many of the same questions that are being debated here this evening.

I also want to thank the Senator from West Virginia for raising this issue and raising the question, because I do believe that this Government, including the Congress and the executive branch, needs a serious debate over the question of what the role of the United States will be in this post-cold-war era, how we will define our foreign policy objectives, how we will use our armed services to help achieve those objectives, because there clearly has been a mix of efforts here, a mingling of efforts to utilize the military to achieve foreign policy objectives in ways which are different from those that existed during the cold war era.

For the sake of our future, for the sake of our ability to project an effective foreign policy and to provide world leadership, for the sake of those men and women who serve in uniform in our armed services, we need to carefully illustrate and define where we are headed in this regard or we will squander American prestige, American power and, most importantly, we will risk or put in jeopardy American lives.

So I do think it is appropriate that we are having this debate. It was unexpected but it is important, and I think we need to proceed with answering many of these questions with as much deliberate speed as possible.

I am reluctant to endorse this amendment because it does set a fairly narrow deadline for action. I think this question is too important to decide by amendment with limited debate and a vote this evening. I do believe and agree with the Senator from West Virginia that the Congress needs to play a very specific role and needs to voice its concerns, its questions, and help formulate policy that will guide us in the future.

I would hope that the Senator from West Virginia would recognize in a bipartisan nature the concerns that are expressed and the support that is given to his efforts to debate and discuss these issues. I would hope that something definitive can be determined between the Senator from West Virginia, the chairman and ranking members of the Foreign Relations Committee and the Armed Services Committee and the leadership to define a fairly specific course of action on which we can proceed to address these questions.

I think it is important that it involve the administration. While I have been a critic of many of the foreign policy decisions or lack of decisions by this particular administration, I think it ought to be engaged very directly in this question. I think we should tap into the expertise of the Department of Defense and, as I said, I think we should proceed with this debate with as much speed as possible. But I hope we can do it through a more thoughtful and more lengthy procedure than simply debating this amendment and voting on it this evening.

It is important because in defining a prudent foreign policy, we need to remember that there is a distinction and there is a difference between what we would define as vital American interests and those interests that involve humanitarian efforts or involve some degree of response just to provide justice when we see moral outrages and injustices taking place around the world.

But there is a distinction between those two goals. When we define a vital American interest, in a sense we make an open-ended pledge. We generally agree to involve whatever force is necessary to meet our objectives. It might involve defense of our territory. It might involve freedom of the seas. It might involve defense of our allies, access to resources, stability for trade, the safety of Americans abroad—these are the traditional commitments of enduring importance. And when we define that, we are willing to assume, risks that I would suggest are far different than the risks that we should assume, or should be willing to assume, when we are involving Americans in issues that engage our moral and humanitarian concerns but not our direct vital interests.

In those cases I think we can support intervention, as we have in Somalia, but only when it does not substantially undermine our broader interests. I believe that means decisions that will involve minimal risk, that define clear objectives and limited timetables, because when we enter into the quicksand of a hopeless or endless humanitarian mission, we squander two very important things: First and most importantly, we risk and waste American lives, and that is a burden that we should not bear. But, second, we squander the will of the American public to intervene in future events, in future conflicts even when those events or conflicts are important to our vital interests.

I think this is one of the lessons of Vietnam. It is possible to so wound our national conscience that we forfeit American prestige and power and we forfeit the opportunity necessary to intervene in future conflicts that are vital to our interests.

This is important because we cannot be isolationists. America has been thrust into a leadership position both by the commitments that it has made to power and to influence and by world events even beyond our control.

Changing events around the world, it seems to me, will require us to be even more active than we have been in the past. Weapons of mass destruction, ballistic missile technology proliferates in ways that are far less controllable and manageable than they have been in the past. American intervention may and probably will be necessary and essential to avoid a future of blackmail and a future of suffering. But if we compromise that mission or those missions

with misguided interventions or misguided policy now, we are going to undercut our credibility and our national willingness to intervene in situations that are much more threatening, that are much more vital.

We have to understand that while our interests are substantial, they are not unlimited, and therefore we have to understand that we will not be able to intervene in every humanitarian cause, and even in causes where gross injustices are occurring, because as has been pointed out on this floor this evening, there are injustices just as cruel as those that we witness and have witnessed in the past in Somalia that are occurring all across the world. It is just that CNN really has not shown up there, or made it a priority to beam it into our living rooms every evening, or that our publications have not chosen to print the pictures of suffering humanity on the front page of the New York Times or Washington Post or other periodicals or papers that you read.

There are literally dozens of situations which exist in the world today that render our hearts, that build our moral outrage, and that call for justice to prevail. But we have to understand that American power is limited. And we have to understand, I believe, the distinction between those occurrences which directly threaten our vital interests and those which fall in the second category of humanitarian relief, because, as I said, if we do not, we risk squandering the ability to involve ourselves in what surely will be necessary interventions in the future.

When our interests are clear, thousands of casualties may not be too high of a price to pay, but when our goals are uncertain, one death is too many. It is not weakness to conclude in certain situations that one American death might be one too many, because we need to carefully defend American power and American will, we need to retain a responsible concern for America's armed forces and a very healthy respect for the complexities of history.

One of the things that we are dealing with both in Somalia and in Bosnia is the complexity of human history, the conflicts that arise out of ethnic tensions, out of religious, cultural, and social conflicts that have existed for centuries that do not lend themselves to easy intervention, to easy solution, easy American, or even allied, U.N. involvement and solution. We need to understand what we can and cannot do.

So Senator BYRD has raised these important questions before us this evening, and I commend him again for doing so because this is a debate that must take place, and it must take place not only this evening but in the next several days. It must involve, as I have said, both Congress and the executive branch. To postpone the effort is to not only risk American lives but also create a situation where we will squander American prestige and American will in intervening in situations that are important.

I cannot help but reflect as several have on an analogy of history. I visited Beirut shortly after the death of the 237 marines in the terrorist bombing. Those marines were sent to heal another ethnic and religious conflict. Those marines received very little specific direction. They were sent out of great compassion. They were sent with the highest of motives, but they were sent to their death without good reason. And we saw the anguish of innocent people in hopeless conflict and the result of what we did was simply add our suffering to their own.

Gen. John Vessey summarized the lesson of Lebanon which should be engraved in a monument to the sacrifice of those marines when he said, "Don't get small units caught between the forces of history."

We have before us the lesson of Lebanon, and we have before us the lesson of Desert Storm. We have before us two very different situations to which the United States responded with two very different results. I believe we should pay a great deal of attention to the history of those two conflicts and our involvement in helping determine policy for the future that will guide the United States.

I make it a practice to call the parents of sons and daughters in uniform who die serving their country who are from my State. It is the most difficult thing that I have to do in this position. We in the Senate bear the burden of our Nation's choice between war and peace, and that burden needs to be heavier than the weight of good intentions.

So I hope that as we engage in this debate both this evening and hopefully through the committee process in cooperation with the administration we can carefully understand and carefully separate the complexities of the decisions before us and formulate a foreign policy that will serve the best interests of our American men and women in uniform, the best interests of this Nation, and the best interests of the people of the world.

I yield the floor.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER (Mrs. FEINSTEIN). The Senator from Rhode Island.

Mr. PELL. Madam President, huge as is my respect and my regard for the Senator from West Virginia, I must concur with the Senator from Indiana in support of the United Nations' operation in Somalia. I believe it is important to recognize that the United Nations' goals there have been very clearly defined in Security Council Resolution 814. The United States has led the effort to gather multilateral humanitarian and military support to answer this crisis in Somalia. Twenty-three nations responded to our call for involvement. We should not and must not be the ones to disengage before the mission is complete. I believe United States leadership and participation in this effort remain crucial, and the precedent is of vital importance.

We have had a great deal of success with this mission since it started. We responded to a humanitarian crisis of immense proportions.

With our allies, we continue to provide an atmosphere of security, ensuring delivery of critical assistance throughout most of the area of the U.N. operation.

A premature withdrawal of American troops would open the way to collapse of the international coalition now engaged in Somalia and to the recurrence of the humanitarian crisis which we, as a nation, felt we had to respond to.

I conclude that we must see our mission in Somalia through. We should support continued American involvement in ensuring a secure environment for the provision of humanitarian relief for the people of that unhappy country and in paving the way for a genuine resolution of the crisis that has wrenched this Nation.

I understand the majority leader will be offering a compromise substitute, and I look forward to supporting it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Madam President, this Senator has already spoken on the subject. He merely asks unanimous consent to be included as a cosponsor.

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

The Senator from South Dakota.

Mr. PRESSLER. Madam President, I rise in strong support of the original amendment offered by the distinguished President pro tempore, Senator BYRD. In fact, I would like to ask unanimous consent that I be added as a cosponsor of his amendment.

Madam President, from the day that United States troops first set foot in Somalia on December 9, 1992, I have had serious reservations about the extent of our involvement and the potential consequences. The time has come to finish our business in that beleaguered nation and to bring our troops home.

Madam President, I believe we should get our troops out lock, stock, and barrel. I opposed sending them there in the first place. I say that not as an isolationist. I voted for the gulf resolution. So I am not against using troops where we have strategic or national interests at stake. But I am concerned here that the War Powers Act has not been followed. We are getting more and more enmeshed in missions and responsibilities that have nothing to do with humanitarian reflief.

I shall be very brief and submit most of my statement for the RECORD.

I fear this is perhaps not the President doing this but certain Pentagon planners. I have recognized over the years their desire for adventure and desire for involvement.

As I stated earlier, I believe that such an operation should be carried out only if there are vital U.S. interests. The interests should be clear and understandable. The issue of moral obligation has been raised tonight. However, we have a moral obligation in a number of places. We have moral obligations all over the world. We have moral obligations right here in Washington, DC, on the Indian reservations in South Dakota, and within our cities that have crime. We have moral obligations everywhere. The problem is this government lacks the material resources to meet each and every obligation that cries out for help. Therefore we have to set priorities. We have to decide where our key national interests lie.

I do not believe that our national interests lie in having our troops engage in essentially a civil war in Somalia. I am very concerned about the precedent we are establishing when we commit troops to open interventions like the current operation in Somalia. Operation Restore Hope was based on fulfilling a humanitarian need. However, the current U.N. operation, Unisom II, has taken on missions and responsibilities that go far beyond simply providing relief. Our troops are now mired in a civil war. They are targets for reasons that have nothing to do with keeping the people of Somalia fed.

Again, Madam President, the precedent we are establishing is a dangerous one. Many in this Congress—I am one of them—always urge our President to define our mission when we commit troops abroad. This mission should be clear and understandable to Congress and to the people. There should be a plan to get them out when the mission has been accomplished. We should insist that the United Nations do the same. The United Nations is not following these simple principles in Somalia. The situation even is beyond the control of the United Nations.

Mr. President, I hope my colleague from West Virginia does not compromise his amendment. I am cosponsor of it. I hope he gets a rollcall vote on it. It is in the national interest. What he is doing is very important. I support him. I support him not as an isolationist. Indeed, I am an internationalist. I support NAFTA. I support the principles of GATT. I support free and fair trade. I voted to send our troops to the gulf. I proudly served in the Army in Vietnam. But it is time to get our troops out and to get them out as quickly as possible. The Byrd amendment will move us in that direction.

I have heard talk that there may be a compromise underway, that there is some kind of a substitute coming. I hope we get an up-or-down vote on the Byrd amendment. I hope that the Senator from West Virginia does not change his amendment. I am very, very proud to be a cosponsor. I salute him for his efforts on this very important issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN. Madam President, I think this is a very important debate taking place this evening. I want to commend Senator BYRD for offering his amendment.

I would like to relate an experience I had during the August recess. I traveled to Southeast Asia—to Malaysia, Singapore, and Hong Kong, briefly hitting a typhoon in Hong Kong.

In Malaysia, I had an interesting meeting with Prime Minister Mahathir and the Foreign Minister. An issue they raised repeatedly was that there seemed to be a double standard employed by the United States as to when and where we will intervene and under what circumstances. Namely, we were quick to intervene in Somalia, but we were not so quick, indeed we were quite resistant to intervene in Bosnia. This put me in the position of having to articulate U.S. foreign policy in terms of exactly when can the President of the United States act on his own and when must he call upon the Congress to support placing U.S. troops in harm's way.

And I had to review for each of these individuals, the Prime Minister and the Foreign Minister, the circumstances that we discussed here on the floor when we intervened in the Persian Gulf. I recall that debate very, very well. We had a situation where we had a brutal dictator who had invaded another country, who had raped and engaged in pillage, who had burned 600-plus oil wells.

At that time, President Bush was deciding whether he would come to the Congress, saying that perhaps he did not have to. The War Powers Act has been ignored by virtually every President since its adoption. They say it is unconstitutional. It is an unconstitutional intrusion upon the powers of the President as Commander in Chief.

I recall going to the White House on at least two occasions urging President Bush to come to Congress, saying that while you may believe it is unconstitutional, it is on the books as the law of the land. It has not been resolved by the Supreme Court. It may never be resolved by the Supreme Court. But at this point in time, you should at least comply with its letter, if not its spirit, and come to the Congress. Not that you would concede your position in the Supreme Court should you choose to challenge it at some future time, but rather for a political reason. You cannot send large numbers of American forces into harm's way and not have the support of the American people. If you do that, you run the risk of losing it virtually overnight. You run the risk of imperiling this country's reputation. You jeopardize any future missions which may very well have a great merit. For all of these reasons, it is important to have an expression of the American people's support through its elected representatives.

President Bush finally, after securing U.N. support for the resolution to use force to evict Saddam Hussein from Kuwait, decided to come to Congress. And in a very extensive debate, we went through all of the arguments. We said, well, we have a national security interest involved here. We have a vicious dictator who has invaded another country, who has engaged in rape, pillage, looting, every violent act conceivable, even those that are inconceivable, the torture, the brutality, the savagery. We were moved by that, but it was not enough to persuade a majority of Senators.

We said he was engaging in the development of chemical and biological weapons. That got our attention. But that was not enough.

I recall that our Secretary of State said jobs are at stake, and that provoked a great negative reaction on the part of the American people, as if it were only jobs that would cause us to deploy our gold reserves in the form of our young men and women to another country.

We said, here is a man who will stand astride of the oil fields of the world—or the Persian Gulf, at least—and dictate world oil prices, possibly throwing the world economy into a recession, should he choose to do so. We said that is not enough.

Finally, we came to the argument, which proved to be quite legitimate, that he was on a fast track to developing a nuclear capability.

And only through the totality of all of these arguments did we finally have enough votes, by maybe three or four, in favor of allowing the President to put those forces in harm's way, to go to war with Saddam Hussein's forces. Three or four votes, after all of those arguments.

So we are very reluctant to commit our treasure to another area of the world, unless we have a clearly, identifiable national security interest. And there we only prevailed by a few votes, less than a handful.

What about Somalia? Well, clearly, it is not national security that led us to deploy forces there. I know the Senator from Illinois suggested perhaps that we have a national security interest in helping to stabilize unstable areas, and that argument can perhaps be advanced. But the United States does not have a clearly identifiable national security interest in Somalia.

We are there because of humanitarian reasons. We looked at CNN on

the television set, and we saw all of the suffering and starvation, and the American people's hearts opened up. They are abundant with sympathy and overflowing with humanitarian instincts.

Of course, we have to be cautious. There is something called the CNN curve. That is, when we see portrayals of inhumaneness and suffering and tragedy, the heart opens up and out leaps a willingness to do whatever is necessary, until we start seeing body bags coming home with Americans inside them. Then the curve goes immediately down. So we have to be conscious of the CNN curve, as it has been called.

So why did we intervene in Somalia? Whenever there is a humanitarian basis, we have to take into account a number of factors. Do we have a strategic goal? Do we know how we are going to get in safely and, equally important, how we are going to get out? How long will we be there? What is the probability of our success? And is there a minimum risk of the loss of life?

Regarding Somalia, President Bush obviously made the determination that we could, in fact, get in reasonably safely and also get out within a reasonable timeframe, and that we could accomplish our goal with some considerable probability of success and with a minimum risk of loss of life. And so we intervened.

But as speaker after speaker has pointed out, that mission has now changed. I was asked recently on one of the national programs: "Are we now running a risk of engaging in another Vietnam?" And my answer was, "No."

I do not think the American people would allow us to make that kind of a commitment, a long-term commitment, with those kinds of numbers of soldiers, men and women, committed to that region. They would not stand for it. I do not think the United Nations is prepared to make such a commitment on anyone's behalf. So I do not think it is a risk of another Vietnam.

Is it a risk of another Beirut? I think the answer clearly is yes.

So our mission has shifted from stopping the starvation to now instituting some kind of political stability, helping to organize a country's political system, to stabilize it so that people can live in peace and harmony and be well fed and, hopefully, well nourished in every respect. That is a mission of quite another dimension. I think it is imperative that the President of the United States now come before Congress to articulate a policy that he believes we ought to be committed to.

So, for that reason, I think the Senator from West Virginia has done an enormous service. He and Senator DOLE have made an enormous contribution to this debate. It is important that we debate this mission because it is in danger of losing its focus and becoming little more than hunting warlords.

Why do we want to catch this individual? And if we catch him, what do we do with him? Do we bring him back to the United States and put him on trial? Do we have a U.N. tribunal? What is the goal if we get him? Or is it something else—to simply take him out? That raises another issue about executive orders.

Nonetheless, the mission seems to have shifted, and because it has shifted and the focus has been broadened, the debate must be broadened and brought here. For that reason alone, it is important and commendable that the Senator from West Virginia has offered his amendment.

There was another dimension to this, I might say to my friend from West Virginia, and that is now that we are there, do we do what a former Senator from Vermont suggested we do in Vietnam—that is, to declare victory and come home? Is that what we do at this point? If we were to do that, have we succeeded in doing anything? Or have we simply undermined what we set out to do, and in 6 months from now, we will watch people starving all over again, and there will be no incentive whatsoever to return to that land?

So I think it poses a unique dilemma for us, because the policy was not really fully debated here before it was implemented, and because now we see it has lost its focus and has changed. Now we have another set of problems.

So it is important that we not simply rush into a decision without a thorough debate, which I believe we are having this evening and hopefully will continue perhaps until tomorrow. It is important that we think about the consequences of simply reversing the action without giving the President an opportunity to formulate a policy, to present it to us, to allow us to fully debate it and then either to support or reject it.

So I think this has been very helpful. And I say to my friend from West Virginia that he has caused us to focus on the issue in a way we have not focused on it previously. So whatever the resolution of this debate, be it through a compromise amendment from the leadership or an up-or-down vote on the original Byrd amendment, I think he has made an enormous contribution to a resolution that the American people need and deserve.

Mr. BYRD. I thank the distinguished Senator for his comments, which I respect and value very much.

Mr. MITCHELL. Madam President, I thank my distinguished friend and colleague from Maine. As is usually the case, he has made what I think is a very pertinent and appropriate observation on how best to proceed with this matter.

I have been discussing this over the past several hours, through staff and directly, with Senators DOLE, BYRD, NUNN, SIMON, LEVIN, and a number of others who have been interested in the matter. We have been attempting to fashion a compromise that hopefully will attract broad and bipartisan support. We have made good progress, but have not reached agreement on the matter yet.

And it is my judgment, therefore, that we permit the debate to continue on this matter for as long as Senators wish to address it this evening. But I am now stating that there will be no further rollcall votes this evening on this or any other amendment.

It is my understanding that the chairman of the committee and the manager of the bill would like to proceed at 9:30 a.m. tomorrow on another important amendment, that dealing with U.S. policy with respect to homosexuality in the Armed Forces and that an agreement has been reached on a time limitation on that.

So shortly I or my designee will propound an agreement under which the Senate would turn to that subject at 9:30 a.m. tomorrow, dispose of that, and then this amendment, having been set aside for that purpose, would occur at that time, presumably sometime shortly after noon, and by then we would be prepared either to proceed with a compromise or simply to proceed to debate further in any event.

So, Madam President, there will be no further votes, and either I or the chairman will shortly present to the Senate for approval a unanimous consent request governing disposition of the other amendment to which I referred and setting of this amendment aside for that purpose.

Madam President, does the Republican leader have any remarks?

Mr. DOLE. Madam President, only to underscore what the majority leader has said. I think there may be some way to resolve this which is satisfactory to the distinguished Senator from West Virginia and nearly every other Senator in the Chamber.

I think it is an important issue. I think it is time it was raised. The debate has been constructive, and, hopefully, by the time we reach the other amendment in the morning we will be able to come to some conclusion.

Mr. MITCHELL. Madam President, does the Senator wish to address this subject further?

Mr. CHAFEE. I would like to say a few words on this subject if it is appropriate.

Mr. MITCHELL. Madam President, I yield the floor.

Mr. CHAFEE. When the marvelous words "no rollcall votes" is announced the place loses a little bit of its excitement.

But, nonetheless, I have to say I have grave concerns about this amendment by the Senator from West Virginia. In effect, what the Senator's amendment

does is to restrict the powers of the President of the United States and have those powers subject to the views of 34 Senators, because under the proposal of the Senator from West Virginia—and I share his grave concerns about what is happening in Somalia—certainly the President is having his powers severely restricted by the amendment of the Senator from West Virginia because what the Senator's amendment, if I understand it correctly, says is we must get out of Somalia unless there is a vote by the Congress of the United States saying we can stay, instead of the normal procedure in which the Congress can just cut off funds or vote by a majority that we should not stay there.

But under the amendment of the Senator from West Virginia things are turned upside down in which there has to be a positive vote in favor of staying there, and that positive vote can be prevented from occurring by the actions of 34 Senators through the filibuster.

So, whereas I am glad the Senator from West Virginia has this up for discussion and I think it is very important that we talk about Somalia, I certainly do not think that the presence or nonpresence of our forces should be controlled by 34 Senators out of 100.

Therefore, I am not in favor of the amendment proposed by the Senator from West Virginia and hope it will be defeated.

I suppose that some kind of a substitute is going to be presented, but I think we have to be pretty conscious around this place of the powers of the President, and whether he is a Republican President or a Democratic President, I think we should be very, very conscious of those powers.

I thank the Chair.

Mr. BYRD. Madam President, I have a modification to my amendment for which I would need unanimous consent inasmuch as action has been taken indirectly on my amendment by the unanimous consent order that was entered providing for the majority leader to offer a second-degree amendment to the amendment I have offered. I would like to read my modification.

My modification that I would like to present and get unanimous consent to enter into the language would affect paragraph (b) relating to the U.N. operation.

The effect of this change would be that if the United Nations wants to go forward with a peacekeeping operation in Somalia that does not include United States participation of funding, it should be able to do so. We should not veto. If the United Nations wants to do that, we should not veto that action. The original language that I have entered would require a veto of any U.N. operation with or without United States participation if the Congress had not enacted a law approving a Presidential plan for continued involvement in that situation.

The second change that my modification would make is shorten the period of time after enactment that the Secretary of State has in which to complete a report to the Congress on our policy in Somalia. Since the Secretary would be on notice of the reporting requirement when the bill passed the Senate, he would not have to wait several weeks for the conference committee to complete its work before starting the report. So he would have ample lead time even with a shortened 10-day requirement to complete his report.

Mr. President, I will not ask unanimous consent at this very moment to be allowed to modify my amendment. I just wanted to put my colleagues on notice.

I yield the floor.

The PRESIDING OFFICER (Mr. FORD). The Senator from California.

Mrs. FEINSTEIN. Thank you very much, Mr. President.

Mr. President, I have been listening to the debate, and I would just like to express my concerns, which are really not along the lines of constitutional war powers or separation of powers concerns but the concerns of a Nation, the leader of the free world, who can be made into a paper tiger.

I believe that the world today is a very unstable place. We are in a new post-cold-war world. We left the large, centralized control of the Soviet Union. There are more than 30 wars going on in the world today, six of them in the former Soviet Socialist Republics.

I see a big difference between what we are doing in Somalia and what we did in the Gulf war, and I would submit to you that virtually anyone who watched television in the Gulf war saw the cruise missiles, they saw the F/A-18's, they saw the Patriot missiles, they saw the tanks and helicopters, they saw the carpet bombing of B-1 bombers, and they saw the American infantry on the march.

Mr. President, that was a war.

You do not see that in Somalia. And I agree with what Senator KASSEBAUM said earlier. You see a nation that has risen to the obligation of the leader of the free world to step in in what was the largest public starvation case that we know of in the world and bring some humanitarian relief. As a product of that relief, what was found was a very unstable series of renegade forces within the country. Clearly without stability there is going to be no end to starvation. Clearly unless the country is stable, the starvation will return.

Mr. President, I am proud of what President Bush did in Somalia. I am proud of what President Clinton is doing in continuing the effort. What concerns me is that once this Nation is committed, this body can create a situation which then turns us into a paper tiger and moves us out because it sends a signal to every renegade dictator, every terrorist government that is out there—and there are some—that when the United States of America becomes involved it will not necessarily be to finish the job.

I am one who believes that we should finish the job in Somalia. I am one who believes that we made a mistake in not finishing the job in the Persian Gulf. And I would be hopeful that no action of this body would really be utilized to turn this country into this kind of paper tiger. We saw it once, and it should not happen again, and it should not happen in a post cold war world where there are regional wars where this kind of disruption that is so enormous in loss of life causes the conscience of the world to arise.

If we cannot be a conscience, if we cannot go in and help people, if we cannot say, "Dictators, stop fighting and starving your people," what is a democracy worth? What is a democracy worth if we cannot support our President when he does that? What is a democracy worth?

You can be sure a military dictatorship would do that.

And, yes, Mr. President, I do get a little upset, because I have been proud of our marines and troops in Somalia. I come from a large State. During the budget reconciliation bill, I had 194,000 phone calls in 1 week. I do not get phone calls on Somalia.

I believe the people of America are also proud of what our Armed Forces are doing to prevent starvation and to restore stability in that country. To me, that is not the kind of war with Patriot missiles and tanks and F-18's and carpet bombs and a moving infantry.

I think peacekeeping missions are something that we, as a democratic leader, are going to have to enter into more in the world of the future.

I think it is fine to ask the President to come before this body and state the intention, in one way or another. I cannot, respectfully, with all good intentions, create a situation which is a threat to the American will, which is a threat to our ability to carry out the job, and which, most importantly, by many can be interpreted as once again the United States of America is a paper tiger and cannot finish the job.

Thank you, Mr. President.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

(Mrs. FEINSTEIN assumed the chair.)

Mr. BYRD. I say to the distinguished Senator from California, we have finished the job. That is what I am saying. We were not told we were going to be there to develop a stable society or referee decisions between warlords or establish democracy.

We accomplished what we entered Somalia to do. We finished the job.

Who is going to pay this bill? We have all been talking about our monstrous budget deficits. These activities in Somalia do not come for free. We have a responsibility, first of all, to take care of the American people and problems here at home. We do not have any national security interests in Somalia.

I have been in the Senate 35 years now. I have never supported making the United States a paper tiger. Show me a vote in which I have made the United States a paper tiger.

I am saying we ought to step up to the plate and vote on whether or not we continue our participation in Somalia.

I do not believe that, just because a President—any President, Democrat or Republican—commits our troops to situations that go beyond the mission that we were originally told was the mission, we should just follow along and say, "Well, that is a commitment."

I do not read in the Constitution of the United States anything that says or implies that an action by the President of the United States to put United States troops in Somalia or anywhere else and keep them there for some vague objective—creation of political stability or whatever it is—I do not see any implication in the Constitution that that is a commitment that the Congress has to follow.

My amendment says, let us vote. The troops have to come out if, in the meantime, a law has not been enacted that authorizes their staying in Somalia.

Let us not run away from that vote. Let us not claim that this is a creation of a deadline for a troop pullout. It is not. It just creates a deadline for us to have to step up to the plate and vote, and let the American people hold us responsible for that. Those who want to vote to stay in Somalia can do so.

It is no paper tiger to honor our own Constitution, to which each of us has sworn an oath to support and defend. I do not consider any such commitment on the part of any President to be something that the Congress has to honor without question.

There is going to be a bill for this operation that has to be paid. And then it will come time to vote on the appropriation. Both Houses will have to vote on that.

We have huge budget deficits. We have to deal with natural disasters.

We recently voted on a reconciliation bill that commits us to take certain actions in order to reduce those budget deficits. We cannot turn the spigot off with the right hand and turn it on with the left.

So, let us demonstrate whether we really believe that it is the best thing for the American troops to stay in Somalia. Let us say what our national security interest is.

Let us not run away from this. Let us step up to the plate. We have a responsibility to take a stand one way or the other. That is what I am asking.

I was probably the last Senator out of Vietnam, I say to the Senator from California. I did not make the United States a paper tiger there.

But the American people have a right to expect those of us in the Congress to make a decision. Congress has a role here. I do not expect to just be the tail on any President's kite, Republican or Democrat.

I do not say this to cast any aspersions on my own President. I have a lot of respect for him; and I like him. I am fond of him. But this goes deeper than that. We are not shouldering our responsibility unless we step up to the plate and say we agree or disagree with this policy, and here is my vote. There is a deadline for us and the President to make an affirmative decision or a negative decision with respect to the current policy. That is the deadline.

If the Senate and House want to buy on to this operation in Somalia, then there is the record. The Senate and the House will have done so. I do not think we ought to continue as we are going: Say nothing, and when the appropriation requests come, then renege. I was in the recent conference on the supplemental bill. The Senator from New Mexico was there, Mr. DOMENICI. I took the position we ought to pay our bill to the United Nations, $293 million or whatever it was. But there was no support for that position in that conference. What kind of a paper tiger is that if we do not pay our bills to the United Nations?

We stand up and make big talk about keeping our commitments and sending signals and sending messages. What kind of a message does that send? We do not want to put our money where our mouth is. At some point, somebody is going to have to vote to pay these bills.

I contend, and I will continue to contend, that we have already fulfilled the mission that we set out to complete. I, too, am proud of our fighting forces for performing as they did in that mission. But that mission has long been completed, and as a Congress, we have not bought into the new mission of the United Nations there. I am saying let's debate it and let's show down, one way or the other. Either buy into it or get out.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Madam President, first I want to commend the Senator from West Virginia. We are having, really, the first debate that we have had on Somalia and I think that is good. What was unfortunate was the timing of all this, in terms of Presidencies, and when Congress was in session. It happened shortly after the election. We were not in session. And President Bush made a decision, the right decision, that we were going to see that food got to desperate people.

And here let me correct one of our colleagues who said earlier there have been a lot of other comparable situations just as bad as Somalia. I have been in Ethiopia, in refugee camps in Asia. I have seen a lot of grim things. We have had nothing—nothing comparable to this. Maybe in smaller numbers. In Sudan there is a desperate situation, but nothing like this.

President Bush made the right decision. The difficulty at that point was not only that we were not in session, but a new President took over on January 20. So we did not have a situation where we would have the normal kind of debate and consideration in Congress. But I believe our new and distinguished senior Senator from California was right in saying—maybe the phrase is not paper tiger—but what is at stake is what Senator WARNER, our colleague from Virginia, talked about: The credibility of the United States.

I think our failure to respond in any way to the Bosnian situation reduced our credibility. And for us just to leave the situation in Somalia because it is not risk free, after we got 23 other nations to come in, I think would be a great mistake. Since the United Nations has taken over there, there have been four American deaths. I asked my staff to check whether there were a comparable number of deaths in accidents at U.S. bases here. One base in California, and I forget the name of it, this past year had 10 deaths—on a U.S. military base right here.

There is no question this is not a risk-free operation. But the U.S. interest is, I think, very clear. And the debate is important.

I also believe that Senator BYRD and Senator NUNN are correct in saying we need to make clear our responsibility here, and we need to clarify this whole situation. But first of all, what if the United States had done nothing with 2 million-plus people starving to death? It would have just been terrible. We would have diminished our leadership appreciably.

But the second "what if?" is what if we just let the situation deteriorate and it goes back to the same old situation in Somalia? That, also, threatens the credibility of our country.

I think, again, the debate has been healthy. I have discussed with Senator NUNN the possibility of the subcommittee I chair holding joint hearings with the subcommittee of the Senate Armed Services Committee, just to get clarification of this. I think it is appropriate that Congress debate.

But I believe that the passage of a compromise amendment that I think is going to get worked out is the right move rather than the passage of the BYRD amendment, well motivated as it is.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Madam President, I rise with some reluctance to oppose the amendment of my distinguished colleague from West Virginia. My reluctance stems from considerable sympathy with his concerns about the United States mission in Somalia. I share many of his views of the problems now troubling the American people about our continued presence in that distant country. I too wonder when we will be coming home from Somalia, and how many more Americans must die before we do come home.

The Senator from West Virginia is correct in observing that what started out as a peaceful humanitarian mission has now degenerated into a combat mission in a confusing civil war. The enemy in this war is not clear, and our military mission is equally vague. He is also correct in noting that the Congress has never authorized this combat mission. In effect, we backed into a situation that has now consumed nearly a billion dollars that could be better spent, and American lives upon which no price can be placed.

Many critics of our Somalia intervention base their opposition on the grounds that United States forces there no longer serve any clear national purpose, and that there are no national interests at stake. This may be true in one sense, but not true in another—and this is where I begin to part company with my good friend from West Virginia. It is true that no direct national interests are involved. No vital markets, no critical resources, no allies are threatened in Somalia. But now that we are there, other, indirect national interests are at stake—U.S. leadership, prestige, credibility, and self-respect. These intangibles are perhaps not as compelling as Persian Gulf oil for example, but they are nonetheless essential to a great power. Throughout our history, Americans have sacrificed their lives and fortunes for these intangibles, which can be expressed simply as the integrity of the United States.

If we pull out prematurely, chased out by a tinpot warlord, I believe that U.S. leadership, prestige, credibility, and national self-respect will be significantly harmed. The Senator's amendment would in effect give Aideed and his thugs a time certain, a mere 30 days, through which they would simply have to hold out, and then the American blood and sacrifice expended there will be in vain.

Yet, in opposing this particular amendment, I have to agree with the Senator's basic premise that our commitment in Somalia must not remain indefinite and open-ended. There must be some limit on our involvement there, but those limits must not be announced publicly to the encouragement of Somali warlords. I would hope my colleague might accept compromise language to require the administration to submit a plan to the Congress for an orderly termination of the mission in the very near future.

But above all, let us not be thrown out of Somalia—or anywhere else—prematurely, and against our will. Let us continue to search for those who killed Americans and allied peacekeepers, and make them pay for their murders. Then, when we leave, we may march out with our heads high; and in the words of Robert E. Lee, "with the satisfaction of duty faithfully performed."

I yield the floor.

The PRESIDING OFFICER. Who yields time?

AMENDMENT NO. 782, AS MODIFIED

Mr. BYRD. Madam President, I ask unanimous consent to modify my amendment in accordance with the explanation that I gave earlier.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. I send to the desk the modification and ask that the clerk read it.

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk read as follows:

On page 242, strike out line 19 and insert in lieu thereof the following:

crew of that historic warship.

SEC. 1067. INVOLVEMENT OF ARMED FORCES IN SOMALIA.

(a) LIMITATION.—Effective 30 days after the date of the enactment of this Act, funds available to the Department of Defense may not be obligated for support of operations of the Armed Forces in Somalia except to the extent authorized in a law enacted after the date of the enactment of this Act.

(b) UNITED NATIONS ACTIONS IN SOMALIA.—(1) No later than 10 days after the date of the enactment of this Act, the Secretary of State shall complete a thorough review of the purposes of United Nations policy and actions in Somalia and submit to Congress a detailed assessment of the purposes of such policy and actions.

(2) The President is requested and urged to inform the United Nations that the United States will neither fund nor participate in continued operations of United Nations forces in Somalia after October 31, 1993,

except to the extent authorized in a law enacted after the date of the enactment of this Act.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Madam President, I understand the Senator from West Virginia has made a unanimous consent request. Has that been entered?

The PRESIDING OFFICER. It has been granted.

Mr. BYRD. Madam President, I wish to thank the distinguished manager Mr. NUNN, the majority leader and the Republican leader and others for agreeing to the modification which has now been entered into the RECORD.

I yield the floor.

UNANIMOUS CONSENT AGREEMENT

Mr. NUNN. Madam President, I ask unanimous consent that at 9:30 a.m., Thursday, September 9, Senator BOXER be recognized to offer an amendment relative to homosexuals in the military; that when the Senate disposes of Senator BOXER's amendment, Senator BYRD's amendment No. 782 recur as the pending business.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. NUNN. Madam President, I ask unanimous consent that there now be a period for morning business, with Senators permitted to speak therein.

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

THE SEEDS OF PEACE IN THE MIDDLE EAST

Mr. PELL. Mr. President, it is my great pleasure today to speak about the impending peace accord between Israel and the Palestine Liberation Organization. At long last, the Israelis and Palestinians appear ready to cast aside decades of hatred, bloodshed, and distrust and take the bold step of mutual recognition. Immediately thereafter, the two sides are expected to sign an agreement for Palestinian autonomy in the Gaza Strip and the West Bank town of Jericho. This will serve as an interim arrangement as negotiations proceed during the next 5 years on a final settlement.

The pace of these developments has been stunning and rapid, much like the breakup of the former Soviet empire just a few years ago. Within a matter of days, the world learned of secret negotiations between Israel and the PLO, of the initialing of the accord on Gaza and Jericho, of an imminent agreement between Israel and Jordan, and of progress on talks between Israel and Syria. On their own, any of these events would have been a milestone. Collectively, they could herald the dawn of a new era.

This is not to say that that peace is already at hand, or that there will be no difficulties or pitfalls in the days and months ahead. As we have seen with the breakup of the U.S.S.R., the initial euphoria will give way to hard realities and challenges. The radicals, extremists, and rejectionists will make desperate and violent attempts to scuttle the negotiations. I do believe, however, that all sides recognize that they have larger interests at stake, and that

they will not allow the rejectionists to succeed.

I would like to add a word, Mr. President, on the role of the United States in the recent successes. Much of the recent press coverage suggests—I think unfairly—that the Clinton administration had little to do with the Israel-PLO accord. I only wish to point out that the accord was reached in a climate that was carefully crafted and nurtured by both the Bush and Clinton administrations. If peace comes, there will be ample credit to distribute among many players. But one fact is evident: There would have been no impetus for Israelis and Palestinians to reach an agreement had there been no American leadership in setting up and institutionalizing the Middle East peace talks. The peace talks provided a forum for all sides to air their grievances directly, and when a back channel became desirable, they provided sufficient cover for the Israelis and Palestinians to meet secretly.

Much work, of course, remains to be done. The minutiae of the Israel-PLO agreement are still being hammered out, and the United States, of course, will have to determine its own role and responsibilities in the arrangements, including the difficult issue of our relationship with the PLO. I do hope, and have every expectation, that the current momentum will continue. We could be witness to a defining moment in history.

RECOGNIZING THE 75TH ANNIVERSARY OF THE DIPLOMATIC COURIER SERVICE

Mr. PRESSLER. Mr. President, today I rise to pay tribute to a branch of our Department of State that is celebrating its diamond anniversary. This year, the Department of State Diplomatic Courier Service celebrates its 75th anniversary. Under the watchful eyes of U.S. diplomatic couriers, the U.S. Government has maintained a secure flow of information essential to conducting a successful foreign policy.

The classified messages and other sensitive material and equipment taken across international borders always have been essential to policymakers. As custodians of the diplomatic pouch, their efforts have proven invaluable to the security of the United States and our embassies in foreign countries.

Since 1918, diplomatic couriers have been loyal, prompt, and diligent in delivering official U.S. Government messages worldwide. From World War I to the end of the cold war, diplomatic couriers carried out their missions without fail, even under perilous conditions. During that time, five couriers have given their lives in service to their country.

For 75 years, the U.S. diplomatic couriers have played an integral part in maintaining our national security, preserving confidential communications to Government leaders separated by vast distances, and helping in the monumental achievements of U.S. foreign policy. It is fitting that we honor more than two generations of dedicated official government messengers on the occasion of their diamond anniversary. I urge my colleagues to join me in recognizing the Diplomatic Courier Service as they mark this important milestone.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. NUNN. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: Calendar No. 339, Maj. Gen. Daniel W. Christman, to be lieutenant general.

I further ask unanimous consent the Senate proceed to the immediate consideration, the nominee be confirmed, any statements appear in the RECORD as if read, upon confirmation the motion to reconsider be laid upon the table, and that the President be immediately notified of the Senate's action.

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

The nomination considered and confirmed is as follows:

IN THE ARMY

The following named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601(a):

To be lieutenant general

Maj. Gen. Daniel W. Christman, 302-36-9745, United States Army.

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-1398. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, notice of a report of the status of budget authority; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Banking, Housing and Urban Affairs, to the Committee on Commerce, Science and Transportation, and to the Committee on the Judiciary.

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-262. A joint resolution adopted by the Legislature of the State of California; to the Committee on Armed Services.

"ASSEMBLY JOINT RESOLUTION NO. 27

"Whereas, Many military bases are the site of releases of hazardous substances; and

"Whereas, The hazardous substance contamination at those sites have not been cleaned up for years; and

"Whereas, The presence of hazardous substances at those closed military bases may prevent future civilian uses of those lands; and

"Whereas, Reliable and consistent funding for cleanup and for the evaluation of future land use has not been forthcoming; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly*, That the Members of the Legislature hereby request the Congress of the United States, prior to the closure of any military facility in California, to provide a consistent and reliable source to finance the cleanup of any hazardous substance contamination at the site and to finance the Environmental Baseline Survey which is necessary to determine responsible and sound future land use for the site; and be it further

"*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of Defense, to the Administrator of the Environmental Protection Agency, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-263. A resolution adopted by the House of the Legislature of the State of California; to the Committee on Armed Services.

"HOUSE RESOLUTION 28

"Whereas, The Ventura County Community College District has established an electronic communications system for Ventura County through the Ventura County Business Resource Center; and

"Whereas, In Ventura County, downsizing, plant closures, and out-migration to other counties and states has resulted in approximately 21,000 displaced workers in recent years and, as reported by the Employment Development Department, a decrease in employment of 8,400 over just the last 12 months; and

"Whereas, The Ventura County Business Resource Center has provided an information and training partnership between the Ventura County Community College District, the Port Hueneme Division of the Naval Surface Warfare Center, the Ventura County Economic Development Association, and other local professional societies; and

"Whereas, These entities have used technology transfer and resource sharing to promote growth and add and retain jobs and further provided immediate access by business and allowed the timely gathering of information for confident decisionmaking concerning community economic development activities and issues; and

"Whereas, Expansion of the Ventura County Business Resource Center into the California Communications Technology Center would provide immediate and direct benefit to the entire State of California by linking local government, utilities, and business with the information necessary to empower them through access to information and resources which will assist in the creation of jobs, business and job retention, and ultimately economic and community development efforts; and

"Whereas, As part of the federal effort to stimulate the economy and provide assistance to companies converting to a civilian

customer base, establishment of the California Communications Technology Center would enable technology developed by the U.S. Navy to be transferred to local business, government, and education to strengthen their ability to compete and operate nationally and globally and thus create and save jobs; and

"Whereas, The Ventura County Community College District will continue to provide job training and retraining opportunities to enable companies to implement and utilize advanced technologies and production methods; and

"Whereas, The California Communications Technology Center will provide a technology upgrade of the extension enabling services currently provided through the Ventura County Business Resource Center; and

"Whereas, A tremendous need exists for economic development and business retention assistance as a result of numerous plant closures, downsizing, and out-migration of businesses, resulting in a significant increase in the unemployment rate; and

"Whereas, This project would transfer and deploy curriculums for communications technology to companies to support the growing requirements of distributed processing; and

"Whereas, The project recognizes and implements an expansion of total education-business-government, community-based partnerships as the model of cooperation that supports economic and community development; now, therefore, be it

"*Resolved by the Assembly of the State of California*, That the Members of the Assembly respectfully memorialize the President and Congress of the United States, through the Advanced Research Projects Agency of the Department of Defense, to provide a grant of approximately $4 million per year to the Ventura Community College District as lead agency for the partnership to expand the California Communication Technology Center; and be it further

"*Resolved*, That the Chief Clerk of the Assembly shall transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Ventura Community College District."

POM-264. A joint resolution adopted by the Legislature of the State of California; to the Committee on Armed Services.

"ASSEMBLY JOINT RESOLUTION NO. 42

"Whereas, The United States Marine Corps serves as the nation's primary force-in-readiness; and

"Whereas, The United States Marine Corps has a unique capability of diverting large cargo ships full of well-maintained combat supplies anywhere in the world at a moment's notice; and

"Whereas, By using its maritime prepositioning ships to deploy heavy equipment and weapons to the Persian Gulf and Somalia the Marine Corps demonstrated its ability to move the heaviest, most sustainable combat brigades operating from land, sea, and air anywhere in the world faster than any other military force; and

"Whereas, During Operation Desert Storm, personnel at the Marine Corps Logistics Base at Barstow, California, loaded more than 1,700 railcars with equipment and other supplies and transferred them to southern California ports over a two-week period; and

"Whereas, In support of the Marine Corps' worldwide commitment to deployment, despite being the smallest military service in the Department of Defense with the smallest budget and the fewest number of bases, the Marine Corps Logistics Base at Barstow is one of only two central distribution and maintenance activities responsible for supporting the Marine Corps worldwide; and

"Whereas, The mission of the Marine Corps Logistics Bases at Barstow, California, and at Albany, Georgia, of supporting the Marine Corps' maritime prepositioning forces worldwide cannot currently be accomplished by any other service; and

"Whereas, The Marine Corps Logistics Base at Barstow is centrally located in the Mojave Desert at the intersections of Interstates 15 and 40 as well as the Santa Fe and Union Pacific Railroads; and

"Whereas, These transportation links, in addition to the Barstow-Daggett Airport, which has the capacity to land the C-141 "Starlifter" cargo jet, enable the base to rapidly and efficiently support Marine Corps units west of the Mississippi and throughout the Pacific region and Asia; and

"Whereas, The Marines at Barstow efficiently operate the largest railhead facility in the entire Department of Defense supporting two of the largest training bases in the world, the nearby National Training Center at Fort Irwin and the Marine Corps Air-Ground Combat Center at Twentynine Palms; and

"Whereas, Barstow's arid desert climate allows outdoor storage and maintenance throughout the year, with warehouses and open storage lots in excess of 13 million square feet and with minimal corrosion and rust problems; and

"Whereas, The Marine Corps Logistics Base at Barstow repairs and rebuilds a multitude of equipment, including circuit boards, armored vehicles, and other equipment essential to fleet Marine Corps forces; and

"Whereas, Fort Irwin's main logistics and maintenance facility, the Sacramento Army Depot, has been slated for closure, leaving the next closest facility in another state; and

"Whereas, The Army already sends an average of 250 railcars through the Marine Corps Logistics Base at Barstow monthly; and

"Whereas, Fort Irwin's inventory includes 3,000 different pieces of equipment that require periodic rebuilding, and the Army can save tremendously on freight costs by sending its Fort Irwin equipment to Barstow rather than out of state; and

"Whereas, The Army is already in negotiations with the Marine Corps to have such rebuilding performed on Army Bradley fighting vehicles, and the Marine Corps Logistics Base at Barstow was recently awarded a maintenance contract for Paxman 5,000-horsepower engines, which are used in U.S. Coast Guard and Navy vessels; and

"Whereas, The Marine Corps Logistics Base at Barstow was awarded the maintenance contract for the U.S. Army Missile and Space Intelligence Command's XM-TAS radar carrier vehicle, awarded the contract over the FMC Corporation and Anniston Army Depot; and

"Whereas, A key reason for the awarding of this contract was Barstow's ability to integrate the vehicle into its workload and to provide an acceptable beginning and completion date; and

"Whereas, With the closure of deployment facilities at Long Beach, California, and Fort Ord, California, the Army's main point for deploying combat forces abroad will be Fort Irwin, which will increase transportation demands into and out of the area; and

"Whereas, Logistical distribution functions are being centralized under the Defense Logistics Agency, so the Marine Corps Logistics Base at Barstow has the potential to become an even more important logistics support activity for Fort Irwin, the Marine Corps bases at Camp Pendleton and Twentynine Palms, and other military services throughout the southwestern United States; and

"Whereas, The Marine Corps Logistics Base at Barstow is one of only two primary storage and distribution facilities in the Marine Corps and is responsible for supporting fleet Marine Corps forces west of the Mississippi, including the Pacific region and Asia, and is positioned to best support the largest concentrations of Marine Corps forces; and

"Whereas, The Marine Corps Logistics Base at Barstow possesses some of the most unique and modern testing facilities in the world, with an added ability to develop its own test equipment and to design, prototype, test, manufacture, ship, and install new equipment anywhere in the world within weeks, as occurred with the D-7 Dozer armor plate kits used in Operation Desert Storm; and

"Whereas, These kits were installed by the Logistics Command's own multicommodity maintenance personnel within 65 days and were installed in Saudi Arabia prior to the invasion of occupied Kuwait; and

"Whereas, Five of the armored D-7 Dozers were destroyed in battle and none of the Marines operating them were injured; and

"Whereas, The flexible production schedules and multicommodity capabilities of logistics bases make them uniquely qualified and essential to such immediate needs of the maritime prepositioning forces; and

"Whereas, The Marine Corps Logistics Base at Barstow operates at 98 percent of capacity, while Army counterparts operate far below capacity and as a result are closing 30 percent of their depots; and

"Whereas, The two Marine Corps Logistics Bases at Barstow, California, and Albany, Georgia, together constitute less than 1 percent of the Department of Defenses's Operations and Maintenance costs for logistics; and

"Whereas, The Marine Corps Logistics Base at Barstow is the largest employer of residents from the nearby community with a civilian payroll seven times the size of its military payroll; and

"Whereas, The City of Barstow suffers an unemployment rate of approximately 15 percent, with one-third of its residents on public assistance; and

"Whereas, The same region has recently suffered the closure of George and Norton Air Force Bases, and is facing a downsizing of March Air Force Base; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly*, That the Legislature of the State of California respectfully memorializes the Base Realignment and Closure Commission, the President, and the Congress of the United States, to recognize the cost-effectiveness, efficiency, and strategic importance of the Marine Corps Logistics Base at Barstow, California; and be it further

"*Resolved*, That the Legislature recommends to the President, the Congress, and the Base Realignment and Closure Commission that the Marine Corps Logistics Base at Barstow remain in operation due to its operational and strategic necessity to the United

States Marine Corps, the United States Army, and the United States Navy; and be it further

"*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the Governor, to each member of the Base Realignment and Closure Commission, to the President and Vice President of the United States, to the Secretary of Defense, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-265. A resolution adopted by the Senate of the Legislature of the State of New Mexico; to the Committee on Commerce, Science, and Transportation.

"SENATE MEMORIAL 44

"Whereas, although the United States funds nearly sixty percent of the World's Civil Space Activity, much of that funding is spent Abroad; and

"Whereas, because there are currently only two out of thirteen major World Launch Sites in the United States, the Nation is profiting from only a small proportion of this multi-billion dollar business; and

"Whereas, with the advancement of Single Stage Rocket Technology, a new generation of Space Vehicles is being developed with the advantage of Inland Launching and recovery capability; and

"Whereas, the prototype of a Single Stage Rocket Suborbital Vehicle will be rolled out at White Sands Missile Range on April 5, 1993 and will be launched in late June; and

"Whereas, there are other commercial Rocket Programs already doing business with White Sands Missile Range; and

"Whereas, Southern New Mexico is the recognized Birthplace of the Space Age in America and, with the development of the single stage to orbit vehicles, it could continue to be the Kitty Hawk of space Activities because it has a superb climate for Space Operations, a large, high-altitude launch and recovery range and numerous Scientific Laboratories and centers of technical excellence throughout the Region; and

"Whereas, Military and Commercial Space Advancement and Technology is supported and encouraged by the Citizens of New Mexico, and the State has introduced Legislation to create a New Mexico Commercial Space Office that would provide needed Statewide Coordination for the increasing Space-Related Research, Development and Manufacturing Activities which are occurring in the State; and

"Whereas, one such activity is the proposed Southwest Regional Spaceport, a full-service Launch, Reentry and recovery Range for Space Programs whose Mission is the integration and coordination of Space Development Interests among Government, Industrial and Educational Institutions; and

"Whereas, New Mexico has also introduced Legislation to promote and coordinate the Conversion from Defense- to Civilian-Oriented Technology and from Federal, State and Local Government Facilities to Private Sector Industries, and also to promote Private-Public Partnership and Business Development Programs; now, therefore, be it

"*Resolved by the Senate of the State of New Mexico*, That it applaud the efforts of White Sands Missile Range, the National Laboratories, Industries and Universities in New Mexico who are working together in advancing Aerospace Technology and in establishing the Southwest Regional Spaceport as a major World Launch and Recovery Site; and be it further

"*Resolved*, That it urge the President and the Vice President of the United States and the New Mexico Congressional Delegation to support the Southwest Regional Spaceport in Southern New Mexico; and be it further

"*Resolved*, That a copy of this Memorial be transmitted to the President and Vice President of the United States and to each Member of the New Mexico Congressional Delegation."

POM-266. A concurrent resolution adopted by the Legislature of the State of Hawaii; to the Committee on Energy and Natural Resources.

"SENATE CONCURRENT RESOLUTION 100

"Whereas, the Department of Hawaiian Home Lands administers the Hawaiian Homes Commission Act of 1920; and

"Whereas, the purpose of the Hawaiian Homes Commission Act is to provide native Hawaiians with certain public lands in trust for homestead use, agricultural use, and other leases for the benefit of native Hawaiians; and

"Whereas, one of the major obstacles towards acceleration of homestead awards are the kinds of lands which require a great amount of off-site and on-site infrastructure improvements; and

"Whereas, Hawaiian home lands has the least amount of its lands on Oahu, less than 4% of its total holdings, and the highest demand for residential homesteads for Oahu, more than 40% of all applications; and

"Whereas, the United States continues to occupy more than 320 acres of Hawaiian home lands located at Kekaha, Kauai, and Pohakuloa, Hawaii, for a term of 65 years for a nominal rent of $1 for the entire term for each parcel; and

"Whereas, the United States claims fee ownership of 1,489 acres of valuable Hawaiian home lands at Lualualei, Oahu, which lands include an existing acquifer, and for which no payment has ever been made; and

"Whereas, the possible availability of federal lands, especially on Oahu, provides a unique opportunity for the United States to satisfy all or part of its obligations to resolve claims by replacing Hawaiian home lands which were taken; and

"Whereas, the addition of lands will help make whole again the Hawaiian Home Lands Trust and provide for the settlement of native Hawaiians in accordance with the mission of the Hawaiian Homes Commission Act; now, therefore, be it

"*Resolved by the Senate of the Seventeenth Legislature of the State of Hawaii, Regular Session of 1993, the House of Representatives concurring*, That the Federal Government of the United States is urged to explore how federal lands no longer needed for military and other purposes can be used to compensate the Hawaiian Home Lands Trust for illegal takings and uses of trust lands; and, be it further

"*Resolved*, That the Legislature declares its support of actions by the United States of set right those wrongs that occurred long ago and to correct deficiencies that continue today in the spirit and context of ho'oponopono; and be it further

"*Resolved*, That certified copies of this Concurrent Resolution be transmitted to the President of the United States, President of the United States Senate, the Speaker of the United States House of Representatives, and the members of Hawaii's Congressional Delegation."

POM-267. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Energy and Natural Resources.

"SENATE JOINT RESOLUTION NO. 12

"Whereas, The right of way was granted for the construction of highways over public lands not reserved for other public uses by section 8 of chapter 262, 14 Statutes 253 (former 43 U.S.C. §932), which was enacted in 1866; and

"Whereas, The placement of that section in an act primarily devoted to the encouragement of mining upon public lands suggests that an important purpose of the grant was to provide access to mining claims, but the operation of the grant was extended by section 17 of the Placer Act of 1870, which also affected other patents, preemptions and homesteads, so that the right of access was extended broadly to private property; and

"Whereas, When section 8 of the Act of 1866 was repealed in 1976 by section 706 of Public Law 94-579, section 701 of Public Law 94-579 also provided: "Nothing in this Act * * * shall be construed as terminating any valid * * * right-of-way [sic], or other land use right or authorization existing on the date of approval of this Act"; and

"Whereas, This Legislature is informed that the United States Forest Service is demanding that the users of rights of way which provide access to private parcels of land and which were established pursuant to section 8 of the Act of 1866 apply and pay for permits that limit the duration and nature of the use long and freely enjoyed by the owners of these parcels as an incident of their ownership, where the right of way lies within a National Forest; and

"Whereas, Such a limitation of use and provision for future extinction violates the rights of those users which were preserved in 1976 by section 701 of Public Law 94-579, and which necessarily include the right of access to their lands and the right to maintain that access physically; and

"Whereas, Because only 13 percent of the land in Nevada is privately owned, it is imperative for the well-being of the state as well as the taxpaying residents who own those lands to hold open their rights of access; and

"Whereas, This Legislature has recognized the important benefits to this state and its residents from the continued and permanent existence of the roads established over those rights of way, and has enacted law setting forth the rights and correlative duties of the owners of those rights of way and the rights of the public to use them; now, therefore, be it

"*Resolved by the Senate and Assembly of the State of Nevada, jointly*, That the Nevada Legislature urges the United States Forest Service, the Bureau of Land Management, and other agencies of the executive department of the Federal Government to recognize the permanent rights existing in those roads that serve private property, and urges the Congress of the United States in the exercise of its oversight to ensure that those rights are in fact respected; and be it further

"*Resolved*, That a copy of this resolution and any related legislative measures enacted by this legislature be transmitted by the Secretary of the State to the Vice President of the United States as presiding officer of the Senate, to the Speaker of the House of Representatives, and to each member of the Nevada Congressional Delegation; and be it further

"*Resolved*, That this resolution becomes effective upon passage and approval."

POM-268. A resolution adopted by the Board of Chosen Freeholders of the County

of Ocean, NJ, relative to the flooding in the mid-western United States; to the Committee on Environment and Public Works.

POM-269. A resolution adopted by the City Council of the City of Leander, TX, relative to the Endangered Species Act; to the Committee on Environment and Public Works.

POM-270. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Finance:

"ASSEMBLY JOINT RESOLUTION NO. 39

"Whereas, The State of Nevada has a vital interest in protecting and expanding the growth of jobs and industry in Nevada and the United States; and

"Whereas, The North American Free Trade Agreement is designed to create a "free trade" bloc between the United States, Canada and Mexico; and

"Whereas, The United States, Canada and Mexico have vastly different standards of living, wage structures, workers' rights, health standards, safety standards, environmental standards and regulatory climates; and

"Whereas, The North America Free Trade Agreement may threaten workers in the United States by allowing inexpensive, largely unregulated Mexican labor to produce duty-free goods, which are now produced in United States factories for export into the United States; and

"Whereas, Many agricultural issues remain unresolved with Canada from the United States-Canada Free Trade Agreement, such as transportation and energy resource subsidies, and a new agreement should not be signed until those issues are resolved; and

"Whereas, The North American Free Trade Agreement as currently negotiated, would adversely affect agriculture in Nevada and the United States by:

"1. Allowing Mexican commodities produced with 58 pesticides including DDT which are banned in the United States, to compete with Nevada agricultural producers whose pesticide use is regulated;

"2. Encouraging United States meat packing plants to move their operations to Mexico to take advantage of lower safety and sanitation standards because the North American Free Trade Agreement exempts Mexico from the Meat Import Act of 1979;

"3. Unduly limiting the ability of the United States to carry out domestic programs to foster the farm and rural economy; and

"4. Immediately eliminating the tariff on feeder cattle imported from Mexico and potentially increasing imports of Mexican feeder cattle by 100 percent, which would equal 10 percent of all cattle on feed in the United States, thereby preempting the Meat Import Act of 1979, which limits beef imports in the United States, and, as a result, allows Mexico to ship more of its current domestic production to the United States and to supply Mexico's domestic demand with cheaper imported beef and undermines consumer confidence in the safety of the imported beef thereby placing greater strain on the already overburdened and underfunded United States border inspection system and threatens livestock feeding operations by driving closely associated meat packing plants to Mexico; and

"Whereas, The North American Free Trade Agreement, as currently negotiated, would drive down United States per capita income, tax revenue, and standards of living by pitting workers in the United States against exploited workers in Mexico where workers:

"1. Are routinely paid less than $1 an hour compared with an average wage of $14.31 an hour for workers of the United States;

"2. Do not have minimum wage and hour protection;

"3. Are forced to work in unsafe and unsanitary conditions and do not have occupational health and safety protections;

"4. Do not have protection against the exploitation of child labor; and

"5. Are routinely blacklisted for organizing to better their working conditions; and

"Whereas, The North American Free Trade Agreement, as currently negotiated, contains no provisions to correct lax Mexican environmental standards or to address the existing environmental degradation of the United States/Mexican border where:

"1. Carcinogens such as methylene chloride at levels of 215,000 times the United States standards, are found in irrigation channels around existing industrial parks;

"2. Hazardous breakdowns, such as styrene and ethyl benzene from industrial plants and industrial pesticides, are found in biologic testing of stillborn infants; and

"3. Air emissions have contained toxic chemicals, such as benzene at levels 200 times and toluene at levels 56 times United States standards; and

"Whereas, State environmental laws could be undermined by unrelated foreign policy concerns because states are not included in any dispute mechanisms between the Federal Government and foreign governments; and

"Whereas, State laws on banking and insurance may be in conflict with the final agreement and would have to be changed, with possible detriment to the residents of the State of Nevada; and

"Whereas, The North American Free Trade Agreement, as currently negotiated contains no provisions to discourage companies of the United States from relocating to Mexico; and

"Whereas, It also contains no provisions for the retraining of workers in the United States who may become displaced as an outcome of "free trade"; and

"Whereas, Workers in the United States have already lost more than 500,000 jobs to Mexico and projections show that at least another 500,000 jobs will be lost to Mexico under the current North American Free Trade Agreement; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of Nevada, jointly*, That Congress and the members of the Nevada Congressional Delegation are urged to oppose the North American Free Trade Agreement as currently negotiated; and be it further

"*Resolved*, That the Nevada Legislature strongly urges the Nevada Congressional Delegation to continue to oppose the North American Free Trade Agreement until the agreement and its enacting legislation provide for:

"1. Protection of workers' rights, minimum wage and hour standards, and occupational safety and health standards;

"2. The elimination of child labor;

"3. Remedial action to address environmental degradation of the border area;

"4. Increased enforcement of environmental laws and regulations in the United States, Canada and Mexico;

"5. Protection against imports of food products exposed to agricultural chemicals that are banned in the United States;

"6. Protection for import-sensitive industries in the United States;

"7. The denial of trade benefits to United States companies that transfer production to Mexico;

"8. Programs to provide real help to workers of the United States displaced by trade policies; and

"9. Increased border inspections for meat safety, protection against Mexican imports of beef from Europe and South American and Canadian imports of beef from Australia, and protection against the flooding of the United States feeder market; and be it further

"*Resolved*, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the President of the United States, the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

"*Resolved*, That this resolution becomes effective upon passage and approval."

POM-271. A resolution adopted by the General Assembly of the State of New Jersey; to the Committee on Finance.

"ASSEMBLY RESOLUTION NO. 125

"Whereas, President Clinton has indicated he will call for an increase in the top income tax rate, and for a surcharge, on incomes above a certain amount; for an increase in the top corporate tax rate; for an increased portion of Social Security benefits to be subject to income tax if the recipients have income that exceeds a certain amount; and for the imposition of a broad-based energy tax; and

"Whereas, Three years ago a policy and program of tax increases were adopted for New Jersey which resulted in a deepening of the economic recession in the State and a worsening of unemployment; and

"Whereas, The President and Congress should reflect upon and take into account the experience in New Jersey as they consider the program the President has announced; and

"Whereas, The President and Congress should also take into account the detrimental effect that an energy tax will have on the economy, especially at a time when the signs of growth and improvement are encouraging; and

"Whereas, The General Assembly believes that every member of New Jersey's Congressional delegation should oppose President Clinton's tax increase program and that President Clinton should re-examine his tax increase proposal in light of the detrimental impact it will have on New Jersey; now, therefore,

"*Be it Resolved by the General Assembly of the State of New Jersey:*

"1. This House calls upon every member of New Jersey's Congressional delegation to oppose President Clinton's tax increase program and upon President Clinton to re-examine his tax increase proposal in light of the detrimental impact it will have on New Jersey.

"2. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk of the General Assembly, shall be transmitted to the President of the United States, the presiding officers of the United States Senate and the House of Representatives, and each member of Congress elected from this State."

POM-272. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Governmental Affairs.

"ASSEMBLY JOINT RESOLUTION NO. 8

"Whereas, Since the mid 1980's, Congress has increasingly shifted the cost of federally mandated programs to the states; and

"Whereas, Requiring the states to pay for programs created and favored by Congress

seriously impairs the ability of each state to establish the social and economic programs that it determines are best suited to the particular conditions in the state; and

"Whereas, Shifting the cost of federal programs to the states enables Congress to avoid exercising the fiscal disciplines and restraint necessary for a balanced federal budget; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of Nevada, jointly*, That the Nevada Legislature urges Congress, before it adopts legislation which requires the states to provide particular services or benefits to persons on governmental agencies, to determine the approximate amount of money it will cost the respective states to comply with that mandate; and be it further

"*Resolved*, That the Nevada Legislature urges Congress not to enact such a mandate unless it also appropriate to the respective states an amount of money sufficient to cover those anticipated costs associated with the new federal mandate; and be it further

"*Resolved*, That copies of this resolution be transmitted forthwith by the Chief Clerk of the Assembly to the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

"*Resolved*, That this resolution becomes effective upon passage and approval."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROCKEFELLER, from the Committee on Veterans Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 1030. A bill to amend chapter 17 of title 38, United States Code, to improve the Department of Veterans Affairs program of sexual trauma counseling for veterans and to improve certain Department of Veterans Affairs programs for women veterans (Rept. No. 103–136).

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. EXON (for himself and Mr. KERREY):

S. 1443. A bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on luxury passenger vehicles; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 177

At the request of Mr. DOLE, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of S. 177, a bill to ensure that agencies establish the appropriate procedures for assessing whether or not regulation may result in the taking of private property, so as to avoid such where possible.

S. 271

At the request of Mr. GRASSLEY, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 271, a bill to amend the Internal Revenue Code of 1986 to allow a credit for interest paid on education loans.

S. 636

At the request of Mr. KENNEDY, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 636, a bill to amend the Public Health Service Act to permit individuals to have freedom of access to certain medical clinics and facilities, and for other purposes.

S. 784

At the request of Mr. HATCH, the names of the Senator from Kansas [Mr. DOLE], the Senator from Texas [Mr. GRAMM], the Senator from New Mexico [Mr. BINGAMAN], and the Senator from Colorado [Mr. CAMPBELL] were added as cosponsors of S. 784, a bill to amend the Federal Food, Drug, and Cosmetic Act to establish standards with respect to dietary supplements, and for other purposes.

S. 914

At the request of Mr. BUMPERS, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 914, a bill to amend the Internal Revenue Code of 1986 with respect to the discharge, or repayment, of student loans of students who agree to perform services in certain professions.

S. 993

At the request of Mr. KEMPTHORNE, the names of the Senator from Utah [Mr. BENNETT], the Senator from Missouri [Mr. BOND], the Senator from Colorado [Mr. BROWN], the Senator from Colorado [Mr. CAMPBELL], the Senator from Indiana [Mr. COATS], the Senator from Mississippi [Mr. COCHRAN], the Senator from Kansas [Mr. DOLE], the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from California [Mrs. FEINSTEIN], the Senator from Texas [Mr. GRAMM], the Senator from Texas [Mrs. HUTCHISON], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Indiana [Mr. LUGAR], and the Senator from Florida [Mr. MACK] were added as cosponsors of S. 993, a bill to end the practice of imposing unfunded Federal mandates on States and local governments and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations.

S. 1063

At the request of Mr. HATCH, the names of the Senator from Alabama [Mr. HEFLIN] and the Senator from Texas [Mr. GRAMM] were added as cosponsors of S. 1063, a bill to amend the Employee Retirement Income Security Act of 1974 to clarify the treatment of a qualified football coaches plan.

S. 1111

At the request of Mr. KERREY, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 1111, a bill to authorize the minting of coins to commemorate the Vietnam Veterans' Memorial in Washington, DC.

S. 1207

At the request of Mr. CAMPBELL, the names of the Senator from Washington [Mrs. MURRAY] and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of S. 1207, a bill to amend the District of Columbia Stadium Act of 1957 to authorize the construction, maintenance, and operation of a new stadium in the District of Columbia, and for other purposes.

S. 1326

At the request of Mr. CAMPBELL, the names of the Senator from Nevada [Mr. REID] and the Senator from Arizona [Mr. MCCAIN] were added as cosponsors of S. 1326, a bill to establish a forage fee formula on lands under the jurisdiction of the Department of Agriculture and the Department of the Interior.

SENATE JOINT RESOLUTION 7

At the request of Mr. GRAMM, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of Senate Joint Resolution 7, a joint resolution to provide for a balanced budget constitutional amendment.

SENATE JOINT RESOLUTION 105

At the request of Mr. INOUYE, the names of the Senator from Hawaii [Mr. AKAKA], the Senator from California [Mrs. BOXER], the Senator from Arizona [Mr. DECONCINI], the Senator from Connecticut [Mr. DODD], the Senator from Kansas [Mr. DOLE], the Senator from Nebraska [Mr. EXON], the Senator from Utah [Mr. HATCH], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Rhode Island [Mr. PELL], the Senator from Tennessee [Mr. SASSER], the Senator from Illinois [Mr. SIMON], the Senator from Alaska [Mr. STEVENS], the Senator from South Carolina [Mr. THURMOND], the Senator from Virginia [Mr. WARNER], and the Senator from Minnesota [Mr. WELLSTONE] were added as cosponsors of Senate Joint Resolution 105, a joint resolution designating both September 29, 1993, and September 28, 1994, as "National Barrier Awareness Day."

SENATE JOINT RESOLUTION 118

At the request of Mr. LAUTENBERG, the names of the Senator from South Dakota [Mr. DASCHLE] and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of Senate Joint Resolution 118, a joint resolution to designate the week of October 17, 1993, through October 23, 1993, as "National Radon Action Week."

SENATE JOINT RESOLUTION 120

At the request of Mr. COVERDELL, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of Senate Joint Resolution 120, a joint resolution proposing an amendment to

the Constitution prohibiting the imposition of retroactive taxes on the American people.

AMENDMENTS SUBMITTED

DEPARTMENT OF DEFENSE AUTHORIZATION ACT OF 1994

BINGAMAN (AND OTHERS) AMENDMENT NO. 777

Mr. BINGAMAN (for himself, Mr. MCCAIN, Mr. MATHEWS, and Mr. NUNN) proposed an amendment to the bill, S. 1298, to authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, as follows:

On page 432, strike out line 6 and all that follows through page 434, line 8.

SHELBY (AND THURMOND) AMENDMENT NO. 778

Mr. SHELBY (for himself and Mr. THURMOND) proposed an amendment to amendment No. 777 proposed by Mr. BINGAMAN to the bill (S. 1298), supra, as follows:

SEC. 3317. METALCASTING RESEARCH AND DEVELOPMENT PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.) is amended by adding at the end the following new section:

"METALCASTING RESEARCH AND DEVELOPMENT PROGRAM

"SEC. 17. (a) The National Defense Stockpile Manager shall carry out a metalcasting research and development program.

"(b) Under the program, the Stockpile Manager shall support, through contracts, grants, or cooperative agreements, metalcasting industry research and development activities, including the following activities:

"(1) Development of casting technologies and techniques.

"(2) Improvement of technology transfer within the metalcasting industry in the United States.

"(3) Improvement of training for the metalcasting industry work force.

"(c) The Stockpile Manager shall use competitive procedures in awarding contracts, grants, and cooperative agreements under the program.

"(d) The Stockpile Manager shall ensure that each contract, grant, or cooperative agreement under the program includes a cost-sharing arrangement that requires contributions by non-Federal Government sources to the defraying of the cost of activities supported by the contract, grant, or cooperative agreement. The Stockpile Manager may waive the requirement in the preceding sentence in the case of any contract, grant, or cooperative agreement if the Stockpile Manager determines that cost-sharing is not feasible in such case.".

(b) IMPLEMENTATION.—Not later than 90 days after the date of the enactment of this Act, the National Defense Stockpile Manager shall prescribe regulations to carry out the metalcasting research and development program required by section 17 of the Strategic and Critical Materials Stock Piling Act, as added by subsection (a).

(c) FUNDING.—To the extent provided in appropriations Acts, for each of fiscal years 1994, 1995, 1996, 1997, and 1998, funds in the National Defense Stockpile Transaction Fund shall be available for the metalcasting research and development program required by section 17 of the Strategic and Critical Materials Stock Piling Act (as added by subsection (a)) in an amount not to exceed—

(1) $10,000,000.

MCCAIN (AND OTHERS) AMENDMENT NO. 779

Mr. MCCAIN (for himself, Mr. GORTON, and Mr. SIMON) proposed an amendment to the bill (S. 1298), supra, as follows:

On page 148, between lines 8 and 9, insert the following:

SEC. 547. EMPLOYMENT OF RETIRED MEMBERS BY FOREIGN GOVERNMENTS.

(a) FINDINGS.—The Congress makes the following findings:

(1) It is in the national security interest of the United States to promote democracy throughout the world.

(2) The armed forces of newly democratic nations often lack the democratic traditions that are a hallmark of the Armed Forces of the United States.

(3) The understanding of military roles and missions in a democracy is essential for the development and preservation of democratic forms of government.

(4) The service of retired members of the Armed Forces of the United States in the armed forces of newly democratic nations could lead to a better understanding of military roles and missions in a democracy.

(b) CONGRESSIONAL CONSENT.—(1) Chapter 53 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1058. Military service of retired personnel with newly democratic nations

"(a) CONGRESSIONAL CONSENT.—(1) Subject to subsection (b), Congress consents to a retired member of the uniformed services referred to in subsection (b)—

"(A) accepting employment by, or holding an office or position in, the armed forces of a newly democratic nation; and

"(B) accepting compensation associated with such employment, office, or position.

"(b) DETERMINATIONS AND APPROVAL REQUIRED.—(1) The Secretary concerned and the Secretary of State shall jointly determine whether a nation is a newly democratic nation for the purposes of this section.

"(2) The consent provided in subsection (a) for a retired member of the uniformed services to accept employment or hold an office or position shall apply to a retired member of the armed forces only if the Secretary concerned and the Secretary of State jointly approve the employment or the holding of such office or position.

"(c) CONTINUED ENTITLEMENT TO RETIRED PAY AND BENEFITS.—The eligibility of a retired member of the uniformed services to receive retired or retainer pay and other benefits arising from the retired member's status as a retired member of the uniformed services, and the eligibility of dependents of such retired member to receive benefits on the basis of such retired member's status as a retired member of the uniformed services, may not be terminated by reason of employment or holding of an office or position consented to in subsection (a).

"(d) RETIRED MEMBER DEFINED.—In this section, the term 'retired member of the uniformed services' means a member or former member of the uniformed services who is entitled to receive retired or retainer pay.".

(2) The table of sections at the beginning of chapter 53 of such title is amended by adding at the end the following:

"1058. Military service of retired personnel with newly democratic governments.".

(c) EFFECTIVE DATE.—Section 1058 of title 10, United States Code, as added by subsection (a), shall take effect as of January 1, 1993.

WALLOP (AND OTHERS) AMENDMENT NO. 780

Mr. WALLOP (for himself, Mr. WARNER, Mr. SMITH, and Mr. DOLE) proposed an amendment to the bill (S. 1298) supra; as follows:

On page 59, between lines 11 and 12, insert the following:

(g) ABM TREATY COMPLIANT CAPABILITY OF THEATER MISSILE DEFENSE SYSTEMS.—(1) A theater missile defense system, system upgrade, or system component described in paragraph (2) shall be considered as not in violation of the ABM Treaty for purposes of any review or determination of whether a theater missile defense system, system upgrade, or system component complies with the ABM Treaty.

(2) Paragraph (1) applies to a theater missile defense system, system upgrade, or system component that—

(A) has capabilities necessary to counter the most capable theater ballistic missile existing at the time of such review or determination;

(B) has not been tested against a modern strategic ballistic missile; and

(C) has not demonstrated a capability to counter such a modern strategic ballistic missile.

(3) Nothing in this subsection shall be construed as providing that a theater missile defense system, system upgrade, or system component other than those described in paragraph (2) is in violation of the ABM Treaty.

WALLOP (AND OTHERS) AMENDMENT NO. 781

Mr. WALLOP (for himself, Mr. WARNER, and Mr. DOLE) proposed an amendment to the bill (S. 1298) supra; as follows:

On page 55 of the bill, strike out lines 13–24 and insert in lieu thereof the following:

"(5) That the United States and its allies face existing and expanding threats from ballistic missiles capable of being utilized as theater weapon systems that are presently possessed by, being developed by, or being acquired by a number of countries such as Iraq, Iran, North Korea, and others.

"(6) That some theater ballistic missiles presently deployed or being developed (such as the Chinese-made CSS–2) have capabilities equal to or greater than missiles which had been determined to be strategic missiles 20 years earlier under the U.S.–USSR SALT I Interim Agreement of 1972.

"(7) That the ABM Treaty was not intended to, and does not, apply to or limit research, development, testing, or deployment

of missile defense systems, system upgrades, or system components that are designed to counter modern theater ballistic missiles regardless of their capabilities, unless such systems, system upgrades, or system components are tested against or have demonstrated capabilities to counter modern strategic ballistic missiles.

"(8) That it is a national security priority of the United States to develop and deploy highly effective theater missile defense systems capable of countering the existing and expanding threats posed by modern theater ballistic missiles, as soon as is technically possible.

"(9) That it is essential that the Secretary of Defense immediately undertake and complete compliance reviews of proposed theater missile defense systems, system upgrades, and system components so as to not delay the development and deployment of such highly effective theater missile defense systems.

"(10) That the Secretary of Defense should immediately report to the Congress on any issue which arises during the course of such compliance reviews which appears to indicate that any provision of the ABM Treaty may limit research, development, testing, or deployment by the United States of highly effective theater missile defense systems capable of countering modern theater ballistic missiles.".

BYRD (AND OTHERS) AMENDMENT NO. 782

Mr. BYRD (for himself, Mr. GORTON, and Mr. PRESSLER) proposed an amendment to the bill (S. 1298) supra, as follows:

On page 242, strike out line 19 and insert in lieu thereof the following:

crew of that historic warship.

SEC. 1067. INVOLVEMENT OF ARMED FORCES IN SOMALIA.

(a) LIMITATION.—Effective 30 days after the date of the enactment of this Act, funds available to the Department of Defense may not be obligated for support of operations of the Armed Forces in Somalia except to the extent authorized in a law enacted after the date of the enactment of this Act.

(b) UNITED NATIONS ACTIONS IN SOMALIA.—(1) Not later than 30 days after the date of the enactment of this Act, the Secretary of State shall conduct a thorough review of the purposes of United Nations policy and actions in Somalia and submit to Congress a detailed assessment of the purposes of such policy and actions.

(2) The President is requested and urged to direct the United States Representative to the United Nations and Representative in the Security Council to veto—

(A) any proposed authorization by the United Nations Security Council of continued operations of United Nations forces in Somalia after October 31, 1993, and

(B) any proposed authorization by the United Nations Security Council of funding for continued operations of United Nations forces in Somalia after that date,

except to the extent authorized in a law enacted after the date of the enactment of this Act.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources.

The hearing will take place Wednesday, September 15, 1993, at 10 a.m. in room 366 of the Senate Dirksen Office Building in Washington, DC.

The purpose of the hearing is to receive testimony from Tara O'Toole, nominee to be Assistant Secretary of Energy for Environment, Safety, and Health and Jay Hakes, nominee to be Administrator of the Energy Information Administration for the Department of Energy.

For further information, please contact Rebecca Murphy at (202) 224-7562.

SUBCOMMITTEE ON AGRICULTURAL RESEARCH, CONSERVATION, FORESTRY, AND GENERAL LEGISLATION

Mr. LEAHY. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry Subcommittee on Agricultural Research, Conservation, Forestry, and General Legislation will hold a hearing on S. 1406, the Plant Variety Protection Act of 1993. The hearing will be held on Monday, September 20, 1993, at 2 p.m. in SR-332. Senator J. ROBERT KERREY will preside.

For further information, please contact Marsha Stanton at 224-6551.

COMMITTEE ON FOREIGN RELATIONS

Mr. NUNN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, September 8, 1993, at 10 a.m. and 2 p.m. to markup the fiscal year 1994 foreign assistance authorization legislation.

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

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. NUNN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate, Wednesday, September 8, 1993, at 10 a.m. to conduct a hearing on S. 1275, the Community Development Banking and Financial Institutions Act of 1993.

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

SUBCOMMITTEE ON COMMUNICATIONS

Mr. NUNN. Mr. President, I ask unanimous consent that the Communications Subcommittee of the Committee on Commerce, Science, and Transportation be authorized to meet on September 8, 1993, at 9:30 a.m. on S. 1087, the Telecommunications Infrastructure Act of 1993.

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

TRIBUTE TO JACK E. BOBO

• Mr. PRYOR. Mr. President, I rise today to pay special tribute to the leadership of a man whose professionalism and stewardship have contributed immeasurably to the effectiveness of writing the laws governing life insurance policyholders, agents, and companies.

Jack E. Bobo is retiring, after 15 years as the head of the professional association of this country's life insurance agents. While at the helm of the National Association of Life Underwriters, he worked closely and carefully with his colleagues, his constituents, and with elected officials in both the U.S. Congress and in the various States. His advice has been sound; his expertise has been crucial; his support has been gratifying.

Many of my colleagues in the Senate have shared my experience of working closely with Jack and his staff, and I know they join me in thanking Jack for the help he has given us over the years, and in hoping that he and his wife enjoy their well-deserved, hard-earned retirement in the best of health and happiest of circumstances.•

TRIBUTE TO CATHY BRAUNER

• Mr. LEAHY. Mr. President, after more than a decade of reporting and serving as city editor of the St. Albans Messenger in Vermont. Cathy Brauner is leaving journalism to continue her education at Boston University.

Managing Editor Gary Rutkowski described Ms. Brauner's dedication to the community she served so well, in a very poignant elegy, "A Farewell to One of Our Own," that appeared in the August 13, 1993, edition of this newspaper.

I share the respect of Ms. Brauner's peers for her distinguished contribution to Vermont journalism, and ask that Mr. Rutkowski's tribute to Cathy Brauner be made a part of the CONGRESSIONAL RECORD.

The editorial follows:

[From the St. Albans (VT.) Messenger, Aug. 13, 1993]

A FAREWELL TO ONE OF OUR OWN

(By Gary Rutkowski)

In one short week, a friend and colleague will push off on a new voyage. After 14 years with the *Messenger*, Cathy Brauner, our city editor, will leave St. Albans to study at Boston University.

Many people have come and gone in the nearly two decades that I have been with this company, none has had a more positive impact on this community than Cathy.

During her job interview in 1979, I sensed that she was not only a responsible and hard-working person, but an intelligent woman who could breathe new life into our editorial department.

The job interview is a roll of the dice. In Cathy Brauner's case, I have always felt that in asking her to join the *Messenger* this newspaper and its readers came up the real winners.

The public may not fully appreciate the life of a dedicated newspaper person. The hours are long, the recognition scarce, the stress level high. Sometimes even the best of

intentions are viewed with skepticism and suspicion. You can be criticized for something which you believe was your best work, or be misunderstood all together.

On a small newspaper, there is always the frustration that the chain-owned, out-of-town competition wields the clout of a gorilla, that in some cases it steals all the glory without any of the personal sacrifice—its money and greater resources outshining all of the midnight oil the smaller competitor can muster.

Yet the battle is never truly lost, for we do what the competition cannot. We dedicate ourselves to be a local voice, a paper that reflects all aspects of our neighbors' lives: big and small. Success in community journalism is not achieved by standing above the readers, but by standing with them. No writer at the *Messenger* has exemplified that philosophy more than Cathy Brauner.

Her in-depth stories about the lives of Franklin County people have contained a common thread. Cathy cares dearly about the everyday man, woman and child, about the plight of the poor, about justice and decency. Her best writing, some of which has brought her state and regional journalism recognition, was never provincial in scope at all. It was heart and soul work, the kind of good journalism being done by the most thoughtful writers around the globe.

There is no magic in producing a newspaper. It is done by people of all persuasions, depths of knowledge, and sincerity of purpose and ethics.

There are newspapers today that send editors out on traveling roadshows. They hold court in our town parks and boardrooms, asking "the reader" what they can do to become better newspapers. They conduct polls and surveys to determine what the public wants. Points are won for telling the story in the least number of words, for being politically correct. In presenting life as though it can be sliced into pie charts, they do not always inform but sometimes confuse and even insult the reader.

Cathy Brauner is not that kind of journalist. It is not her style. Hard work is.

While many reporters shy from the rigors of the government beat, Cathy has looked beyond the tedious and sometimes tortuous aspects. She has attended hundreds, if not thousands, of hours of meetings always with the knowledge that a single comment could give rise to an important story that might otherwise be lost forever, or worse yet to the competition.

Cathy has never remained quiet when a story idea has deserved further discussion or work. Sometimes, I must admit, her enthusiasm, her drive to make or take one more telephone call, to check one more source, to reread and revise, to labor and agonize over her craft as though it were childbirth, has taxed her editor to his limits. But now that she is leaving, I know that much of what Cathy has said and done will reinforce my message to future Messenger writers.

In the coming week, as Cathy clears out an accumulated mountain of files and folders, Tab soda cans, newspaper clippings, notes, calendars, and assorted what-nots, the Messenger nears the end of an era.

We will not be the only ones preparing for a friend's departure. Over the years Cathy has somehow found a way to provide lengthy service to the Franklin County Humane Society. She also has been a Samaritan House volunteer, helping to staff the homeless shelter overnight on weekends. Many other organizations and individuals also have come to know her as a friend who could be counted on.

It is said that to discover new oceans one must lose sight of the shore. In that regard, I am sure that this has not been an easy decision for Cathy. Yet she is embarking on a journey toward greater personal fulfillment, and we are happy for her. We will not say goodbye, for we know we will be keeping in touch.

What we do say is: Bon voyage, the best of luck to you Cathy, and thank you for everything.•

CONGRATULATIONS TO REGAL WARE, INC.

• Mr. PRYOR. Mr. President, I rise today to congratulate Regal Ware, Inc., on the occasion of the expansion of its manufacturing operations in Jacksonville, AR. Jacksonville Manufacturing and its hard-working employees can be justly proud of their success over the past 9 years.

Regal Ware, one of the largest privately held manufacturers of cookware in the world, began operations in Jacksonville in 1984. Jacksonville Manufacturing's product line features drawn aluminum cookware, along with stainless steel cookware and small electric appliances. This facility recently completed a major expansion, bringing the current work force to 634, more than double the number of original employees.

Arkansas is proud of the commitment Regal Ware has made to our State. Jacksonville's partnership with Regal Ware has once again given Arkansas the chance to show that it is the right place to do business.

I know my colleagues join me in wishing the men and women or Jacksonville Manufacturing continued success throughout this decade and into the next century.•

ORDER OF PROCEDURE

Mr. NUNN. Madam President, I ask unanimous consent that Senator SPECTER be recognized to address the Senate, and that at the conclusion of his remarks the Senate stand in recess as ordered.

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

Mr. NUNN. I thank the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. I thank the Chair.

CONCLUSION OF MORNING BUSINESS

Mr. SPECTER. Madam President, I ask unanimous consent we close morning business, and that we be back on the bill so that my comments relate to the debate on the amendment No. 782 proposed by Senator BYRD.

The PRESIDING OFFICER. Without objection, morning business will be closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senate now resumes consideration of Senate bill 1298. The Senator from Pennsylvania is recognized.

Mr. SPECTER. I thank the Chair.

Madam President, I believe that the issue raised by the distinguished Senator from West Virginia, focusing on what the United States policy is in Somalia, and calling for a cutoff date on United States operations in Somalia by October 31, 1993, is a very important matter.

There are many questions as to the purpose of the United States in going beyond its stated mission of humanitarian relief in Somalia and the purpose of special troops going into Somalia with the thought of looking for Aideed to bring him to justice as a war criminal. There is also the question as to whether the War Powers Act is invocable with U.S. military personnel being subjected to hostilities. It is very important that these issues be addressed fully by the Congress of the United States if the United States is to stay in Somalia for a prolonged period of time.

Earlier this evening, a contention was raised by the distinguished Senator from Illinois [Mr. SIMON] that 23 nations have followed the United States into Somalia and the United States ought not to turn and leave.

I do not believe the issue is whether the United States ought to turn and leave, but that the decision as to whether the United States ought to stay or not ought to be decided by the Congress of the United States.

Our Nation has had the bitter experience of knowing that a war or extended military operations cannot be conducted without the consent and the will of the American people. And in a representative democracy it is up to the Congress of the United States to speak to that issue.

I have been very concerned and have expressed those concerns repeatedly in a variety of ways in Congress about our activities in Lebanon, our activities in Iraq, and, before I became a Member of this Senate, as to what happened in Korea and in Vietnam, where in fact wars were conducted without congressional action.

One of the most important provisions of the Constitution of the United States is the authority vested solely in the Congress to declare war and to engage in war operations. There is no doubt that Korea was a war not declared by Congress. Vietnam was also not a war declared by Congress and demonstrated the difficulty of extensive military operations in a war without public consent.

Within the course of the past 2½ years we have faced the issue of Iraq.

And there was a great deal of concern as to whether the Congress would take up the question as to whether a resolution would be passed authorizing military action after the deadline was established by the United Nations of January 15, 1991.

Finally, that issue was brought before the Senate. We had extended debate on the eve of that activity, a very close vote, 52 to 47, and a vote in the House which authorized the use of force. I supported that authorization. But I thought it was very important that the Congress speak and that there be a debate crystalling the matter and the action taken by Congress.

As the proceedings in Somalia have evolved, it has been my sense that Congress ought to act as well. Frequently, issues are not brought before the Congress. Our procedures do not lend themselves well to bringing up a matter by any individual Senator. It has to be on the calendar. Although any Senator can make an amendment, if it is not in a reasonably related way, it does not sit too well around here, period.

The distinguished Senator from West Virginia, Senator BYRD, has brought this amendment, and it is being debated. I believe that, if this amendment is adopted, there will be a much sharper focus on what United States policy is in Somalia. There has been a variety of statements made by a variety of executive branch officials, but there has not been a concise line laid down. This amendment draws that line and states that not later than 10 days after the date of enactment of the amendment, as modified, the Secretary of State shall complete a thorough review of the purposes of United States policy and actions in Somalia and submit to Congress a detailed assessment of the purpose of such policy and actions. That is going to be a good deal more definite, a good deal more precise than a news conference held by the Secretary of Defense or a statement by the Secretary of State on television or a statement by the President of the United States.

When new forces were recently sent to Somalia, the special unit, they had all the appearances of looking for Aideed in an effort to capture him for war crimes. It is my hope that Aideed will yet be captured and will be brought to trial as a war criminal by the war crimes tribunal which has now been authorized by the United Nations to deal with the atrocities in Bosnia.

This is an issue which has been before this body repeatedly in the course of the past decade where some of us have made efforts to have an international criminal court established to deal with terrorism and the narcotics trade. There is considerable impetus now with the U.N. resolution having been passed for a war crimes tribunal, and it is not directed toward Somalia or to Aideed, but it might well serve that purpose. So it may well be that when the Congress of the United States focuses on this issue, that further action of a humanitarian, perhaps of a military nature, may be authorized.

But with the enactment of such an amendment there will be a very sharp focus, a very concerted activity by the executive branch and the State Department. This will generate, if there is a cutoff date, considerable debate by the people of this country. And those sentiments will be heard when I travel through the 67 counties of Pennsylvania in open-house town meetings. It will be heard on telephone calls and will be seen in letters. The issues concerning our involvement in Somalia will give more consideration if we focus on it, and if there is a cutoff date.

I think there is very substantial merit in this amendment, so that a reflective policy may be adopted by the Congress in our representative democracy. And there is much to recommend in terms of our constitutional Government where the Congress is required to declare war—not that I am saying this is a war in its current posture, but there is great merit by analogy in having the Congress consider it. And the applicability of the War Powers Act may be closer.

In any event, American lives are an issue. There are considerable expenditures involved, which have been debated and talked about. Forty-four million dollars a month is not unsubstantial, and it does add up.

Having this matter up for congressional enactment will not prejudge the issue as to whether we stay to relieve, but will put the decision in the repository where I submit it is the law, that is in the Senate and the House of Representatives, with action by the President and in accordance with our constitutional procedures for legislation.

ORDERS FOR THURSDAY, SEPTEMBER 9, 1993

Mr. NUNN. Madam President, I ask unanimous consent that when the Senate completes its business this evening, it stand in recess until 9 a.m., Thursday, September 9; that following the prayer, the Journal of proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; that the Senate then resume consideration of S. 1298, the Department of Defense authorization bill; that the Byrd amendment No. 782, as modified, be laid aside to recur upon disposition of the Boxer amendment.

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

Mr. NUNN. I thank the Chair.

RECESS UNTIL 9 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 9 a.m., Thursday, September 9, 1993.

Thereupon, the Senate, at 9:23 p.m., recessed until Thursday, September 9, 1993, at 9 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate September 8, 1993:

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. DANIEL W. CHRISTMAN XXX-XX-XX... U.S. ARMY.

EXTENSIONS OF REMARKS

WE SHOULD ALL KNOW MORE ABOUT MILITANT ISLAM

HON. GERALD B.H. SOLOMON
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. SOLOMON. Mr. Speaker, despite predictions a few years ago that the age of terrorism was behind us, recent events here in the United States and around the globe make it quite clear that, in fact, we face a new and even more challenging phase of terrorism. A new threat has emerged often dominated by a few radical clerics who call for holy wars against those who do not adhere to their form of religious and political views.

Now more than ever, we must remain vigilant and keep up our guard against these new terrorist threats, which in recent months have come home to America where we once believed we were invulnerable. In order to be prepared to counter these new threats, we, as a nation, must fully understand and appreciate the nature of Islam and the small unrepresentative minority within that great religion that sees terrorism and violence as a means to whatever political or religious goal they may seek to further.

I want to commend a very informative article about this radical Islamic threat by a expert on international terrorism now on the staff here in the Congress. I encourage my colleagues to read this revealing and informative article in order that we may better understand and appreciate the nature of the new form and threat of terrorism facing our Nation and all Americans, whether at home or abroad, I insert the article in its entirety:

THE ISLAMIC CONNECTION—RADICAL ISLAM MIXES VIOLENCE AND SOCIAL SERVICES TO ADVANCE ITS CAUSE

(By Robert M. Jenkins)

Religious fundamentalism has been on the rise around the world. From the Iranian revolution to the Hindu-led destruction of a mosque in India, events during the past two decades reveal that religious fundamentalism, with its terrorist extremism, is a phenomenon to reckon with. The apparent Islamic connection with the bombing of the World Trade Center has focused particular attention on political Islam and Islamic radicalism.

The popularity of this movement could be explained as a religious reaction to the rapid progress of modernization, which has often included a move away from traditional religious beliefs in many westernized societies. In some parts of the less-developed world, fundamentalists are counterattacking against the perceived threats to their societies posed by secularism and modernity, and some are blaming their societies' failures on the "godless West."

For the purposes of this discussion, the terms Islamic activists and political Islamists are used to designate Muslims with a primarily religious and political orientation who call generally for a more Islamic way of life through the gradual and nonviolent transformation of societies. Extreme fringe groups of these political Islamists are called militant Islamic radicals. They support the use of violence and armed struggle to attain their political objectives.

Political Islam calls for a renewal of Islamic values in the personal and public life of Muslims. Its manifestations include strict religious observances, the rapid growth of religious publications and readings from the Koran on radio and in television programming, and demands for the implementation of Islamic law. Political Islam often includes growing numbers of Islamic schools, organizations, and activist movements and expressions of resentment against America for exporting a secular "Coca-Cola" culture to the Islamic world.

Political Islamists and their more militant brethren, the Islamic radicals, often share similar views concerning the West and Israel. They blame the West for the failings of their political and social systems and believe that Western powers support corrupt regimes in many Arab nations. Many political Islamists also blame Western capitalism and Marxist socialism for having failed to address the poverty that troubles parts of the Arab world. The militant Islamists are particularly critical of America's close political relationship with Israel. Most recently, these groups have aggressively opposed the Middle East peace talks, labeling them as a sellout to the West.

The Islamic radical minority in the community of political Islamists often advocate extreme forms of Islamic revivalism. Some of these groups attempt to undermine pro-Western governments in the Muslim world, claiming that they are too pro-American, or not religious enough, especially if those governments are not based on Sharia, or Islamic law. These militant groups have threatened Israeli, American, and other western interests by launching terrorist attacks against the diplomatic facilities, businesses, and citizens of those targeted nations. The radicals believe that they are fully justified in using terrorism against their enemies.

In traditional Islam, the concept of jihad, or "a great striving," is frequently translated in the West as "holy war." Although jihad does not automatically mean the use of terror or violence, terror is sometimes used as a tool in this struggle. Arab journalist Ahmed Tahiri, who has written extensively on the topic, says, "Islamic terrorism has played a constant key role in revivalist movements in the Muslim world during the past 150 years. And, despite vehement protests from westernized Muslim intellectuals, the idea of murdering, maiming, and menacing the enemy for the purpose of hastening the final triumph of Islam has always held a very strong appeal among the Muslim masses."[1]

Throughout the Arab world, Muslim militants and terrorists are often recruited from the legions of unemployed and dispirited young men in both urban and rural settings in seriously underdeveloped countries. In many nations in the Middle East, there is never a shortage of those who are willing to find attractive the idea of launching a holy war against the enemy.

In classical Islam, church and state are not separate. Many Middle East experts believe that Islam is inherently political because it is far more than a religion. It is culture, society, and politics. For years, the Muslim world has maintained an ongoing debate about the merits of returning to the old ways of Islam with the political Islamists leading the charge for a more conservative approach to religion as a way of solving the ills of the Arab world. Secularists, on the other hand, have strongly advocated the gradual modernization of Arab countries.

Political Islam has its origins in Egypt where the Muslim Brotherhood was founded in 1928 by Hassan al-Banna in response to the negative impact that British occupation had on traditional Egyptian society. The brotherhood's founders insisted that the influence of the British and westernized elites was a threat to Egypt and Islam that could only be countered by a return to the basic religious principles of the faith.

Radical Islam caught the attention of the world in 1979 with the dramatic assumption of power of the late Ayatollah Khomeini and the establishment of the Islamic Republic of Iran. The subsequent hostage crisis at the American Embassy in Tehran highlighted the dangers radicalism posed.

In rapid succession, political Islamists sought to assert themselves in a number of Muslim states, with varying degrees of success. Hizballah, or the Party of God, is a militant Islamic group that also has a political agenda. This radical Shia organization was formed by Iran in Lebanon in 1983 and is dedicated to the creation of an Iranian-style Islamic republic in Lebanon and the removal of all non-Islamic influences from the region. The organization, with a terrorist, political, religious, and social services orientation, wants to become institutionalized as Lebanon's principal Islamic movement.

Hizballah is anti-Western and anti-Israeli. The group receives support from the Iranian government, which began funding extremist Lebanese groups as early as 1979. This support includes weapons, training, financial, and diplomatic assistance. Its Consultative Council, or Shura, reports to Iran. The organization operates in Lebanon's Bekaa Valley, around Beirut, and in southern Lebanon and has assets in other countries around the world.

Hizballah uses terrorism to support political and religious goals. The organization is responsible for the terrorist attack on the U.S. Marine barracks in Beirut in 1983, the bombing of two U.S. Embassy facilities there, and the kidnapping of U.S. and other Western hostages in Lebanon. In addition, Hizballah was implicated in the hijacking of a TWA passenger aircraft in 1985 and conducted a sophisticated terrorist bombing of the Israeli Embassy in Buenos Aires early this year, an act that revealed its ability to operate far from home.

Hizballah is determined to drive the Israeli Defense Force (IDF) out of the self-declared

[1] Ahmed Tahiri. "Holy Terror" (London: Shere Books Ltd., 1987), 9.

security zone in Lebanon. It has continued to operate against Israeli targets since 1983, when a suicide operative drove a car bomb into Israeli headquarters in Tyre, South Lebanon.

Last fall, Hizballah agents detonated a roadside explosive in southern Lebanon, killing five IDF soldiers and wounding others. The military arm of Hizballah, called the Islamic Resistance Movement, claimed responsibility. The group is developing the ability to fight a more sustained guerrilla war against the Israelis in south Lebanon as opposed to the random terrorist attacks that characterize a simple terrorist group.

Another prominent group is the Palestinian Islamic Jihad (PIJ). It is one of the two groups of radical Islamists that operate primarily in the Gaza Strip and the West Bank. This small activist group, which now has a terrorist agenda with a small political component, originated among militant Palestinian Islamists in Gaza during the late 1970s with inspiration from the Iranian revolution.

The organization began as a religious and political association and became violent after the Palestinian uprising began in 1987. The PIJ is currently composed of a number of loosely affiliated factions, with at least one element based on Damascus. It is successfully building influence in the Palestinian community.

The PIJ organization is committed to the destruction of Israel through holy war and the creation of an Islamic state there. The group is anti-American because of Washington's close ties with Tel Aviv. The PIJ also opposes moderate Arab governments that are considered to be too secular. Its members operate primarily in the occupied territories, actively in Jordan and Lebanon, and less frequently within the Green Line. The Green Line is Israel's original (pre-1967 war) border not including the West Bank and Gaza.

The organization reportedly has conducted joint operations with Hizballah against Israeli targets in south Lebanon and has representation in the Sudan. PIJ is a small fringe organization with only a few hundred active supporters. The tactics it uses in its operations are elementary. PIJ operatives were arrested in Egypt in 1991 for terrorism activities, and the group was responsible for the killing of Israeli soldiers in Jerusalem in that same year. The PIJ has carried out cross-border raids against Israeli targets in the West Bank and Gaza. In January, a member of PIJ who had been deported to Lebanon called for attacks on U.S. embassies in retaliation for allied air raids on Iraq. PIJ is believed to receive most of its funding and other support from Iran.

The Islamic Resistance Movement (HAMAS) is a group of radical Islamists with a religious, social services, and political agenda as well as a terrorist capability. The group was considered to be somewhat moderate until recently. HAMAS is an outgrowth of the Muslim Brotherhood in the Gaza Strip, which had religious and political objectives. Formed in 1987, the extremist group has become a threat to Yasser Arafat and Palestinian moderates in the occupied territories. In July 1992, skirmishes broke out in Gaza between the mainstream Palestinian movement. Fatah, and HAMAS, and the clash left one dead and 100 wounded. HAMAS claims that it has the support of 25 percent of the Palestinians in the territories and that it scored a victory last April over Palestine Liberation Organization (PLO) candidates who have called for a secular Palestinian state.

The PLO supports the peace talks. HAMAS which opposes the existence of Israel rejects a Middle East political settlement sees holy war as the solution and is eager to exploit a failure of the peace initiative. The group envisions an Islamic republic from the Mediterranean to the Jordan River and supports violent struggle to attain that objective. In early November Yasser Arafat chairman of the PLO warned HAMAS to stop acts of violence in the territories and said that he was not ready to "accept Iranian tutelage over us."[2]

To gain influence and win support among the Palestinians in the territories, HAMAS has provided a wide array of social services to Palestinians. The group has become extremely influential in Gaza and the West Bank. HAMAS is essentially self-sustaining, although it has probably received some funds and training from Iran. Its fighters number in the hundreds and operate mainly in the Gaza Strip and to a lesser extent in the West Bank.

The group recently strengthened its ties with the Iranian government. The action reflects a new level of cooperation between HAMAS, a Sunni group, and Iran, a Shia-dominated government. The organization has held public meetings in the Sudan and enjoys close ties with that government, now dominated by Islamic extremists.

Terrorists from an armed wing of HAMAS, the Brigades of the Martyr Izz al-Din al-Qassam, carried out successful attacks against Israeli military personnel in the territories last fall. HAMAS has clearly begun to exploit its terrorist potential. As violence escalated in Israel and the territories in late 1992, the Israeli government deported 415 suspected HAMAS and PIJ supporters to Lebanon as part of a strategy to curb attacks on soldiers and civilians. That action may have triggered another wave of violence in Israel, the West Bank, and Gaza. In March alone, fifteen Israelis were killed and thirty wounded, the highest monthly death toll for Israelis in several years.

The expulsion of the HAMAS political leadership appears to have freed its young gunmen to act more violently. As a strong supporter of both militant groups, Tehran encourages both PIJ and HAMSA to cooperate with Hizballah given the fact that the groups share a common ideology. Both PIJ and HAMAS have also issued statements to the press declaring the unity of the two organizations.

The Al-Gama'a al-Islamiyya, or The Islamic Group (sometimes called Islamic Jihad) is reportedly a radical offshoot of the Muslim Brotherhood in Egypt. The Islamic Group seeks the violent overthrow of the Egyptian government, hoping to replace it with an Islamic state. The Islamic Group became active in the late 1970s and is organized on the basis of semi-autonomous cells.

Although loosely organized and lacking an operational leader, Sheikh Omar Abdul Rahman, who is now based in New Jersey, is the preeminent spiritual leader of this extremist group. The Islamic Group was implicated in the assassination of President Anwar Sadat in 1981, and in 1990 murdered the speaker of the Egyptian People's Assembly and a noted Egyptian author who had espoused secularism and encouraged religious harmony.

In the past few years, this radical organization has fanned the flames of religious intolerance among the various groups in that country. In the fall of 1992, more than seventy Egyptians died in serious clashes between Muslims and Coptic Christians in central Egypt. The incidents were encouraged by the Islamic Group. The extremist movement also claims responsibility for attacks against foreign tourists. Recently, the Islamic Group warned foreign investors to leave Egypt. It is estimated that by the end of this year Egypt will have lost roughly $1 billion in revenues from a rapid decline of its tourist industry.

In response to this escalating violence, the Egyptian government has cracked down on the radical Islamists, putting twenty-one of them on trial last year on charges of plotting to assassinate public figures and inciting strife among Egypt's religious groups. More recently, police sweeps resulted in the jailing of 700 suspected Islamic extremists. Egyptian officials believe that Rahman is responsible for planning some of the terrorist operations in Egypt, although U.S. officials believe that his role in violent acts is limited to inflammatory oratory.

Last November, Egyptian President Husni Mubarak repeated his accusations that Iran was formenting trouble in that country, intervening in internal Egyptian affairs, and exporting terrorism to Egypt. The Islamic Group receives support from Iran and has established various kinds of networks with several counterparts in the Arab world, including Afghanistan.

Although a number of terrorist incidents have occurred on American soil in past years, the bombing of the World Trade Center awakened many Americans to the fact that Middle Eastern terrorism has finally arrived. On February 26, a van loaded with approximately 1,000 pounds of conventional explosives and compressed hydrogen gas detonated in a parking garage under the World Trade Center, killing six and injuring more than 1,000. Losses from this, the most devastating act of domestic terrorism in recent history could approach $590 million, including physical repair costs and the associated economic damage.

A few days after the New York attack, a letter was received by the New York Times, allegedly from the group responsible for the bombing, that may shed some light on the motives of the attackers. In the letter, which was turned over to the police and FBI, the "Liberation Army Fifth Battalion" threatened to carry out additional attacks, both on military and civilian targets, if the United States failed to sever relations with Israel and meet other demands. The group claimed to have 150 suicide soldiers ready to carry out attacks in the United States.

Some of the suspects in the World Trade Center bombing are illegal aliens, and all were either Egyptians or of Palestinian descent. All of them shared an interconnected world. They attended the same mosques; some had joined the Islamic guerrillas in Afghanistan, a group which was fighting against the Soviet-backed Communist government in Kabul; and all apparently believed in Islamic militancy.

The suspects were also allegedly motivated by the preachings of Egyptian-born cleric Rahman, the spiritual head of Egypt's Islamic Group. This militant religious preacher has called for holy war, the downfall of the United States, and the overthrow of the secular Egyptian government. A likely recipient of Iranian funds, Rahman is still preaching in New Jersey while appealing a deportation order that is based on his failure to reveal he had practiced polygamy and other violations of U.S. immigration laws. The case is being closely watched.

[2] Y.M. Ibrahim. New York Times. "Arafat Warning Fundamentalists on Violence in Occupied Lands." Nov. 10, 1992 A6.

Americans and American interests, along with those of the country's allies, will continue to be targeted both in the United States and around the world, especially in the volatile Middle East. The New York bombing is part of a broader terrorist trend toward large-scale indiscriminate violence designed to cause a significant number of casualties.

Although not given the same prominent media coverage as the World Trade Center incident, four reputed members of a terrorist organization led by Palestinian terrorist Abu Nidal were indicted in early April in what the Justice Department said was a conspiracy to buy weapons, kill Jewish Americans, and blow up the Israeli Embassy in Washington. The terrorist suspects, who were arrested in Milwaukee and St. Louis, were allegedly in the early stages of planning the terrorist operation as part of a conspiracy that began in 1986.

Although the Abu Nidal organization is a secular group, since 1974, it has been blamed for 100 terrorist attacks that killed more than 280 people. The same organization carried out attacks killing 18 persons at the Rome and Vienna airports in the 1980s. It was also responsible for the vicious killing of 21 worshippers in the bombing of a synagogue in Istanbul.

The growing numbers of both legal and illegal aliens will continue to remain a serious problem in that both groups can be used as a support network for radical terrorist groups that may plan future operations in the United States. The visa issuance policies of the American government continue to be relatively liberal, and its handling of those seeking political asylum will probably not be corrected through legislative initiative.

Overseas, U.S. facilities and personnel will also continue to be targeted. The Islamic Republic of Iran will continue to aggressively export its anti-Americanism and its militant Islamic revolution to target countries in the Middle East and Africa. Already, the Islamic government in Khartoum is providing a support base for Iran's plans to install Islamic governments. Iran has been successful in using international terror as an instrument of foreign policy.

Continuing uncertainty about the Middle East peace talks and the festering Israeli-Arab dispute will continue to fuel anti-American sentiment among radical Islamists in the region and inspire future militant Islamic attacks on U.S. targets in the Arab world and elsewhere in the world.

Despite the recent predictions of many pundits that the age of terrorism is over, security professionals and their programs will likely continue to be confronted with Islamic terrorism and its repercussions that may become more deadly and sophisticated in the future.

THE IMPACT OF THE PRESIDENT'S ECONOMIC PACKAGE

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, August 18, 1993, into the CONGRESSIONAL RECORD:

THE IMPACT OF THE PRESIDENT'S ECONOMIC PACKAGE

The deficit reduction package signed into law by President Clinton last week received widely differing assessments of its impact on the economy. Some thought it would have a profound impact and be the key to restoring strong growth to our sluggish economy, while others felt it could even make things worse. As the heated political rhetoric dies down, it is important to try to get a balanced perspective on what it could accomplish.

IMPACT ON THE ECONOMY

The key question about the economic package is whether the plan will help or hurt the economy. There is no doubt in my mind that most Americans consider jobs and the economy much more important than the deficit.

Short-term: My view is that the plan may well cause some slowdown in economic growth and jobs over the next year or so as the new taxes and spending cuts take hold. Higher taxes and less government spending means less money in taxpayers' pockets. So in the short-run the package will tend to slow the economy.

At the same time, the plan should get at least some credit for the sharp drop in long-term interest rates. Lower interest rates will counteract a good deal of the impact from the taxes and spending cuts because the rates should stimulate businesses to invest and consumers to buy. The question, of course, is whether the lower interest rates will offset the drag on growth from tax increases and spending cuts. Nobody can answer that for sure now.

One of the key uncertainties is whether the Federal Reserve will act aggressively to keep interest rates low. Another is how quickly economic growth will pick up in the rest of the world. Ideally, with low interest rates and satisfactory growth abroad, we could have a solid and balanced recovery led by investment and exports. Realistically, however, the deficit reduction package will not generate many new jobs in the short run. The unemployment rate, which edged down to 6.8% in July, will continue to fall only gradually. With the unemployment rate likely to remain above 6% for some time into the future, the good news is that there should be little risk of higher inflation.

Long-term: The package probably does have some long-term gains. It brings stability, and should keep the deficits from exploding. That may not translate directly into more jobs right away, but a debt that is growing faster than Gross Domestic Product—as the federal debt has been doing recently—ultimately feeds on itself and brings instability. Another benefit from the package is higher investment. Cutting the deficit increases national savings directly and makes more resources available for productivity-boosting investments by the private sector.

Nobody should expect a sudden bounce to prosperity because of this package. I think it prevents a further decline that comes from rising deficits, but while the benefits will be real they will not be particularly visible. So the public is probably right to be skeptical about all the benefits that have been claimed for this economic package.

OVERALL LIMITATIONS OF PACKAGE

It is easy to overstate the impact of the budget package. Several factors need to be kept in mind.

First, it does not solve our budget deficit problem. Despite the cutbacks, the government will still be addicted to deficit spending—annual deficits will exceed more than $200 billion a year—and the national debt will continue to rise. The deficit five years from now will be about 40% below the level it had been projected to reach without this package. That is still much too high, but it is probably about all the restraint that was achievable in a weak economy.

Second, the package does not contain all of the President's economic reform plan. More attention still needs to be given to boosting productivity-enhancing investment—in education and training, research, infrastructure, and new plant and equipment. Only about one-third of the President's investment proposals remained in the final package passed by Congress.

Third, the budget package is only one of many factors that affect the economy. Others include the strength of U.S. trading partners, action by the Federal Reserve, and the normal course of the business cycle. The outcome of the President's health care reform package could also have a big impact. The U.S. economy is a $6 trillion economy on the way to becoming an $8 trillion economy in five years. In that context the changes made by this budget package are fairly small.

In general I have held the view that the federal budget's impact on the economy is often overstated in the political arena and its impact is more complex than the political debates suggest. There are just too many other things that matter in the American economy in addition to changes in government spending or taxes.

UPCOMING EFFORTS

While the President claimed a clear mandate from the passage of the budget proposal, I think that probably overstates it. The package that was passed was just barely able to muster a majority of both houses, and many of the issues addressed will inevitably have to be revisited. There is not much doubt but that there will be another round of budget cutting soon. Certainly Congress is going to have to address the tough issue of what to do about entitlement spending for social security, medicare, and medicaid. This budget battle was highly partisan, but my own view is that a bipartisan effort is still necessary and offers the best hope—maybe the only hope—of curbing entitlement spending and eliminating the deficits.

Whatever may be said about the politics of the budget plan, no one can accuse the President or Congress of ducking the issue. At the sometime, no one should think that its passage has dispelled skepticism about government or inspired confidence in its course. There is still an enormous amount of work to be done before that confidence can be earned.

CONCLUSION

The economic package put President Clinton's mark on the economy and he is likely to be blamed from this point on for its success or failure. Overall, I think the package will slightly reduce economic performance in the short-run and provide a modest boost over the long-term. It will be helpful, but by itself it is not going to have a monumental impact on the budget or on the economy. I think we have much work to do to help people understand the historic nature of the economic and budget challenges that we confront and to lead toward the changes in policy that are necessary to meet them.

IN RECOGNITION OF VIRGINIA KATES

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. LIPINSKI. Mr. Speaker, it gives me great pleasure to bring to the attention of my colleagues an outstanding individual from Chicago, IL. On Saturday, September 11, 1993, Mrs. Virginia Kates will be installed as Chapeau Nationale of the Salon National La Botique of Eight and Forty, a subsidiary of he American Legion Auxiliary.

As national president, Mrs. Kates will be responsible for programs to help children afflicted with respiratory diseases. She will also award scholarships to nurses who will be specializing in respiratory therapy.

Mrs. Kates' commitment is outstanding and deserving of special recognition. I am sure my colleagues will join me in expressing congratulations to Mrs. Kates for her well-deserved honor. I salute Mrs. Kates for her selfless dedication and wish her well in this important new endeavor.

ST. MARY'S HIGH SCHOOL HOLDS ITS ALL-CLASS REUNION

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. KANJORSKI. Mr. Speaker, today, I am pleased to bring to the attention of my colleagues the all-class reunion of St. Mary's High School in Wilkes-Barre, PA.

Built around the turn of the century, St. Mary's was the first and largest Catholic high school in Luzerne County. Members of the faculty were Sisters of Mercy, who were also pioneers in local health care.

With an approximate enrollment of 800 students, St. Mary's boasts a long list of talented individuals among its alumni, such as musician Hugo Winterhalter and Michael Shovlin, who rose to fame in the 1940's and 1950's.

Many of our community leaders, in northeastern Pennsylvania, past and present, fondly remember their years at St. Mary's.

Located in the heart of the anthracite coal region, St. Mary's High School played an invaluable role in the development of the citizens of northeastern Pennsylvania by offering night classes to those employed in the mines during the day. Throughout its history, St. Mary's has made an immeasurable contribution to the community and to those it served.

The alumni of St. Mary's High School have scattered over the years, some as far as Ireland and British Columbia. As these former students return home to northeastern Pennsylvania for this reunion, I know they all will have memories to treasure and share. It is my pleasure to send my very best wishes as the classmates of St. Mary's High School reunite to renew those many friendships.

TRIBUTE TO COUNTY SUPERVISOR GRANTLAND JOHNSON

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. FAZIO. Mr. Speaker, I rise today to pay tribute to Grantland Johnson, chair of the Sacramento County Board of Supervisors, who was honored at the California State Fair on Saturday as part of Black Culture Day. Mr. Johnson has a long history of commitment and service to the African-American community, and I am honored to be allowed to speak on his behalf and enter into the RECORD a brief and incomplete list of his many accomplishments.

Mr. Johnson is a native Sacramentan who was raised in Del Paso Heights and attended Grant High School. He received his bachelors degree in government from California State University in Sacramento and now lives in South Natomas with his wife, Charlot Bolton, and their daughter, Patrice.

Prior to serving on the board of supervisors, Mr. Johnson served one term on the Sacramento City Council. He helped establish the City Office of Economic Development, the Office of Neighborhood Services, and the McClellan toxics task force which focuses on ground water pollutants around McClellan Air Force Base.

In addition to his duties as a supervisor, he currently serves on the Sacramento Regional Transit District Board of Directors, the Sacramento Transportation Authority, the Sacramento Cable Commission, the Sacramento Regional Sanitation District Board of Directors, and the Sacramento Sports Commission. Johnson also serves locally on the Cities In Schools Board of Directors, the Neighborhood Housing Services Board of Trustees, and the St. Hope Academy Board of Directors.

He holds several statewide positions including the Tanner Hazardous Waste Appeals Board, Co-Chair of the California Association of Counties [CSAC], Health and Human Services Policy Committee, CSAC's Managed Health Care Leadership Council, the Local Government Commission Board of Directors, and the executive board of the State Democratic Party.

Nationally, Mr. Johnson is a member of the credentials committee for the Democratic National Committee and is also active with the Council of Governor's Policy Advisors. He is a board member of the Alliance of Redesigning Government.

In the area of crime prevention, Johnson spearheaded a successful effort to fund a street drug team in the Sheriff's department—a program that has led to the arrest of hundreds of drug pushers. He has long been active in establishing neighborhood organizations to fight gangs and drugs.

Mr. Johnson was the founder of the Sacramento Area Flood Control Agency which provides local support for flood protection. He has recently worked to secure Federal funding for flood control improvements in the Sacramento area.

Grantland Johnson is well known in Sacramento for his efforts to reinvent government. He is a leading advocate for establishing new models of government services, including Sacramento County's ongoing human services organization and innovative plan to provide neighborhood-based services to families in impoverished areas.

As a member of the Board of Supervisors, Mr. Johnson represented district 1, an area that includes North Highlands, Elverta, Rio Linda, North Sacramento, North and South Natomas, Downtown Sacramento, Oak Park, portions of Tahoe Park, and Curtis Park.

He was the first African-American elected to the Sacramento County Board of Supervisors in November 1986. He was reelected to a second 4-year term in June 1990.

On Saturday, September 4, 1993, the California State Fair Board of Directors, the Black Culture Day Committee, Sacramento Area Black Caucus, Women's Civic Improvement Club, and Rancho Arroyo Health Club held a reception honoring Mr. Johnson for his many achievements. I can think of no one more deserving of this honor than Supervisor Johnson and I am proud to call him my friend and colleague. He is truly an asset to the entire Sacramento community.

Mr. Speaker, I ask my colleagues in the House of Representatives to join me today in honoring Mr. Johnson and I personally extend my sincere appreciation for all he has done for the citizens of Sacramento County.

IN MEMORY OF THE HONORABLE PAUL B. HENRY

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. COMBEST. Mr. Speaker, while we attempt with our words to frame the life accomplishments of PAUL HENRY, we can look to the hearts and minds of the people he served from the Michigan townships north and south of Grand Rapids.

PAUL HENRY has remained popular among the people of his district. His constituents family and friends should be proud that PAUL also is held in warm esteem by his colleagues here in Congress. We saw PAUL as truly representing the conscience of his district and the concerns of this Nation.

PAUL brought his heart and his mind to this serious job of representation of the people. In countless matters of concern before Congress, he sought to bring both common sense and fairness to these deliberations. PAUL's approach to his work here in Washington serves as an enlightened example of representation in its finest form for its noblest purpose.

THE PRESIDENT'S ECONOMIC PACKAGE

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday,

August 11, 1993, into the CONGRESSIONAL RECORD.

THE PRESIDENT'S ECONOMIC PACKAGE

By very slim margins the House and Senate last week passed one of President Clinton's top priorities—his economic reform package aimed at addressing the imbalances of the last decade. It has two main parts—$496 billion in net deficit reduction over the next 5 years and some $50 billion in investment-oriented spending and tax incentives.

OUTLINE OF PACKAGE

Although the package was revised in both the House and Senate, it contains most of what President Clinton requested of Congress in February. The annual budget deficits were projected to add $1.5 trillion to our national debt over the next 5 years; this package is estimated to decrease that accumulations by ⅓. The deficit reduction is split almost equally between spending and taxes, with $255 billion in spending reductions and $241 billion in tax increases. The biggest spending cuts are in defense, federal payrolls, and Medicare, and the largest revenue gains come from making high-income individuals pay higher income taxes and Medicare payroll taxes. The measures to increase investment and to encourage work include an expansion of the earned income on programs for children, tax breaks for small business investment, and incentives to encourage inner-city business growth.

MISCONCEPTIONS

Passage was made more difficult by public misconceptions about what the package contains. First, the heaviest tax burden is not borne by the middle class. Some 80% of the new tax revenue will come from the 1% of Americans whose income exceeds $200,000; middle-income working families are expected to see total tax increases of around $30 per year (from the gasoline tax). Second, the tax changes do not harm the average small business. Some 96% of small businesses are exempt from the new income taxes; indeed, the tax incentives in this package mean that more than 90% of small businesses will be eligible for a reduction in their taxes. Third, the package does not mean a big boost in gasoline prices. It contains a 4.3 cents per gallon increase, which for the average Hoosier family means about $3 a month. Fourth, it does not ignore the needs of seniors. Congress provides more benefits, by far, to seniors than to any other age group, and even after the changes in this package the share of federal spending going to seniors will continue to increase rather than decrease. Fifth, the package does not contain far more tax increases than spending cuts. Those who suggested otherwise were tallying spending cuts and taxes in ways quite different from past practice. Sixth, the package does cut spending. It includes 200 specific cuts in entitlement and discretionary spending, including 100 cuts of more than $100 million each over 5 years. Many of the cuts will be phased in over years, but so would the cuts proposed in the alternative. The package contains tight caps on appropriations, and President Clinton signed executive orders to further strengthen enforcement.

SHORTCOMINGS

Yet the package does, from my point of view, have some flaws. It does not tame the deficit. It contains roughly the same amount of tax increases as spending cuts, while my preference would be for $2 in spending cuts for every $1 in tax increases. It does not sufficiently tilt public and private spending toward investment, which is the key to economic growth. And some use of accounting gimmicks crept back into the process.

REASONS FOR SUPPORTING

So it is not a perfect package, and it is easy to find parts of it to criticize. But the positive features of the package far exceed the defects:

First, and foremost, the President's plan brings about serious deficit reduction and is an important step toward fiscal prudence. The fiscal policy of recent years simply had to be changed. Since 1980 our national debt has quadrupled, and $1 out of every $7 of federal spending now goes just to pay interest on the national debt. The large budget deficits of recent years deplete our pool of national savings and mean less private-sector investment. Long-term interest rates have come down in recent months to 20-year lows on the expectation that Congress and the President are finally serious about reducing the deficit. There is simply no way to have strong economic growth and to create jobs with high deficits and high interest rates. And for the vast majority of Americans the benefits from these lower interest rates will more than offset any tax increases or benefit cutbacks in the package.

Second, the package makes a modest, but significant, shift in our national spending priorities—recognizing that more of our resources need to go to investments in education, research, new plant and equipment, and the like. The package makes prudent investments in people. For example, with the earned income tax credit, work will be rewarded and every parent who works full time and has a child at home will not have to raise that child in poverty.

Third, the package helps to reverse the trends of recent years in which the wealthy got most of the breaks while the middle class shouldered most of the budget cutbacks. It tries to restore some fairness; those who pay most are those with the greatest ability to pay.

Fourth, there was no other viable alternative in play. At this stage the choice was between this plan or no plan. The alternative plan—which did not ask the wealthy to pay one dime for deficit reduction while making far deeper cuts in agriculture and health programs for older Americans—features unspecified cuts and was rejected weeks ago. And delaying action to call for some future budget summit would likely have resulted in long delays, increased uncertainty for the economy, and less deficit reduction.

Finally, defeat of the President's top priority would have meant a return to government gridlock and could have seriously undermined his ability to tackle other important items on the national agenda, such as health care reform.

CONCLUSION

It is certainly easier to tell people that we can cut their taxes and increase spending on programs they like and that the deficit will simply take care of itself. But that approach did not work during the 1980s, and it has led to the current fiscal mess and to near paralysis in Washington. So, compared to the approach of recent years, this package is surely a step in the right direction. Congress simply needed to start cutting the largest deficits in history and try to spread the sacrifice as fairly as possible. The package moves the country in the direction of fiscal discipline, restores some of the progressive edges of the tax system, and begins to attack selected social problems. It is certainly not a cure-all for our economic woes, and Congress will soon have to return to the questions of more spending cuts. But it begins to repair the damage from a long period of national neglect. In the end I felt it is far better than anything its opponents have offered, and we are better off with it than without it.

SIGN DISCHARGE PETITION NO. 2 NOW TO BRING SUNSHINE TO DISCHARGE RULE

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 19933

Mr. SOLOMON. Mr. Speaker, I want to urge all my colleagues who have not yet done so to come on down to the well and sign Discharge Petition No. 2 on Congressman INHOFE's House Resolution 134.

That resolution would amend House rules to require the immediate public disclosure of signatures on discharge petitions to dislodge popular bills that are pigeonholed in obstructionist committees.

Mr. Speaker, we have no business keeping the people's business secret from the people. This discharge petition secrecy rule is a relic of the dark ages that was overlooked when we passed all the House "sunshine" reforms in the 1970's.

That is when we reformed this House to open up committee meetings, hearings, and conferences, and to allow recorded votes on amendments in the Committee of the Whole.

The time has come to bring discharge petitions out of the dark drawer and into the light of day for all the people to see.

We all want the committee system to work as intended and report legislation after careful hearings and deliberation. But the fact is that some committees prefer to ignore the will of the people and a House majority and bottle up bills indefinitely.

The purpose of the discharge petition is to either force committees to be responsive and accountable or get out of the way and let the House act.

This week will tell the tale as to which Members prefer the secret order of the discharge to the saintly society of sunshine.

TEMPLETON PRIZE ADDRESS DELIVERED BY CHARLES W. COLSON

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. WOLF. Mr. Speaker, I commend to our colleagues an address delivered recently by Charles Colson, who was presented the 1993 Templeton Prize for Progress in Religion earlier this year. The Templeton Prize, established 20 years ago by Sir John Templeton, is presented annually for extraordinary originality in advancing humankind's understanding of God. Former recipients include Mother Teresa, Rev. Billy Graham, and Alexander Solzhenitsyn.

THE ENDURING REVOLUTION

(By Charles W. Colson)

I speak as one transformed by Jesus Christ, the living God. He is the Way, the Truth, and

the Life. He has lived in me for 20 years. His presence is the sole explanation for whatever is praiseworthy in my work, the only reason for my receiving this award (the Templeton Prize).

That is more than a statement about myself. It is a claim to truth. It is a claim that may contradict your own.

Yet on this, at least, we must agree: the right to do what I've just done—to state my faith without fear—is the first human right. Religious liberty is the essence of human dignity. We cannot build our temples on the ruins of individual conscience. For faith does not come through the weight of power, but through the hope of glory.

It is a sad fact that religious oppression is often practiced by religious groups. Sad—and inexcusable. A believer may risk prison for his own religious beliefs, but he may never build prisons for those of other beliefs.

It is our obligation—all of us here—to bring back a renewed passion for religious liberty to every nation from which we came. It is our duty to create a cultural environment where conscience can flourish. I say this for the sake of every believer imprisoned for boldness or silenced by fear. I say this for the sake of every society that has yet to learn the benefits of vital and voluntary religious faith.

The beliefs that divide us should not be minimized. But neither should the aspirations we share: for spiritual understanding; for justice and compassion; for proper stewardship of God's creation; for religious influence—not oppression—in the right ordering of society. And for truth against the arrogant lies of our modern age.

For at the close of this century, every religious tradition finds common ground in a common task—a struggle over the meaning and future of our world and our own particular culture. Each of us has an obligation to expose the deceptions that are incompatible with true faith. It is to this end I will direct my remarks today.

THE FOUR HORSEMEN

Four great myths define our times—the four horsemen of the present apocalypse.

The first myth is the goodness of man. The first horseman rails against heaven with the presumptuous question: why do bad things happen to good people? He multiplies evil by denying its existence.

This myth deludes people into thinking that they are always victims, never villains; always deprived, never depraved. It dismisses responsibility as the teaching of a darker age. It can excuse any crime, because it can always blame something else—a sickness of society or a sickness of the mind.

One writer has called the modern age "the golden age of exoneration." When guilt is dismissed as the illusion of narrow minds, then no one is finally accountable, even to his conscience.

The irony is that this should come alive in this century, of all centuries, with its gulags and death camps and killing fields. As G.K. Chesterton once said, the doctrine of original sin is the only philosophy empirically validated by the centuries of recorded human history.

It was a holocaust survivor who exposed this myth most eloquently. Yehiel Dinur was a witness during the trial of Adolf Eichmann. Dinur entered the courtroom and stared at the man behind the bulletproof glass—the man who had presided over the slaughter of millions. The court was hushed as a victim confronted a butcher.

Then suddenly Dinur began to sob, and collapsed to the floor. Not out of anger or bitterness. As he explained later in an interview, what struck him at that instant was a terrifying realization. "I was afraid about myself," Dinur said. "I saw that I am capable to do this * * * Exactly like he."

The reporter interviewing Dinur understood precisely. "How was it possible for a man to act as Eichmann acted?" he asked. "Was he a monster? A madman? Or was he perhaps something even more terrifying * * * Was he normal?"

Yehiel Dinur, in a moment of chilling clarity, saw the skull beneath the skin. "Eichmann," he concluded, "is in all of us."

Jesus said it plainly: "That which proceeds out of the man, that is what defiles the man" (Mark 7:20).

The second myth of modernity is the promise of coming utopia. The second horseman arrives with sword and slaughter.

This is the myth that human nature can be perfected by government; that a new Jerusalem can be built using the tools of politics.

From the birth of this century, ruthless ideologies claimed history as their own. They moved swiftly from nation to nation on the strength of a promised utopia. They pledged to move the world, but could only stain it with blood.

In communism and fascism we have seen rulers who bear the mark of Cain as a badge of honor; who pursue a savage virtue, devoid of humility and humanity. We have seen more people killed in this century by their own governments than in all its wars combined. We have seen every utopian experiment fall exhausted from the pace of its own brutality.

Yet utopian temptations persist, even in the world's democracies—stripped of their terrors perhaps, but not of their risks. The political illusion still deceives, whether it is called the great society, the new covenant, or the new world order. In each case it promises government solutions to our deepest needs for security, peace, and meaning.

The third myth is the relativity of moral values. The third horseman sows chaos and confusion.

This myth hides the dividing line between good and evil, noble and base. It has thus created a crisis in the realm of truth. When a society abandons its transcendent values, each individual's moral vision becomes purely personal and finally equal. Society becomes merely the sum total of individual preferences, and since no preference is morally preferable, anything that can be dared will be permitted.

This leaves the moral consensus for our laws and manners in tatters. Moral neutrality slips into moral relativism. Tolerance substitutes for truth, indifference for religious conviction. And in the end, confusion undercuts all our creeds.

The fourth modern myth is radical individualism. The fourth horseman brings excess and isolation.

This myth dismisses the importance of family, church, and community; denies the value of sacrifice; and elevates individual rights and pleasures as the ultimate social value.

But with no higher principles to live by, men and women suffocate under their own expanding pleasures. Consumerism becomes empty and leveling, leaving society full of possessions but drained of ideals. This is what Vaclav Havel calls "totalitarian consumerism."

A psychologist tells the story of a despairing young woman, spent in an endless round of parties, exhausted by the pursuit of pleasure. When told she should simply stop, she responded, "You mean I don't have to do what I want to do?"

As author George Macdonald once wrote, "The one principle of hell is 'I am my own.'"

MODERNITY: A CASE STUDY

I have seen firsthand the kind of society these deadly myths create. In 17 years I have been in more prisons than I can count, in more nations than I can name. I have seen the face of the crisis of modernity in real human faces.

The myth of human goodness tells men and women they are not responsible for their actions, that everyone is a victim. "Poverty is the cause of crime," said a U.S. attorney general three decades ago. Looters are not to blame for looting, said a U.S. president. Thus excused, millions refused accountability for their behavior; crime soared—and is today the great plague on civilized societies.

Utopianism, however, assures us that crime can be solved by government policy. On the left, that means rehabilitation; on the right, more and tougher laws to scare people straight. But our efforts prove futile. In the past 30 years, the prison population in America has increased five-fold. But violent crime has increased just as fast.

For criminals are not made by sociological or environmental or economic forces. They are created by their own moral choices. institutions of cold steel and bars are unable to reach the human heart, and so they can neither deter nor rehabilitate.

A decade ago, social scientist James Q. Wilson searched for some correlation between crime and social forces. He discovered that in the late nineteenth century, when the nation was rapidly industrializing—conditions that should have caused crime to increase—crime actually declined. The explanation? At the time a powerful spiritual awakening was sweeping across America, inspiring moral revival and social renewal. By contrast, in the affluent 1920s, when there should have been less economic incentive for lawlessness, crime increased. Why? In the wake of Freud and Darwin, religion fell from favor. In Wilson's words, "The educated classes began to repudiate moral uplift."

A similar study in England by Professor Christie Davies found that crime was lowest a century ago when three out of four young Britons were enrolled in Sunday school. Since then, Sunday school attendance has declined, and crime has correspondingly increased.

Crime is a mirror of a community's moral state. A society cannot long survive if the demands of human dignity are not written on our hearts. No number of people can enforce order; no threat of punishment can create it. Crime and violence frustrate every political answer, because there can be no solution apart from character and creed.

But relativism and individualism have undermined the traditional beliefs that once informed our character and defined our creed. There are no standards to guide us. Dostoyevsky's diagnosis was correct: Without God, everything is permissible; crime is inevitable.

These myths constitute a threat for all of us, regardless of our culture or the faith communities we represent. The four horsemen of the present apocalypse lead away from the cloud and fire of God's presence into a barren wilderness. Modernity was once judged by the heights of its aspirations. Today it must be judged by the depth of its decadence. that decadence has marked the West most deeply; this makes it imperative that we understand the struggle for the soul of western civilization.

THE PARADOX OF OUR TIMES

We stand at a pivotal moment in history, when nations around the world are looking westward. In the past five years, the balance of world power shifted dramatically. Suddenly, remarkably, almost inexplicably, one of history's most sustained assaults on freedom collapsed before our eyes.

The world was changed, not through the militant dialectic of communism, but through the power of unarmed truth. It found revolution in the highest hopes of common men. Love of liberty steeled under the weight of tyranny; the path of the future was charted in prison cells.

This revolution's symbolic moment was May Day 1990. Protesters followed the tanks, missiles, and troops rumbling across Red Square. One, a bearded Orthodox monk, darted under the reviewing stand where Gorbachev and other Soviet leaders stood. He thrust a huge crucifix into the air, shouting above the crowd, "Mikhail Sergeyevich! Christ is risen!"

Gorbachev turned and walked off the platform.

Across a continent the signal went. In defiant hope a spell was broken. The lies of decades were exposed. Fear and terror fled. And millions awoke as from a long nightmare.

Their waking dream is a world revolution. Almost overnight the western model of economic, political, and social liberty has captured the imagination of reformers and given hope to the oppressed. We saw it at Tiananmen Square, where a replica of the Statute of Liberty, an icon of western freedom, became a symbol of Chinese hope. We saw it in Czechoslovakia when a worker stood before a desolate factory and read to a crowd, with tears in his eyes, the American Declaration of Independence.

This is one of history's defining moments. The faults of the West are evident—but equally evident are the extraordinary gifts it has to offer the world. The gift of markets that increase living standards and choices. The gift of political institutions where power flows from the consent of the governed, not the barrel of a gun. The gift of social beliefs that encourage tolerance and individual autonomy.

Free markets. Free governments. Free minds.

But just at this moment, after the struggle of this century . . . just as this moment, with a new era of liberty our realistic hope . . . just at this moment, the culture that fashioned this freedom is being overrun by the four horsemen. It has embraced the destructive myths of modernity, which are poisoning its wellspring of justice and virtue and stripping away its most essential humanizing, civilizing influence.

ROOTS OF THE WESTERN IDEAL

Make no mistake: This humanizing, civilizing is the Judeo-Christian heritage. It is a heritage brought to life anew in each generation by men and women whose lives are transformed by the living God and filled with holy conviction.

Despite the failures of some of its followers—the crusades and inquisitions—this heritage has laid the foundations of freedom in the West. It has established a standard of justice over both men and nations. It has proclaimed a higher law that exposes the pretensions of tyrants. It has taught that every human soul is on a path of immortality, that every man and women is to be treated as the child of a king.

This muscular faith has motivated excellence in art and discovery in science. It has undergirded an ethic of work and an ethic of service. It has tempered freedom with internal restraint, so our laws could be permissive while our society was not.

Christian conviction inspires public virtue, the moral impulse to do good. It has sent legions into battle against disease, oppression, and bigotry. It ended the slave trade, built hospitals and orphanages, tamed the brutality of mental wards and prisons.

In every age it has given divine mercy a human face in the lives of those who follow Christ—from Francis of Assisi to the great social reformers Wilberforce and Shaftesbury to Mother Teresa to the tens of thousands of Prison Fellowship volunteers who take hope to the captives—and who are the true recipients of this award.

Christian conviction also shapes personal virtue, the moral imperative to be good. It subdues an obstinate will. It ties a tether to self-interest and violence.

Finally, Christian conviction provides a principled belief in human freedom. As Lord Acton explained, "Liberty is the highest political end of man . . . [But] no country can be free without religion. It creates and strengthens the notion of duty. If men are not kept straight by duty, they must be by fear. The more they are kept by fear, the less they are free. The greater the strength of duty, the greater the liberty."

The kind of duty to which Acton refers is driven by the most compelling motivation. I and every other Christian have experienced it. It is the duty that flows from gratitude to God that He would send His only Son to die so we might live.

THE FOUR HORSEMEN IN THE WEST

This is the lesson of centuries: that ordered liberty is one of faith's triumphs. And yet, western cultural and political elites seem blinded by modernity's myths to the historic civilizing role of Christian faith. And so, in the guise of pluralism and tolerance, they have set about to exile religion from our common life. They use the power of the media and the law like steel wool to scrub public debates and public places bare of religious ideas and symbols. But what is left is sterile and featureless and cold.

These elites seek freedom without self-restraint, liberty without standards. But they find instead the revenge of offended absolutes.

Courts strike down even perfunctory prayers, and we are surprised that schools, bristling with barbed wire, look more like prisons than prisons do.

Universities reject the very idea of truth, and we are shocked when the best and the brightest of their graduates loot and betray.

Celebrities mock the traditional family, even revile it as a form of slavery, and we are appalled at the human tragedy of broken homes and millions of unwed mothers.

The media celebrate sex without responsibility, and we are horrified by sexual plagues.

Our lawmakers justify the taking of innocent life in sterile clinics, and we are terrorized by the disregard for life in blood-soaked streets.

C.S. Lewis described this irony a generation ago. "We laugh at honor," he said, "and are shocked to find traitors in our midst . . . We castrate and bid the geldings be fruitful."

A generation of cultural leaders wants to live off the spiritual capital of its inheritance, while denigrating the ideals of its ancestors. Is squanders a treasure it no longer values. It celebrates its liberation when it should be trembling for its future.

THE PATH TO TYRANNY

Where does the stampede of the four horsemen lead us? Only one place: tyranny. A new kind of cultural tyranny that finds minds, uninformed by traditions and standards, easy to shape.

Philosopher Hannah Arendt described totalitarianism as a process where lonely, rootless individuals, deprived of meaning and community, welcome the captivity of ideology. To escape their inner emptiness, they seek out new forms of servitude. Trading independence for security, they blend into faceless conformity.

The lonely crowd always finds a leader. It submits to the party line and calls it freedom. America is filled with willing recruits to follow a new Grand Inquisitor.

This coming cultural tyranny already casts its shadow across university campuses where repressive speech codes stifle free debate; across court houses and legislatures where officials hunt down and purge every religious symbol; across network newrooms and board rooms where nothing is censored except traditional belief. Our modern elites speak of enlightened tolerance while preparing shackles from those who disagree. This is what Chesterton defined as true bigotry: "the anger of men who have no convictions."

Disdaining the past and its values, we flee the judgment of the dead. We tear down memory's monuments—removing every guidepost and landmark—and wander in unfamiliar country. But it is a sterile wasteland in which men and women are left with carefully furnished lives and utterly barren souls.

And so, paradoxically, at the very moment much of the rest of the world seems to be reaching out for western liberal ideals, the West itself, beguiled by myths of modernity, is undermining the very foundation of those ideals.

This is irony without humor—farce without joy. Western elites are carefully separating the wheat from the chaff and keeping the chaff. They are performing a modern miracle of turning wine into water.

This crisis is not only alarming, it is also urgent. In earlier times, social patterns were formed over centuries by tradition and intellectual debate, then gradually filtered to the masses. Now, through technology, a social revolution can be wired directly to the brain. It comes through satellites and videos, through pleasing images and catchy tunes. Refugees on a boat from Southern China were recently intercepted by the U.S. Coast Guard: their entire knowledge of the English language consisted of one acronym, "MTV."

The world's newly developing nations are in a revolution of rising expectations that may become a trap of misplaced hope. Nations that import a western ideal stripped of its soul will find only what we have found: pleasures as shallow as the moment, emptiness as deep as eternity.

THE CONTEMPORARY CHALLENGE

I say to you assembled here today from every part of the globe that this is a challenge facing all of us. At this extraordinary moment in world history, many nations once enslaved to ruthless ideologies have now been set free—only to face a momentous decision: Each must decide whether to embrace the myths of modernity or turn to a deeper, older tradition, the half-forgotten teachings of saints and sages.

I say to my compatriots in the West that we bear a particular responsibility—for modernity's myths have found fertile soil in our lands, and we have offered haven to the four horsemen who trample the dreams and hopes of men and women everywhere. As the world looks to us, let us summon the courage to challenge our comfortable assumptions, to scrutinize the effect we have on our

global neighbors . . . and then to recover that which has been the very soul and conscience of our own civilization.

For the West today is like Janus, with a two-sided face—one offering futility, empty secularism and death; the other offering freedom, rich, biblically rooted spiritually, and life. Commentators have described the internal conflict between these two as a culture war. Some have even declared the war over. The four horsemen, they tell us, are the victors at this chapter in our history.

THE ENDURING REVOLUTION

Admittedly the signs are not auspicious, as I have been at pains to show, and it is easy to become discouraged. But a Christian has neither the reason nor the right, for history's cadence is called with a confident voice. The God of Abraham, Isaac, and Jacob reigns. His plan and purpose rob the future of its fears.

By the Cross He offers hope, by the Resurrection He assures His triumph. This cannot be resisted or delayed. Mankind's only choice is to recognize Him now or in the moment of ultimate judgment. Our only decision is to welcome His rule or to fear it.

But this gives every one of us hope. For this is a vision beyond a vain utopia or a timid new world order. It is the vision of an Enduring Revolution. One that breaks more than the chains of tyranny; it breaks the chains of sin and death. And it proclaims a liberation that the cruelest prison cannot contain.

The Templeton Prize is awarded for progress in religion. In a technological age, we often equate progress with breaking through barriers in science and knowledge. But progress does not always mean discovering something new. Sometimes it means rediscovering wisdom that is ancient and eternal. Sometimes, in our search for advancement, we find it only where we began. The greatest progress in religion today is to meet every nation's most urgent need: A revolution that begins in the human heart. It is the Enduring Revolution.

In the aftermath of the tragedy in Waco, Texas, and terrorist bombings in New York, we heard dire warnings, even from the president of the United States, of religious extremism. But that, with due respect, is not the world's gravest threat. Far more dangerous is the decline of true religion and of its humanizing values in our daily lives. No ideology—not even liberal democaracy—is sufficient. Every noble hope is empty apart from the Enduring Revolution.

This revolution reaches across centuries and beyond politics. It confounds the ambitions of kings, and rewards the faith of a child. It clothes itself in the rags of common lives, then emerges with sudden splendor. It violates every jaded expectation with the paradox of its power.

The evidence of its power is humility. The evidence of its conquest is peace. The evidence of its triumph is service. But that still, small voice of humility, of peace, of service becomes a thundering judgment that shakes every human institution to its foundation.

The Enduring Revolution teaches that freedom is found in submission to a moral law. It says that duty is our sharpest weapon against fear and tyranny. This revolution raises an unchanging and eternal moral standard—*and* offers hope to everyone who fails to reach it. This revolution sets the content of justice—*and* transforms the will to achieve it. It builds communities of character—and of compassion.

On occasion, God provides glimpses of this glory. I witnessed one in an unlikely place—a prison in Brazil like none I've ever seen.

Twenty years ago in the city of San Jose dos Campos, a prison was turned over to two Christian laymen. They called it Humaita, and their plan was to run it on Christian principles.

The prison has only two full-time staff; the rest of the work is done by inmates. Every prisoner is assigned another inmate to whom he is accountable. In addition, every prisoner is assigned a volunteer family from the outside that works with him during his term and after his release. Every prisoner joins a chapel program, or else takes a course in character development.

When I visited Humaita, I found the inmates smiling—particularly the murderer who held the keys, opened the gates, and let me in. Wherever I walked I saw men at peace. I saw clean living areas. I saw people working industriously. The walls were decorated with biblical sayings from Psalms and Proverbs.

Humaita has an astonishing record. Its recidivism rate is 4 percent compared to 75 percent in the rest of Brazil and the United States. How is that possible?

I saw the answer when my inmate guide escorted me to the notorious punishment cell once used for torture. Today, he told me, that block houses only a single inmate. As we reached the end of the long concrete corridor and he put the key into the lock, he paused and asked, "Are you sure you want to go in?"

"Of course," I replied impatiently. "I've been in isolation cells all over the world." Slowly he swung open the massive door, and I saw the prisoner in that punishment cell: a crucifix, beautifully carved by the Humaita inmates—the prisoner Jesus, hanging on the cross.

"He's doing time for all the rest of us," my guide said softly.

In that cross carved by loving hands is a holy subversion. It heralds change more radical than mankind's most fevered dreams. Its followers expand the boundaries of a kingdom that can never fail. A shining kingdom that reaches into the darkest corners of every community, into the darkest corners of every mind. A kingdom of deathless hope, of restless virtue, of endless peace.

This work proceeds, this hope remains, this fire will not be quenched: The Enduring Revolution of the cross of Christ.

A TRIBUTE TO WEST NOTTINGHAM ACADEMY OF COLORA, MD

HON. WAYNE T. GILCHREST

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. GILCHREST. Mr. Speaker, I rise today, as schools around this Nation are once again opening their doors to many young lives for yet another school year, to pay tribute to West Nottingham Academy, a coeducational boarding school in Colora, MD, and the second oldest of its kind in the United States. This institution, now in its third century of operation, continues to help equip its students for successful futures in an atmosphere of strong, educational distinction and rich tradition.

Originally founded in 1744 by a Scotch-Irish Presbyterian preacher named Samuel Finley, the original schoolhouse was but a small, single-room, log house. Finley, who was originally invited to Maryland to serve a Presbyterian congregation near the town of Rising Sun, MD, opened his and his wife's own home to students for room and boarding during the early stages of the school's development. While the original school structure no longer stands, a replica, crafted from past student's memoirs and various historical accounts, does presently exist on the school's campus.

West Nottingham Academy's legacy is one that is also enhanced by its student body. It was the learning ground for many young talents including some that were very influential contributors to our country's history. Two signers of the Declaration of Independence, Benjamin Rush of Pennsylvania and Richard Stockton of New Jersey, were products of West Nottingham. Several other alumni established colleges themselves, and Mr. Finley himself eventually became president of what would later be known as Princeton University—formerly known as the College of New Jersey.

Today, West Nottingham Academy continues to produce bright, talented young adults by breeding academic achievement in an environment that maintains its ties to its heritage. For many years, this school has succeeded by tending to the pupil as not only a student, but also a person. It is from this simple, yet responsible method of teaching, that I think all schools can learn.

And while I realize, Mr. Speaker, that this is but one example of the many schools that can be found in every Member's district, I think our educational system can benefit from this shining example. As a former high school teacher, I am familiar with the challenge and responsibility associated with the teaching of today's children. Each and every young life, with all of the hope, opportunity, and prospects for a pleasant and successful life ahead of it, is not something that should be taken for granted. Educating our country's youth with attentive care to not only the student, but to who that student can one day become, is an approach to the responsibility of teaching that should be universal. This is a formula that has worked at West Nottingham for 250 years and, as another school year begins, is one that offers a method of teaching from which our children's future and our country's future might benefit greatly.

THE SPECIAL RELATIONSHIP BETWEEN A FATHER AND SON

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. BURTON of Indiana. Mr. Speaker, I recently read what I thought was a very inspirational article in the Indianapolis Star. It was written by Ray Rutherford of Indianapolis, IN, about his father. I found this story about the special relationship between a father and his son very touching, so I wanted to share it with my colleagues.

A FATHER NEVER SHORT ON WORDS ALSO KNEW THE VALUE OF SILENCE

(By Ray Rutherford)

Each spring, when the time came to begin the annual ritual of preparing the soil for

gardening, my dad would turn the soil, one shovelful at a time. It was laborious and tedious.

He always planted what I considered to be an unnecessarily large vegetable garden and, invariably, he gave away most of the produce.

On one particularly warm April day, he phoned and asked me to use my power till to plow his garden. He hadn't been feeling well and was not up to the task.

I had been avoiding my dad since he had learned that, a few weeks earlier, I had separated from my wife. He was very fond of her, and I didn't want to hear the "a marriage is hard, your mom and I had our problems, these things can be worked out" kind of lecture.

READY FOR TALK

We always held significantly different perspectives on most matters, and I knew that this would be no exception. He needed my help, however, so I reluctantly prepared myself to hear my father's world-class sermon.

Together, we unloaded the tiller from my pickup truck and wheeled it into position. I filled the tank with gas, advanced the throttle and gave a mighty pull on the rope. Nothing. Again, a deep breath and a mighty tug resulted in the same frustrating outcome.

After several minutes of choke adjustments and grueling rope-pulling, we came to the conclusion that this piece of modern machinery was simply not going to start.

Actually, my dad had given up long before I did, but the element of pride kept me trying a little longer than would have seemed reasonable. Of course, I also wanted to delay as long as possible the dreaded discussion.

We left the useless equipment in the garden, and my dad took a seat in his favorite steel lawn chair under the big maple tree in the center of the back yard. I leaned against the trunk of the tree beside him and struggled through several minutes of idle conversation related to fishing and the weather.

Finally, I couldn't stand it any longer, I decided to take the offensive "Well Dad," I said, "it looks like I'm going to be getting a divorce." From his chair, he looked me squarely in the eyes.

"You know, son," he said, rubbing his forehead in obvious gesture of frustration. "I painted this chair just a few minutes before you arrived." Sure enough, when my dad stood up, the entire rear end of his coveralls was covered with bright red paint.

We both giggled like children for several minutes. That was it. He offered no unsolicited advice. He was granting me the maturity to deal with my own problems. I resisted the urge to hug him for fear of becoming covered with paint as well.

We loaded the tiller back into my truck. I assured him that it would be repaired and he'd have his garden tilled and ready for planting in just a few days. As I was driving away, in my rear-view mirror I could see him waving. In the distance, when he turned away, his red backside was still clearly visible.

As it turned out, this was the last time that I talked to my dad. He died of a heart attack the next day. After the services, from inside his house, I noticed his long-handled shovel sticking up from the garden soil.

That spring and summer, I turned the soil, one shovelful at a time, and planted a wonderfully productive vegetable garden.

I gave away most of the produce, just as Dad had done for as many years as I could remember.

TRIBUTE TO BLANCHE BETTINGTON

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. BERMAN. Mr. Speaker, I am honored to pay tribute to Blanche Bettington, my high school history and civics teacher and the person who first introduced me to the great issues underlying the political dialog so vital to democracy. For better or worse, it was this provocative and challenging teacher who showed me the allure of the world of government and politics.

Blanche is not only a special teacher, but a special person as well. Her unwavering commitment to civil rights, civil liberties, and free speech is testimony to her humanity and basic goodness. Blanche exemplified the selflessness, patience, and empathy that is characteristic of the best high school teachers.

Thousands of lucky students were in Blanche's government, history, or English classes during her 42-year career. She began at Owensmouth High School—now Canoga Park High School—in 1924. She remained there until 1950, when she joined the faculty at Hamilton High School. Her career spans a period of immense change in American history: The Depression, Pearl Harbor, the dropping of the atomic bomb, the Korean war, McCarthyism, the civil rights movement and the war in Vietnam. Her ability to put these events in perspective for her students also made her an outstanding teacher.

At a time when public education in California is reeling, Blanche Bettington is a reminder of how good things were—and can be again. A teacher who can inspire her students, who can awaken their interest in the world, is a treasure. Blanche Bettington was such a teacher.

I was privileged indeed to have been one of Blanche's students. I ask my colleagues to join me today in saluting a wonderful teacher and a wonderful human being.

HONORING THE 442D MEDICAL COLLECTING CO.—WORLD WAR II

HON. DOUGLAS APPLEGATE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. APPLEGATE. Mr. Speaker, I rise today to pay special tribute to the 442d Medical Collecting Co., whose faithful and valiant service was displayed in World War II. This company, celebrating its 49th anniversary, will hold its annual reunion on September 10, 11, and 12, 1993, in Zanesville, OH. The former company commander, Dr. Braston I. Tart Jr., has prepared a historical account of the company's formation and experiences. The account begins as follows:

The company was formed at Camp Barkley, Texas. After training exercises, we traveled by train to a staging area at Camp Kilmer, NJ., and then to New York City to board an English refrigerator ship, the H.M.S. Tamora, on 30 May 44 for England. Landed in Liverpool, 11 June 44. Immediate transport by both train and truck was made to Lopcombe Tented Camp to stay until call would be received to get ready for crossing of the English Channel. We performed temporary duties. At Ramsbury Airfield we did triage and transportation of battle casualties to English hospitals.

Our new move was to Southampton where we boarded a Liberty Ship to cross the channel to France. Upon arriving at Omaha Beach we drove our vehicles on to land and then to a location between hedgerows in southern France. After one more short move to a point near Paris, we were ordered to report to the First Canadian Army near Antwerp in Holland. Here we joined an American Evacuation Hospital stationed in what was once a sanatorium containing much glass. When one of the daily buzz bombs would crash in the far distance, we could see the flash of flame and brief seconds later be aware of the impact on the glass which would rattle and shake.

While we were here our entire ambulance platoon, which was in charge of Sgt. Horner, received stat orders to report to the battle front for transport of casualties to the appropriate hospitals. One driver, Pvt. Mormann, said "there were days when I never turned off my motor". Sgt. Horner has said, "when bomb fragments were falling we would dive under our vehicles". Fortunately, we had no members killed or wounded.

A happier note while here was dining in a large room with all personnel there. Frequently, at the end of a meal, our Sgt. Eckstein would often go to the front of the room and lead in singing. The main tune of "God Bless America" was sung by all to the fullest. It was beautiful and touching!

Our next orders were to leave and report to the Ninth Army in Germany where we would work with and support the 91st Evacuation Hospital. They were good to be with and we stayed with them until the fighting ended.

To reach the 9th Army, we drove at night using black-out lights, through Bastogne, the Argonne Forest and finally to Eupen, Germany, where we were quartered in a former leather factory. This was close to Aachen, Germany where shell bursts could be seen as the battle continued.

Next we moved deeper into Germany, and with the 91st Evacuation Hospital transferred to Valkenbergh, Holland. They used a large monastery for their hospital and headquarters. We lived in a smaller monastery used even then to teach men to become monks. Our association with them was very friendly and enjoyable.

In the final months of the war, we were subjected to three surprise inspections, each done by a Colonel. Two of these Colonels gave us a grade of "superior". One of them told me that in all of his years in the Army doing surprise inspections he had never graded a unit as being superior. The third Colonel graded us as "excellent". A few weeks later a special courier came to us from the 9th Army Headquarters bearing a directive from Lt. Gen. Simpson. It read: 9th U.S. Army—4 March 1945—Meritorious Service Unit Citation—"For superior execution of duty in the performance of exceptionally difficult tasks, from 10 Dec 1944 to 10 Feb 1945. Unit achieved and maintained a high standard of discipline and demonstrated superior performance in every duty it was assigned. Lt. General Simpson, Commanding General, 9th U.S. Army.

After the war came to a formal close, the Company transferred into another section of

Germany to supervise and direct German, and German Prisoner of War, Hospitals in that area. This was done carefully and properly.

Final days in Europe were relaxed, but assigned duties were attended to properly. Returned to the United States on a Victory Ship, which quartered our troops more comfortably than they had been on the passage to England.

A word about our food preparation department, Under S/Sgt. Nick Generis, he and his cooks would serve hot food to our men when other companies near by would be eating C or K rations. The fame of the 442nd's food preparation caused a Colonel and his Headquarters Unit to attach themselves temporarily to the 442nd for their meals. Part of a Regiment was served food at one time in battlefield conditions, due to the temporary loss of their food supplies. Sgt. Generis was actually capable of making dehydrated food taste good. These conditions certainly played a big part in the high morale of our Company.

First, Sgt. Max Schrinsky's role in directing the 442nd throughout its entire service, before and during the war, cannot be overstated. He was a tremendous help to me in total success of company operations.

My entire Non-Com group was observant, cooperative and efficient in helping the Company meet its goals. Under them the remainder of the hundred men of the 442nd who repaired and ran the ambulances and other vehicles; those who secured and cared for the company property, and even those who pulled K P duties, performed their duties diligently, and enough cannot be said about them.

All I have stated here made me feel that I was part of a group effort, and all were dedicated to doing their best to help win the war and return home safely. I was indeed proud to be the Commander of this outstanding Company.

BARRING LIBYAN PARTICIPATION IN THE WORLD UNIVERSITY GAMES

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. HAMILTON. Mr. Speaker, on July 1, 1993, I wrote to Secretary of State Christopher, requesting the administration's rationale for barring Libyan participation in the upcoming World University Games in Buffalo, NY.

I received a reply on August 1. The complete correspondence, which I would like to bring to the attention of my colleagues, follows:

COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, July 1, 1993.

Hon. WARREN CHRISTOPHER,
Secretary of State, Washington, DC.

DEAR MR. SECRETARY: I am writing with respect to the recent decision to keep the Libyan team from participating in the upcoming World University Games in Buffalo, New York. I would like to know why this decision was made.

It is my understanding that the majority of the other countries on the list of countries supporting international terrorism will be participating in the Games. The only exception is Iraq, which was invited to attend, but apparently has not accepted that invitation. I would like to know the rationale for barring Libya's participation when the other state sponsors of terrorism are being allowed to attend.

I am also concerned about the precedent which this will be setting with respect to politicizing international sporting events. To my knowledge, this will be the first time that the United States has kept a country from participating in such an event. While I agree with the U.S. policy of isolating the Government of Libya for its refusal to comply with U.N. Security Council Resolutions 731 and 748, this decision contravenes our long-standing policy of trying to keep politics out of international athletic competitions and affects the athletes more than the government.

Finally, I am concerned about the future economic consequences this decision could have on American cities that may desire to host events such as the World University Games. This decision could affect the consideration of U.S. cities as sites for international sporting, events, because the U.S. Government will be seen to be barring participation by countries for our own political interests.

Thank you for your consideration of this matter.

With best regards.

Sincerely,

LEE. H. HAMILTON
Chairman.

U.S. DEPARTMENT OF STATE,
Washington, DC, August 13, 1993.

Hon. LEE H. HAMILTON,
Chairman, Committee on Foreign Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Secretary has asked me to respond to your letter of July 1 concerning the decision to bar a Libyan team from participating in the World University Games in Buffalo, New York.

You note that other countries on the list of countries supporting international terrorism such as Cuba and Iran participated. However, Libya stands alone as the object of sanctions by the international community for its involvement in the bombings of Pan Am 103 and UTA 772, in which 441 innocent persons lost their lives.

In UN Security Council Resolutions 731 and 748, the UN sought to compel Libyan compliance with basic international principles, such as denying support to terrorists, cooperating in multinational efforts to bring terrorists to justice, compensating victims of terrorism and reducing the proliferation of weapons of mass destruction.

The United States, by virtue of its international standing and its long-standing and comprehensive bilateral sanctions against Libya, is seen as a leader in the global effort to compel Libyan adherence to UN demands. A major aim of the UN sanctions is to isolate Libya diplomatically until it complies with UN resolutions. To admit a large group of Libyan athletes, trainers and officials into the U.S. would be a highly visible breach of Libya's diplomatic isolation.

Nevertheless, this action with regard to Libya should not be seen as a precedent with regard to politicizing international athletics. Rather, it was a specific response to a unique set of circumstances. As the President said in his latest report to the Congress on Libyan sanctions, dated July 12, "The policies and actions of the Government of Libya continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States".

U.S. cities competing to host international athletic events can be assured that our policy with regard to admission of athletes to the U.S. will continue to be based on former President Bush's May 8, 1990 letter to the International Olympic Committee (attached) in which he assured the IOC of our respect for the Olympic Charter and our intention to provide free access to the United States for all accredited persons.

I hope we have been responsive to your inquiry. Please contact us if we may be of assistance in any way.

Sincerely,

WENDY R. SHERMAN,
Assistant Secretary, Legislative Affairs.

Attachment: Letter dated May 8, 1990 from former President Bush.

THE WHITE HOUSE,
Washington, DC, May 8, 1990.

His Excellency JUAN ANTONIO SAMARANCH,
President, International Olympic Committee, Lausanne, Switzerland.

DEAR PRESIDENT SAMARANCH: The United States Government strongly supports the bid of Atlanta, Georgia, to host the 1996 Summer Olympic Games and will respect the provisions of the Olympic Charter, including free access to the host country for all accredited persons.

I wish to thank you and your colleagues for your consideration of Atlanta's bid.

Sincerely,

GEORGE BUSH.

LET'S BE REALISTIC ABOUT REINVENTING GOVERNMENT

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. SOLOMON. Mr. Speaker, amidst all of the hoopla surrounding the administration's supposed plan to reinvent government, allow me to inject a note of realism.

This is an administration whose upper- and mid-level managerial echelons are packed with academics, left-wing activists, and careerist bureaucrats who see their mission in life as an obligation to expand the powers of the Federal Government and to increase the dependency of the American people on that Government.

The Vice President himself, during a 16-year career in Congress, never met a new spending program or a new regulatory proposal that he didn't embrace with wild abandon.

So, if reinventing government and saving $100 billion are now to be taken as evidence that the Vice President and others have had a conversion experience worthy of the Damascus Road, so be it.

But, frankly, I doubt it.

And given the track records of these people, they need to prove that they can do more than just talk a problem to death, which so far is the only thing this administration has proven itself capable of doing.

TRIBUTE TO MIKE HALKO ON HIS RETIREMENT

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. LIPINSKI. Mr. Speaker, it gives me great pleasure to pay tribute to an outstanding individual of the Third Congressional District of Illinois, Mr. Mike Halko. This month, Mr. Halko is retiring from the Chicago Police Department after many years of dedicated service, an accomplishment worthy of special recognition.

Mr. Halko, a native of Chicago, graduated from Lindloom High School in 1948 and went on to attend Wilson Junior College. In 1950, Mike enlisted in the United States Army and served in Korea. Mike began his career with the Chicago Police Department on July 1, 1957 in New City. In 1968, Mike was promoted to lieutenant in the intelligence division. While serving in the intelligence unit, Mike worked on several famous cases including those of the Grimes sisters, Schuler and Peterson, and Judith Mae Anderson. His dedicated service is commendable, and I am proud to pay special tribute to Mike.

Mike and his wife, Mary recently celebrated their 39th wedding anniversary on September 5, an admirable commitment indeed. They have four children: Mark, Deborah, Michelle, and Lisa, as well as two grandchildren.

Mike Halko's commitment to his community and family is impressive and deserving of special recognition and honor. I am sure that my colleagues will join me in expressing congratulations to Mike for his many years of selfless dedication, loyalty, professionalism, and priceless contributions to his community. I wish him well on his retirement and hope his life continues to be an adventure full of pleasant memories.

WILKES-BARRE'S CORE 5 INVOLVES YOUNG PEOPLE IN THE LOCAL COMMUNITY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. KANJORSKI. Mr. Speaker, I rise today to recognize a program in my district which has brought great pride to the city of Wilkes-Barre—CORE 5, a drug and alcohol abuse prevention program. CORE 5 is the Community Organized Relief Effort, whose methods include education, enforcement, support, prevention, and rehabilitation. Every year CORE 5 sponsors a festival in downtown Wilkes-Barre. Festival '93 is scheduled for September 18 and 19.

Funded in part through the Federal Community Development Program and organized under the leadership of Wilkes-Barre mayor, Lee Namey, CORE 5 strives to enhance the quality of life within the city by stressing that entertainment and enjoyment can be achieved without the presence of alcohol and drugs. As a member of the House Banking, Finance and Urban Affairs Committee, which authorizes community development funding, I am proud to say I have supported funding for this program and have recognized CORE 5 as a program that can foster community awareness and involvement with our young people.

Last year's festival was extremely successful. More than 50 of northeastern Pennsylvania's finest social services and organizations were on hand to conduct educational programs and activities. This year's festival will be expanded considerably and will include a display by the Wilkes-Barre police force.

By bringing hundreds of community volunteers and social services together in a festive way, the message of a safe, drug-free environment will be delivered to all those in attendance.

Mr. Speaker, I would like to congratulate the organizers of this event and wish them continued success. The energy and dedication exhibited by those involved should serve as an example to us all.

AMBASSADOR MANSFIELD RECEIVES FIRST JEANNETTE RANKIN PEACE AWARD

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. WILLIAMS. Mr. Speaker, it is a great honor today that I am pleased to announce that the Institute for Peace Studies located at Rocky Mountain College in Billings, MT, is awarding its first Jeannette Rankin Peace Award to Ambassador Mike Mansfield on September 10, 1993.

It is appropriate that the Peace Institute has named its award after Jeannette Rankin and that the first recipient of this award is Mike Mansfield.

The Jeannette Rankin Peace Award has been established to honor one whose life was a steadfast witness to the practice and promotion of peace in human affairs. Many will remember how she worked to bring the vote to women early on in this century. Many will remember her as the first woman elected to the U.S. Congress. Others remember her as the only elected individual to vote against both world wars. Some remember her as a champion of equal rights between the sexes. All people who remember her see a woman of outstanding courage, devotion, integrity, a dedication to the causes in which she championed and a person who put her convictions before her political future.

There could not be a more fitting recipient of this award than the Honorable Mike Mansfield who hails from the same State that produced Jeannette Rankin, Montana. Mike Mansfield has served his country as a Congressperson, Senator and as United States Ambassador to Japan. The award recognizes the exceptional devotion in public service that he had both to his native State and also to the Nation. As a veteran of three branches of the armed services he has sought to promote the arts and works of peace throughout his life in public office. He, like Jeannette Rankin, sought out peace and is a servant of his fellow man. During his tenure as Ambassador he helped to bridge the gaps that the two countries felt after the war and bring them together on a level playing field so that future hostilities could be avoided.

These are two outstanding people who have devoted their entire lives to the idea of a common good. They have set in motion ideals and standards that we use as groundwork today. The impact that they have had is still felt and will continue to be felt for these are individuals whose lives have had purpose and meaning.

TRIBUTE TO RETIRED JUSTICE JOSEPH A. RATTIGAN

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Ms. WOOLSEY. Mr. Speaker, I rise today to pay special tribute to a very distinguished citizen in my district, Justice Joseph A. Rattigan. Through his years as one of California's preeminent legislators and legal scholars, Justice Rattigan has repeatedly demonstrated an unwavering devotion to his country and community.

A native of Washington, DC, Justice Rattigan has been a resident of Santa Rosa since graduating from Stanford University Law School in 1948. He and his wife Betty have six grown children and nine grandchildren. Before attending law school, Justice Rattigan served as an officer in the U.S. Navy during World War II, and was decorated for heroism and bravery in combat.

Justice Rattigan's remarkable public service career continued when he served on the board of public utilities of the city of Santa Rosa. A short time later, he became the youngest State senator from Sonoma County, defeating the incumbent by a significant margin.

During his distinguished 8 years as a State Senator, Justice Rattigan was recognized to be one of the most brilliant and gifted people to serve in the State Senate of California. As Chairman of the Senate Committee on Local Government, Justice Rattigan successfully coauthored and enacted legislation providing California with medical and hospital services to senior citizens. During his tenure in the State Senate, Justice Rattigan also established Sonoma State University as the first and only university in Sonoma County, which is one example of his many successful efforts to create and expand the economic, education, and agricultural base in Sonoma County.

After completing two very successful terms in the State Senate, Justice Rattigan was appointed to the Court of Appeals for the First Appellate District, San Francisco, by Governor Edmund G. (Pat) Brown. During his tenure on the court of appeals, Justice Rattigan personally handed down more than 1,000 appellate decisions and was involved in more than 3,000 others. Justice Rattigan also served two terms as a member of the California Judicial Council and represented the United States at a U.N. convocation on criminal justice. After retiring from the court of appeals in 1984, Justice Rattigan remained in the public eye.

Shortly after his retirement, Secretary of State March Fong Eu appointed him to the California Fair Political Practices Commission where he distinguished himself for a full 4-year term.

Mr. Speaker, it is my great pleasure to pay tribute to Justice Joseph A. Rattigan. It is because of his contribution to the greater good of Sonoma County and the State of California that Justice Rattigan is being honored by the Sonoma County Bar Association on September 10, 1993. I would like to express my heartfelt thanks and admiration to Justice Rattigan for his exceptional public service and his commitment to improving the human condition and strengthening the human spirit, and because, Mr. Speaker, Judge Joseph Rattigan, is an exceptionally nice man.

MEMORIAL DAY SPEECH OF KERRY A. KILAR

HON. TOM LEWIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. LEWIS of Florida. Mr. Speaker, today I would like to share with the House the words of encouragement and inspiration delivered this past Memorial Day by Kerry A. Kilar, of my home State of Florida.

As Ms. Kilar spoke, my hope for the future of our country was renewed. So eloquently she compares the individual voices that make up this great country to a harmonious choir.

Mr. Speaker, I commend to my colleagues the Memorial Day speech written and delivered by Kerry A. Kilar.

MY VOICE IN AMERICA'S FUTURE

(By Kerry Kilar)

The music of a choir singing drifts through the air as we listen intently to its melodious song. The unison of their voices is so harmonious and beautiful that tears well within our eyes. If you listen closely, you'll come to appreciate that each one of those voices is vital to the musical effect that reverberates within our ears. Although each individual within the choir is seemingly insignificant, once united they make a euphonious and symphonous sound.

Likewise, America is a choir that is made up of a variety of voices that are vital to its future. Through the years, thousands of voices have formulated our country and given it the substance it has today. Voices such as Thomas Jefferson, John F. Kennedy, and Martin Luther King called out to America and their voices have overtly made a difference. Our very own Constitution is a chorus of courageous American voices. Other lesser known voices such as Arturo Montoya who aided the Yaqui Indian Community, John Paul Riley and the other 58,000 men and women whose names will be forever engraved on the Vietnam War Memorial have helped to make America the world leader and often modeled country it is today.

Continue to listen, and many other soft voices can be heard. Voices belonging to people like Brother Joe Renery, who runs a shelter for homeless families, and Mary Beth Tober, who is combating alcoholism and drug abuse among teenagers in inner cities.

My voice will be one of the many within America's choir that will make a difference in our country's future. The wonderful thing about our country is that I am able to voice my opinion and it will be heard. I know that no matter what my race, occupation, or social status my voice will be heard today and tomorrow. Voices of the past fought in wars so that ALL in today's generation can have an opinion and state openly. I value the precious gift of being able to voice my thoughts and I thank each and every one who fought to afford me this privilege. May I never take it lightly.

My voice in America's future will be gentle at times and at others perhaps I will be heard more loudly. I will be persistent when I believe I am right and I will voice my concerns on important issues. I plan on my voice to be one of the many to save the environment—an intrinsic problem that needs addressing. I believe that America must develop and expand in unison with the environment—my voice can insure this. By exercising my right to vote, writing my representatives, lobbying and organizing people who believe as I do on issues—my voice will be heard. I can take a stand on an issue such as abortion and peacefully demonstrate my beliefs even when not held by all. Not only mine, but All voices within America's choir must sing and become involved. "If you are not part of the solution, you are part of the problem." People who do not voice their opinion and get involved in our country's decision making are quickly becoming part of the problem. In order for our country to be run FOR the people and BY the people, we must ALL speak out. There was a time in our country when a black person was not permitted to speak out and a woman was not able to vote. Today, At age eighteen all people regardless of color, race, gender, or creed are able to vote and we are able to speak out at any age. I intend to be a voice that will be heard and I refuse to sit by idly and apathetic.

Shame on those who neglect to voice their opinions—for this is our right! This is our privilege! Other countries who were once oppressed and blanketed by communism have admired America's choir—the diversity of voices—and have adopted democracy so that they too can sing the same beautiful song of democracy that we do. There is no doubt in my mind that listening to the voices of the people is the ONLY way to govern a country. I am proud to be a citizen of this country and am eagerly looking forward to the future, for I know that I will be able to speak and be heard. I believe there is no better sound than listening to each and every voice singing, black or white, high or low, in tune or out of tune, it makes no difference, as long as they are all singing. Sing out America! Let our voices harmonize and be heard, and let us make the changes necessary to keep America the Land of Liberty—of thee I sing!

ELIMINATING THE FEDERAL DEFICIT

HON. RICHARD K. ARMEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. ARMEY. Mr. Speaker, I have received from a thoughtful citizen a modest proposal for eliminating the Federal budget deficit, which I should like to share with my colleagues.

A SIMPLE AND CONVENIENT PLAN TO ELIMINATE THE FEDERAL DEFICIT

(By Ronald T. Amberley)

Like most patriotic Americans, I am concerned with the welfare of our nation, and I have spent no little time thinking about ways to deal with the problem of our budget deficit and national debt, as well as other social difficulties. I make no claim to be a notable thinker, nor would I suggest that my ideas are anything out of the ordinary. Quite the opposite, in fact, is probably the case. But an idea has occurred to me which is so simple, yet would be so effective in cutting costs and painlessly raising revenue for the government, that I am baffled no one has publicly suggested it before. Some of the great minds of our day may have considered this plan previously, but I have never heard it mentioned. If they did think of it, they may have decided not to suggest it because it is so simple. (Some people feel it is beneath them for their fame to rest on anything but the most complex proposals.) Having no reputation to protect, I do not suffer from such a constraint, and I happily offer this simple idea which will promote our country's economic stability and provide many other benefits as well. I merely ask that my countrymen consider all I have to say before deciding on the merits of my plan. If, after due consideration, they deem me worthy of their approbation and thanks, I shall of all men be most humbly gratified.

As background let me reiterate a few facts about bees that most of us learned in elementary school. There are three classes of honey bees: queens, workers, and drones. The queen determines which eggs become workers and which will be drones when she decides which to fertilize. When drones are no longer of value to the colony, they are driven off to die and are replaced as needed by new generations of drones. As a great modern society which is increasingly free of the misguided moral queasiness and ethical restraint of our over-religious forebears, could we not embrace a more enlightened social order patterned in part on that of the bee?

In recent years we have justly become very sensitive about wasting our resources. We are wisely learning to recycle aluminum, paper, glass and plastic so that we do not consume raw materials or pollute the environment unnecessarily. Yet, for the most part, we continue to waste a very valuable resource without the slightest consideration for its economic value. I am referring, of course, to the annual financial loss which stems from the premature abortion of hundreds of thousands of potentially useful human offspring. How much more efficiently could we function if women had the option of bringing forth their offspring as drones, to their own financial gain and to the benefit of society at large? done with many other assets). Moreover, the government could rely on its existing management expertise to run the program efficiently and equitably. Initial estimates indicate that within twenty to twenty-five years drone-related revenues and cost savings could balance the federal budget and perhaps enable us to begin repaying the national debt. I know of no other plan with equal potential for improving the financial condition of the nation.

The government would establish prices and quality guidelines, guaranteeing itself a tidy return on each transaction. Drones would be sold to the government within twelve weeks of birth. Women who breast-fed their drones would receive a premium price to compensate them for providing a better product than women who did not. To protect the public interest the government would medically screen all drones before paying for them; those falling short of appropriate guidelines would be recycled immediately.

Until a drone reached a point of economic utility, the task of feeding, clothing, sheltering and training it would fall to the government. Drones would become saleable at various ages, depending on their individual attributes, potential use and market conditions. Trainers using behavior modification and other techniques of psychologists like B. F. Skinner would impart to drones a preference for the activities and environments for which they would be marketed. They would be conditioned to be honest, to work hard, and to view themselves as expendable masses of cells.

Local placement centers would be established so that people could view, select, and special-order drones for future delivery. No restrictions would be placed on who could buy or own drones nor on how they could be used, except that they could not be employed in criminal activities. Businesses could use them domestically or overseas; individuals could buy them for use in the home; and they would make an excellent product for export, thus helping eliminate the foreign trade deficit.

The range of potential uses for drones is enormous. They would replace people in dangerous employment situations. Among other applications would be the obvious ones of cleaning up toxic waste, asbestos and hazardous chemicals, working in radioactive environments and in mining operations. A drone's owner would not have to concern himself about drone safety beyond his interest in maintaining the value of his property. If the cost of protecting the drone was great, the owner could forego the expense in favor of the less costly option of replacement.

Thanks to their expendability drones would fit perfectly in the military and law enforcement fields for missions deemed too dangerous for people. In international peacekeeping roles, as minesweepers, in the vanguard of an infantry attack or amphibious landing, as well as in operations against Colombian drug lords, in battles with inner city street gangs, and as security guards in public schools they would be far preferable to citizen soldiers. Their cost effectiveness would enable us to police our borders against the influx of illegal aliens. The economic advantages of sending drone military units to third world countries ravaged by famine and conflict would be fantastic. After bringing an end to factional fighting in an area, they could readily be converted to nourishing fare for starving local civilians, saving American taxpayers both the expense of flying them home and the cost of shipping alternative food supplies overseas.

Researchers would test medical products and procedures on drones, eliminating the need for objectionable research using moneys, mice, doggies, and kitties. With the advent of drones, shortages of blood supplies, vital organs and hair for transplants would vanish. Drug companies would naturally compete with each other to maintain a full-line of quality replacement parts for people.

Wide use of drones in labor-intensive industries would enable us to compete with third-world countries for manufacturing facilities. As businesses relocated here to take advantage of our cheap labor, our balance of trade would improve.

The federal government itself could employ drones quite effectively as rank-and-file bureaucrats. This move alone would save hundreds of millions in tax dollars annually through reduced payroll, not to mention lower benefit and pension costs. A natural market for drones would also exist among state and municipal governments. To make sure there would be no decline in the current high quality of government service, drones targeted for government use would be specially trained to exhibit the same enthusiasm, courtesy and conscientiousness their human counterparts do now.

The government could also improve its cash flows by instituting PID (payment-in-drones) programs similar to its PIK (payment-in-kind) programs of the past. Many who receive government benefits like welfare or Social Security might be delighted to receive an occasional drone in lieu of cash. Such drones could be rented out as day labor, with the revenue going to the owner, and they could function as primary home-based caregivers for benefit recipients who were disabled, sick or elderly.

Another highly desirable application would have raised eyebrows a few years ago. Fortunately our culture has moved beyond its former prudery and puritanism to accept virtually any form of sexual activity and to endorse the universal human right to complete satisfaction of one's sexual drives, no matter how unorthodox. Sadly, however, many less fortunate members of our society encounter difficulty locating an adequate number of acceptable partners to fulfill their sexual desires. These deprived individuals are compelled to seek satisfaction in socially unpopular ways, and as a result, increasing numbers of people (including small children) are becoming involved in sexual acts against their will with people not of their choosing.

The availability of drones should reduce the incidence of child molestation and rape. With drones of every age, appearance, and of both sexes on sale at reasonable prices, anyone could select the model he or she found appealing, purchase it for immediate and subsequent use, and dispose of it when it was no longer deemed desirable. Such an arrangement would reduce several categories of violent crime and cut the spread of AIDS and other social diseases.

Numerous recycling options would exist for drones which had outlived their usefulness. Some would enter the human food supply (in fact, some new drones would be bred and raised specifically for this purpose); those unacceptable for consumption by humans or drones might find their way into premium pet food offerings or food stocks at zoos; and fertilizer companies could process used drones for lawn and garden applications. The organs and body parts of others would provide students a wonderful source of laboratory specimens for dissection, thus enhancing their knowledge of anatomy. And drone skins would be an economical source of leather for belts, shoes, gloves, and steering wheel covers.

TECHNICAL & LEGAL ISSUES

Having identified many advantages of my plan, I would now like to address some technical and legal issues associated with its implementation. First of all, Congress would have to decide whether or not a drone's father would be entitled to compensation when its mother sold it to the government. This is a difficult issue. On the one hand it seems only fair that the father receive some remuneration since no drone would have existed without his participation. Yet the mother holds a unilateral legal right to decide the fate of her fetus. Perhaps the best solution would be for a man to obtain a prefertilization agreement which spelled out his rights from any woman who might bear a drone in which he had a financial stake. Alternatively, he could collect a payment from the woman at the time he provided her with fertilization services. Either approach would protect his interests.

Second, we would need a law to prevent parents or other well-intentioned but old fashioned persons from interfering with a young woman's right to become a drone-producing entrepreneur as soon as her reproductive capacities became operational. On the contrary, such commercial initiative should be encouraged and rewarded. Grade schools would offer drone production classes starting in the third grade, and high schools could compete in drone production much as they do in sports and academics today.

Third, a method of easily identifying drones and distinguishing them from people must be established. The simplest approach would be to tattoo an identification number or bar code on several body parts when the newborn drone became government property. An alternative would be to implant a scanner-readable microchip in an accessible part of the body.

The government would also surgically install a deferred-abortion device in each drone. Options could include a small explosive in the skull or at another critical location in the body, valves to stop the flow of blood to the brain, or a mechanism to release a lethal chemical into the bloodstream. Any of these could be activated by radio signals from a specially coded transmitter given to the drone's owner at the time of purchase. Such devices would provide for foolproof post-delivery abortion as a control mechanism for renegade or runaway drones.

The issue of drone reproduction is also a matter of grave concern. Random reproduction among drones should be closely controlled lest the supply exceed demand, eroding government revenue. Crossbreeding drones with humans must also be restricted because of the confusion it would create regarding the legal status of their offspring. To enforce these restrictions, the government would sterilize most drones prior to selling them. Exceptions would exist for those used in medical research where the reproductive capacity would need to remain intact and for those used in the government's special drone breeding program.

A breeding program would allow for the development of drones with specially desirable attributes, e.g., physical strength, stamina, beauty, or intelligence. Such models would command premium prices. For instance, physically powerful and agile drones would be more cost effective than overpaid humans as athletes, making sports events more affordable to the general public. And the drones' expendability within economic limits could give rise to new sports and forms of entertainment. A reproductive resource branch would provide a sperm bank and artificial insemination services to women wishing to have a child, and female drones would be available to serve as surrogate mothers for women wishing to avoid the inconveniences of pregnancy and childbirth.

OBJECTIONS AND RESPONSES

Amazing as it may seem when one considers all the advantages of my proposal, some will object to it on one of several grounds. Let me, therefore, address the obvious objections and explain the fallacy in each of them, so that we may move ahead rapidly with implementation of this plan.

The first objection is that the drone program requires the government to spend too much before the first models could be delivered. While this objection seems at first to have some merit, it really would not take long to start delivering young drones. After all, there will be a demand for youthful models among pedophiles, while witches, Satanists and some other groups can use infant

drones in their ancient religious practices. In addition, as is always the case with something new, some people will want to be the first on their block to own one, and many may wish to try training one themselves for household use from the initial supply. Furthermore, plenty of businesses rely on cheap, unskilled labor to turn a profit, for whom drones five or six years of age would be a boon.

The second objection is that the availability of drones would result in unemployment among humans. Undeniably, people would no longer need to do certain jobs, but generally these would be undesirable vocations in the first place. On the other hand, a large number of new positions would be created by the availability of drones. The government would hire people to buy and sell, care for, train and supervise them, and several new industries would be created, such as reproductive drone management. Moreover, women of childbearing years could supplement their incomes by drone production, and people likely to be replaced at work by drones could transition into another field during the few years before the first working models hit the market.

Furthermore, if the government saw that drones were materially affecting citizen employment, any of several remedies could be applied. Drones in particular industries might be subject to compulsory recycling every few years to keep those industries from becoming entirely dependent on them, or there could be a percentage cap on the number of available positions filled by drones.

It is also highly probable that the human population would decline as drones increased in number. This hypothesis is based on the expectation that many women bearing children would prefer the financial gain of electing drone status for their offspring to the stress and difficulties of child-rearing. This would certainly be true in the case of unwanted pregnancies, and would result in less child abuse and neglect, as well as some other forms of domestic violence and disharmony. Moreover, citizens would increasingly forego marriage or other similar relationships, preferring to have replaceable drones tend to their cooking, housekeeping, errands, and sexual desires without the tension, guilt and other annoyances commonly associated with long-term interpersonal commitments. As the human population decreased there would be fewer people seeking employment. It is very unlikely, therefore, that the availability of drones can be viewed as seriously detrimental to the employment prospects of more than a handful of people.

Finally, some will oppose this plan on the basis of a misinterpretation of our laws or an outdated view of ethics and morality. At the heart of every such objection lies a single issue: Are drones people? If they are, then this plan would be unacceptable; if they are not, then nothing is morally, ethically or legally wrong with my plan.

As a starting point, consider that pillar of our democracy, the Declaration of Independence. In this fundamental document of our nation we find these words, penned by that stalwart champion of justice, Thomas Jefferson: ". . . all men are created equal, that they are endowed by their Creator with certain inalienable rights. . . ."

What do these words mean? When Jefferson used the word "men," he did not use it in the literal sense of "adult male human beings"; his use of the word was necessarily figuratively since only white land-owners enjoyed full rights in his day. Today we interpret this term more broadly, without regard to race, sex or land ownership.

In the next clause Jefferson elucidates: "men" are those who have been "endowed by their Creator with certain inalienable rights." When Jefferson uses the term "Creator," does he mean a divine supreme being? I hardly think so. Instead it figuratively describes a pregnant woman who elects to give birth to her child, imparting to him/her the inalienable rights of personhood, thereby creating a human being. With the availability of abortion on demand, a woman may elect not to grant those inalienable rights to her fetus by aborting it. This same passage implies that the Creator may opt to give birth to offspring to whom she does not impart such rights.

It was the intent of the signers of the Declaration of Independence, as well as the framers of the Constitution, as evidenced by the penumbral emanations of these documents, that a woman would have the right to determine whether or not her fetus became a human being. She may currently exercise this right by choosing a pre-delivery abortion. My plan merely recognizes her Constitutional right to decline to bestow human status on a fetus to which she gives birth by the irreversible choice of a post-delivery abortion whose timing has yet to be determined.

We already recognize that a fetus is not a person and has no legal rights nor protection prior to birth. Otherwise how could we allow a woman to abort her fetus during pregnancy for any reason (or for no reason) and without limitation? But when and how does a fetus become a human being? Is not the fetus automatically endowed with inalienable rights at birth, without any deliberate action on the part of its mother?

The answer to this question is an unequivocal no; for not a few cases are on record in which the fetus of a woman who elected an abortion has survived the abortion process to be born alive. In such cases the attending medical personnel made no attempt to assist the aborted fetus as they undoubtedly would have if it had obtained constitutional rights automatically upon its emergence from the birth canal. Therefore, it is obvious that the fetus did not obtain any rights at birth, and it is equally obvious that the failure of this fetus to be endowed with such rights occurred strictly because the mother had previously exercised her unilateral right not to confer them on it.

It follows: then, that if a woman chooses to abort her fetus, it will not be endowed with the inalienable rights bestowed on human beings, even if it accidentally survives the abortive process. Why, then, can a mother not deliberately choose, prior to delivery, to have her fetus aborted at an indeterminate date after delivery, allow the fetus to be born, and provide a product useful to society?

Nothing in our laws prevents us from implementing my proposal. All we need to do is clarify a few definitions. After all, whoever defines the words controls the meaning of the laws. To create a legal distinction today between humans with civil rights and deferred-abortion fetuses without them is a step of no greater significance than it was in 1973 to say that human existence begins at birth, that a fetus is not human, and that it has no rights under the law. The past forty years have been marked with countless legal "redefinitions." Consider, for instance, the gradual change in the legal meaning of the terms "marriage," "family," "mother," and "father." This would be but another incremental change in an ongoing social progression.

Those who claim it is unethical or improper to use human offspring in such a way are living in the past. After all, scientists are already doing fetal tissue research, looking for ways medical, cosmetic, and fragrance companies can turn a profit from aborted fetuses. My question is: Why not keep some alive as drones and help a greater number of people? And who could claim that drones would be worse off for not having been aborted prior to birth?

CONCLUSION

Consider the substantial advantages to be obtained. The Constitution empowers the government to "insure domestic tranquility, provide for the common defense, promote the general welfare" of the nation. I have clearly and conclusively shown how my plan would contribute to each of these objectives. Crime and violence would decline; the nation would be economically and militarily more secure; a higher standard of living would prevail; life would be more convenient and comfortable for our citizens.

One final point is that with the institution of this plan we must make it illegal for citizens to oppose the drone program in any way. We must be prepared to prosecute to the fullest extent of the law those who try to protect drones or to claim that they are people, even to the point of imprisonment and removing their children to the care of law-abiding citizens. Only by such strong measures can we make it clear that they and their regressive views will not be tolerated.

It is my great hope that the broad dissemination of this proposal will result in its rapid implementation. There is little question that its effects would be salutary for our government and our people, and no doubt for our reputation internationally as well.

Since 1973 we have lost more than 33,000,000 potential drones through abortion. Over its lifetime the average drone would probably be worth more than $50,000 in direct and indirect benefits to the economy. (While this amount falls far short of the economic value of an average human being, it is nothing to sneeze at.) Based on an assumed economic value of $50,000 per drone, the financial cost to our economy from aborted potential drones from 1973-93 is $1.65 trillion dollars—a cost which will continue to grow every day until this drone proposal is implemented.

We simply cannot afford to continue to throw away drones like so much glass, paper and plastic. We must not waste this precious and valuable natural resource that would mean so much in terms of lower taxes, greater convenience, and a higher standard of living for all American citizens. Now is the time to mobilize in support of this proposal. A new day is dawning as we prepare for the arrival of the twenty-first century. We can seize the opportunity before us, or—letting it slip from our grasp—we can idly watch as our great nation slides further into decline.

WE MUST DEMAND JUSTICE FOR OUR SERVICEMEN KILLED IN EL SALVADOR

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. DORNAN. Mr. Speaker, I rise today to urge my colleagues and all the citizens of this

country to join me in voicing outrage over the travesty of justice with regard to the coldblooded murder of two American servicemen, Lt. Col. David H. Pickett and Pfc. Earnest Dawson, Jr., in El Salvador on January 2, 1991.

On January 2, Colonel Pickett and his crew were returning to Honduras after a logistics support mission to El Salvador when suddenly their helicopter was shot down by an FMLN patrol. One of the crew, CWO Dan Scott, was killed in the crash. However, both Colonel Pickett and Private Dawson survived and were seen by witnesses walking around the crash site asking for water and aid. When discovered by the FMLN patrol, they were executed without trial nor reason. Forensic experts confirmed the murders with the following details:

Dawson died of a single, small caliber gunshot wound to the head * * * the shot being fired from within one or two feet although I am inclined to think the gun was directly in contact with Dawson's head. Pickett was hit by 10 gunshots from at least two bursts of automatic fire but he died as a result of four shots directly into his face from a range of two to three feet while he was lying on his back.

After first denying these murders, the FMLN arrested two individuals, Porforio [Ferman Hernandez] and Aparicio [Severino Fuentes] who later surrendered to the El Salvador Government. Then, in what can only be described as a corrupt sense of justice, amnesty was granted to these murderers as part of an overall agreement between Government and rebel officials.

I urge my colleagues and every citizen in this country in the strongest terms possible to call upon both our Government and the Government of El Salvador to bring these murderers to justice now. Colonel Pickett and Private Dawson were not the victims of war; they were the victims of coldblooded murder. Their families and comrades in arms deserve no less than swift and fair justice.

WRITING LETTERS TO CONGRESSMEN

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, September 8, 1993, into the CONGRESSIONAL RECORD:

WRITING LETTERS TO CONGRESSMEN

The number of letters Members of Congress receive from constituents is soaring. In 1992 I received about 600 contacts a week. So far this year that number has jumped to over 1,200 per week. My mail total in 1993 has already surpassed the mail total for 1992. Other congressional offices have experienced a similar increase in mail volume. Overall mail to the House of Representatives has exceeded 30 million pieces through August, surpassing the level for all of 1992. Constituents are taking advantage of the latest communications technologies, sending messages via fax, telephone and mailgram as well as the more traditional letter, postcard and petition.

MEMBERS AND THE MAIL

Most congressional mail used to come in the form of personal letters. That has changed. This year most Hill offices receive more computer-generated contracts than letters. Mail promoted by national organizations is the largest-growing segment of the congressional mail. These organized campaigns typically generate thousands of identical mailgrams, letters, or postcards, which many congressional offices merely count or weigh. This year, for example, constituents have sent hundreds of postcards on the President's budget, Social Security and Medicare benefits, and whether to allow homosexuals to serve in the military.

Constituents sometimes ask whether Members of Congress read and answer their mail. The heavy volume of mail can sometimes make that difficult. In general I read most of the personal letters and review some of the form letters that come into the office. Office policy is to try to respond to constituent letters within one working week. Staff play a critical role in researching and drafting responses to the thousands of letters on a huge variety of subjects received in a given year. I personally review and approve new letters that leave the office.

Constituents also want to know whether their letters make a difference in the legislative process. On balance, they do. Communications technologies have given citizens a strong voice in political decision-making. Their views and concerns have an impact, whether it is on federal appointments like Zoe Baird or public policy issues like health care reform. This is not to suggest that constituent contacts determine in all cases how I will vote. I will weigh other factors as well—for example, how much a particular bill will cost or whether it serves the national interest.

I keep a weekly tally of what issues people are writing about, and pay particularly close attention to personal letters from constituents. The written word is most effective. Personal letters, unlike computer-generated mailings, indicate to a Member that a constituent feels deeply about an issue and was not prompted to write by others. Such letters give Members original ideas or special perspective on an issue. Members are always interested in learning how legislation or legislative proposals affect constituents and their families. Letters can be very helpful on issues that are relatively new or about which a Member has little knowledge.

WRITING AN EFFECTIVE LETTER

The best letters share several common characteristics. First, a letter should be concise and to the point. A long, rambling letter can be difficult to follow, and the point of the letter can be easily lost. Members, like many working Americans, have very hectic schedules and must review scores of papers a day. It is particularly helpful if a constituent sticks to a single issue—which can focus the Member's attention on that issue as well. A letter which covers several issues at once usually makes less of an impact.

Second, the letter should be timely. The key is for a constituent to write when the Member is addressing the issue of concern—that is, when the Member is in the process of forming an opinion or position on a particular bill. This can be tricky. Some Members will consider a measure early in the legislative process, especially if it falls within the jurisdiction of one of the Member's committees. Others will review the merits of a bill right before it is voted on in the full House. A constituent should try to find out where the Member is on a given issue, and write in comments at the appropriate time. In general, the legislative process moves quite slowly—sometimes it takes several months for a bill to move through Congress—so constituents usually have time to register their views.

Third, the letter should be accurate. Members will quickly discount a letter filled with factual inaccuracies. Sometimes letters, particularly those generated by special interest groups, distort the meaning of legislation or imply that a government program is in danger, when in fact the threat is remote or nonexistent. Members will give closer scrutiny to letters that demonstrate an understanding of the issues.

Fourth, the letter should be informative. It is helpful when letters say more than whether someone is for or against a bill, and give some reasons and advice. The best letters discuss the effectiveness or merits of a particular federal program or legislative proposal, mention how it affects the writer, and offer suggestions about possible improvements. For example, a farmer from southern Indiana has written several instructive letters over the years about his experience with federal farm programs. They have helped educate me on the issues, and are particularly useful during congressional consideration of legislation affecting agriculture.

Fifth, the letter should be civil. Members do not mind tough, blunt language. They are accustomed to it, and it gives them the sense of the intensity of feeling of the voter. They also have an obligation to respond to constituents' comments and concerns. But letters that impugn the integrity or motives of a Member or use pressure and the threat of retaliation are given less weight than those that reflect an understanding of the issue. A coolheaded and thoughtful approach is usually the best one. Derogatory language should be avoided.

CONCLUSION

As the volume of mail grows, citizens need not fear that their message will be drowned out. Mail remains a very important way for a Member of Congress to stay aware of concerns in the district. Correspondence between citizens and legislators remains one of the cornerstones of our democracy. Constituents who understand how this relationship works can give their words maximum impact.

PRAISING SUCCESSFUL ANTI-DRUG PROGRAM

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. SOLOMON. Mr. Speaker, it makes no difference whom you talk to, or where you talk to them. Americans are still concerned about the serious drug problem in this country.

In 1990, legislation was introduced for the first time commemorating an approach that continues to help in the battle against drugs. It is called DARE, the Drug Abuse Resistance Education Program.

This worthy program teaches students the necessary skills to resist social pressures to experiment with drugs and alcohol, and how to seek positive alternatives to substance abuse. Originally developed and implemented in Los Angeles in 1983, DARE is now operational in schools in 49 States.

Since legislation commemorating the DARE Program was introduced in 1990, I have supported it. Not only has this program proven itself to be enormously successful in helping students reduce substance abuse, including cigarettes and alcohol, but it has also been successful in improving study habits, improving relations between ethnic groups, and decreasing truancy and vandalism.

This year the Congress passed and the President signed into law, Public Law 103–74, Senate Joint Resolution 99. It designates today, September 8, 1993, and April 21, 1994, each as "National DARE Day." DARE is definitely deserving of this commendation and everyone should be proud of the achievements of DARE and the efforts of those involved with this exemplary program.

TRIBUTE TO UNIVERSITY HOSPITAL IN AUGUSTA, GA

HON. DON JOHNSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today to pay tribute to a remarkable medical facility located in the 10th District of Georgia. On Saturday, September 11, University Hospital will celebrate 175 years of service to Augusta, GA, and the surrounding area.

What began as the 10-bed, 2-story City Hospital in 1818 has grown into Georgia's second-largest hospital, with 700 beds and a staff of 3,000. It continues, today, a tradition of exemplary medical care and devotion to the teaching of medical practices. I want to share with you some of the history of this institution.

In 1829, just 11 years after City Hospital was founded, Dr. Milton Antony established Georgia's first medical school on the premises. In 1833, the city of Augusta provided $5,000 for the construction of a new medical college building, and the tradition of fine medical instruction in Augusta had begun.

Drs. Henry and Robert Campbell opened a surgical infirmary for the city's black community in 1854 and operated that facility until the Freedman's Hospital was opened after the Civil War. In 1891, the Medical College of Georgia named a woman, Ella Thomas, to serve as chief executive officer. Her appointment and the opening of the infirmary for the area's black community demonstrate the hospital's devotion to serving all humanity and recognizing the talents of both men and women at a time when such recognition was unusual.

City Hospital battled smallpox for two decades beginning in 1851. It sent aid to those in need by horse-drawn ambulance and served as a medical center for Confederate soldiers. That proud tradition of service and excellent medical care has been passed down through these 175 years to University Hospital.

Mr. Speaker, I am proud to have such a facility in my district and I am proud to join the entire central Savannah River area in congratulating University Hospital on its 175th anniversary.

TRIBUTE TO NORTH CAROLINA STATE BAPTIST CONVENTION FOR HARD WORK IN HARDIN, IL

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. DURBIN. Mr. Speaker, I would like to recognize the members of the North Carolina State Baptist Convention who traveled to the flood-ravaged town of Hardin, IL, and volunteered for cleanup work. Their efforts were greatly appreciated by local residents and an inspiration to everyone.

Almost 200 volunteers traveled over 15 hours to the community of Hardin, IL, in my congressional district. Their arrival and fine work could not have come at a better time. While most Americans believe the flood of 1993 is a thing of the past, those who are victims of this disaster know the real work lies ahead. The Baptist volunteers brought perspiration and inspiration to a community which generously appreciated their help.

Many in our Nation identify themselves as Christians. The North Carolina Baptist volunteers showed by their good work the highest ideals of Christian belief.

The flood of 1993 left many heartaches in its wake but the memory of fine people like these volunteers will be with us for many years.

N.C. BAPTISTS FLOOD HARDIN WITH HARD WORK, GOOD WILL

(By Mike Matulis)

HARDIN.—The final troupe of North Carolina Baptists departed this flood-ravaged river town Friday, but their six-week stay won't soon be forgotten.

Hardin can almost be divided now into where the North Carolina State Baptist Convention cleanup crews were and where they were not.

The muck that covered many homes and grimly displayed the muddy Illinois River's high water mark is gone from many homes. Likewise, dozens of homes have been stripped of soggy wallboard and plaster, ready to dry and be repaired.

The section of town, which looked doomed two weeks ago, today shows signs of renewal.

"I don't know what the hell we would have done without them," said Mayor Bill Horman.

It was hard last week in this town of 1,100 not to run into one of the Baptist workers, wearing their distinctive yellow disaster-relief ball caps and T-shirts, and it is still impossible not to run into someone singing their praises.

"This is really a Catholic community," said Jill Smith, who watched as a crew washed the river crud off her vinyl-sided house. "Now since they've come, everybody just loves them. I think everybody's ready to turn Baptist."

James Greenwood, one of the guys on the high-pressure hose team, said the biggest question people have is "why"—why did close to 200 Baptists travel 15 hours, on their own time and at their own expense, to help total strangers begin recovering from the flood?

Greenwood and his many colleagues said the answer is simple.

"Everybody ought to help their neighbors. We love to help people, and we do it for the Lord," he said.

The North Carolina State Baptists Convention has been in the disaster-relief business for the past seven years. The Red Cross calls, and the Baptists come running.

Last year it was Hurricane Andrew in Florida, this year the great Midwest flood. Just last week, they were ready to take on Hurricane Emily, if she hadn't turned out to sea.

"It's a well-greased outfit," said Earl Woods, who coordinates one of the 10 regions of the North Carolina Baptist Convention.

Literally at a moment's notice, the Baptist relief group can begin pulling together volunteers, who soon will be on the road to the next natural disaster.

"North Carolina has just got beaucoup Baptist churches. That means a whole bunch," translated Gene Carpenter, one of the many Baptist cooks who helped feed Hardin and the many volunteers here for sandbagging and later for cleanup duty.

"One on every corner," chimed in Earl, explaining how the group can respond to disaster so effectively.

Most of the Baptist workers took vacation to come help Hardin. The workers stay a week and then are replaced by a fresh set of volunteers. A significant number of the volunteers are retired, including 62-year-old Carl Nance, who headed the work crews this past week.

Nance took early retirement seven years ago to devote his energy to his church's disaster-relief effort. Like his work crews, Nance said he did not come to Hardin for a pat on the back. He considers the hard work a religious commitment.

But it's obvious he appreciates the hug and thank-you offered by Kelly Robeen, whose house was being repaired by the Baptists.

Kelly and her husband, Mike, are a typical case for those living within three blocks of the river. Their first house was damaged too badly to repair. So the Baptists renovated a lesser-damaged home the young couple is buying.

"Now we'll be able to get rebuilding and hopefully be in at least by November before winter. They're done a great job," said Robeen.

The Baptists have been in Hardin for six weeks, but the work crews didn't really get started until two weeks ago. They have done more work than anyone dreamed possible in that time, washing, gutting and in some cases putting up new wallboard in dozens of the approximately 100 flood-damaged homes.

One crew out of Kannapolis, N.C.—"Towel City, USA" thanks to the Cannon towel factory—descended—on a mucked-up frame house on Water Street Thursday morning.

Within two hours, the crew had transported a small mountain of wallboard and damaged fixtures onto the front lawn, where city crews would collect it to be landfilled.

Betty Cunningham, one of two women on the crew, said the process of tearing a house apart is emotionally difficult.

"I can only imagine what it would be like to have a bunch of strangers come in and pick my house apart," she said. "It's picking your heart and soul apart."

Sweaty and already tired at 10 a.m., the crew members joked that they never worked this hard at their real jobs in North Carolina.

"But don't tell my employer that," said Tony Howell.

The riverfront area of Hardin is testimony to the hard work. Some homes will never be occupied again, but the mud that covered much of the area has been replaced by a new sheen of hope.

The Baptists' other mission in Hardin was just as impressive. When they pulled into

town, they brought with them a huge 18-wheel, tractor-trailer that has been converted into a field kitchen.

Rotating 15 fresh cooks into town each week, the group was producing 2,000 meals a day from their mobile kitchen. The day would start at 3:30 a.m. for breakfast cooking, and it didn't end until the supper dishes were clean about 8:30 p.m.

"You talk about tired boys, we were some tired boys," said Carpenter.

Beside feeding Hardin residents, the Baptists shuttled food to the nearby towns of Mozier, Kampsville, Michael and Hamburg.

The volunteers worked 12- to 14-hour days, yet still some had trouble sleeping at night.

"This thing hasn't been all peaches and cream," said Carpenter, only half kidding. "When we came out here, there were 22 men put in one room with little cots to sleep on. And of those 22, 19 snored like hogs.

"It was absolutely awful. You would not believe the sound. I mean some were snoring bass, some were snoring tenor, some snore every breath, some snore every third breath. It was unreal."

Carpenter, suffering from sleep deprivation, bolted to the lone hotel in town, only to find a "no vacancy" sign.

"It was kind of like the story of Jesus," he said. "I went to the inn and the inn was full."

Luckily, Carpenter worked out a deal with Inell Smith, manager of the Hardin Hotel, to sleep in her camper, parked behind the full-up hotel.

As the demand for meals lessened, the giant field kitchen was shipped back to North Carolina in preparation for Hurricane Emily. So the women who cook at the Hardin senior citizens center agreed to share their kitchen.

"Now I think if I were these ladies and this was my kitchen, I'd be a little reluctant about letting a bunch of old hillbillies from North Carolina come in," said Carpenter. "But they have just turned this place over to us."

Besides the good food and the good will, the Baptist volunteers left some less tangible marks on Hardin.

One work crew had finished tearing the last of the plaster out of Bruce Presley's 100-year-old home. Another crew moved in to clean up the warped but fixable hardwood floors.

"Between the Baptists and the Red Cross, I think it's just amazing how much they do," said Presley, who hopes to repair the aged riverfront home.

Thanks to the example set by volunteers in Hardin, Presley, a single, 36-year-old probation officer, said he may be fixing other people's homes in the future.

"I'm going over to the Red Cross to see about becoming a disaster volunteer myself," said Presley. "I get four weeks vacation, and this year I took it to sandbag. Next year I hope I don't have to, and I'm going to go some place else where I'm needed.

"I want to give something back."

Carpenter said the Baptists have been offered thanks and even cash donations for their work in Hardin.

"Some people brought a letter in to give to our leaders. It was a very nice letter with adjectives that everybody likes to hear about themselves, and there was a $50 check," said Carpenter.

It's not as if North Carolina Baptists are the only people who respond in time of need, stressed Carpenter. As a matter of fact, he said the Baptist flood-relief efforts in Illinois are in part a payback for help their state received from the Midwest in past disasters.

"For three or four years, we had the drought. We just had loads and loads of hay brought in for the cattle farms. So we've been on the receiving end of this very same kind of thing over the years," said Carpenter.

Despite the snoring co-workers and the hard work, the Baptists said their time in Hardin was more than just spiritually satisfying.

"We have a ball everywhere we go," said Woods. "We don't let that work bother us."

Unfortunately, no matter how hard the Baptists and other volunteers worked, some buildings in Hardin are beyond salvage.

Violet Breden stood outside her home on Water Street, the road that hugs the river, late last week, sorting through personal papers, mementos and family photographs she had stored in her attic.

Papers she no longer needed were pitched onto a small bonfire. She was disposing of things she and her husband no longer consider essential, so they won't have to move them to the apartment they now occupy.

The Bredens will remain in Hardin, but they won't come back to their home on the banks of the Illinois River.

"I told my husband that I'm going to finish up this week, and then I'm leaving, and I'm not coming back," she said. "It's just too depressing every time you come back."

Weeks ago, volunteers fought a valiant effort building sandbag walls nearly 10 feet high in front of the Bredens' home. But the river won the battle, filling the houses to their ceilings.

Late last week, a city worker used a backhoe to begin tearing down the sandbags along the street. Some officials estimate a million sandbags were used in Hardin. Soon the bags of sand, like the Baptist and Red Cross relief workers, will be gone from town.

Some of the residents are gone for good as well. Of the four houses on the Bredens' block, not a single one will be reclaimed.

TRIBUTE TO RICHARD PETTY

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. COBLE. Mr. Speaker, on September 15, 1993, the entire North Carolina congressional delegation will honor our very own Richard Petty, the king of stock car racing, with a luncheon on Capitol Hill. No one else comes close to his awesome record of 200 NASCAR victories including 7 national championships and 7 wins at the famed Daytona 500.

Richard Petty's chief asset has to be that he became a national hero at a time when the popularity of American athletics began to fall because of drugs, high salaries, strikes, and the general impression that athletes had no time for their fans. Deb Williams, editor of the NASCAR racing publication Winston Cup Scene, estimated that Richard Petty has signed more than 8 million autographs during his illustrious career. Such a cooperative spirit, magnetic smile, and fancy signature have endeared Richard Petty to millions of auto racing fans around the world.

The winningest driver in NASCAR Winston Cup Grand National history, fans have come to expect that Richard Petty will be available for autographs, conversation, and photographs, on and off track property, 24 hours a day, 7 days a week, rain or shine, and the STP racing team star has never failed to meet the vast demands of his legions of fans. It is little wonder that Richard Petty was a nine-time winner of the most popular driver award on the Winston Cup circuit. His humility and thoughtfulness are unparalleled. He has never made a single excuse for himself or in any way shown the slightest hint of arrogance.

At 4:50 p.m. on November 15, 1992, at the Atlanta Motor Speedway, Richard Petty removed his red and blue helmet forever. "It's been a heck of a 35 years," Richard said to his many fans.

God don't put many people on earth who can accomplish, and do, and play their own game as much as He has me. To be able to walk away from it, and say that to all of you, I can't really describe how I feel about that part of it. It's been a wonderful life for Richard Petty if he just falls over right here.

Richard's gracious wife Lynda added, "It's been tough, but it's been good. I think the good outweighs it all, and I'm just proud to be a part of it." Richard complemented Lynda by adding,

She is the one who made it all work. She let me do what I wanted to do and she took up the gap. A lot of my responsibilities I didn't do; I just kept on racing. Racing is all I've really ever known. When I was growing up that's what my Daddy did, so naturally, I followed in his footsteps. And guess what, not surprisingly, there's my son Kyle in a race car.

Even though racing is the biggest part of my life, I'm not looking at just rolling over. I've got a new challenge. There is life after driving. I've seen people be made more successful after they drove than what they were driving. There is no event so important that it couldn't be done without. No matter how big you think you are or how important, it will go on without you. The world will keep turning, everybody will go doing their thing. So, you have to learn to live with that. That's the way it's supposed to be. The Good Lord fixed it like that so things could continue.

Although Richard Petty continues to be at the tracks as a team owner, Winston Cup racing is going to have to proceed without him for the first time in 35 years. He finished his driving career with 1,177 races. His last victory, with President Reagan in attendance, was at the Daytona Firecracker 400 on July 4, 1984. It was his 200th and final appearance in victory lane. Before his last start at the famed Daytona International Speedway in 1992, he said, "I want to dedicate this race to the late Bill France, Sr., because without Big Bill, I wouldn't be here and you fans wouldn't be here."

It is safe to say that without Richard Petty leading the way, the huge success of NASCAR Winston Cup racing would not have happened. On behalf of the entire North Carolina congressional delegation, we offer just three words to convey the feelings of everyone affiliated with motor racing: Thank you, Richard.

ONE HUNDRED TENTH BIRTHDAY TRIBUTE

HON. MIKE PARKER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. PARKER. Mr. Speaker, I rise today in recognition of an outstanding Mississippian, Mr. Will Gray, who celebrated his 110th birthday on August 15, 1993. Mr. Gray was honored by local, county, and State officials at a celebration held that day in his honor. He has demonstrated a love for his home and his God, and in return, he has been blessed with friends and family.

Mr. Gray is held in high esteem by his neighbors and family. He has given of himself to his community and is characterized by all as a dear friend and an inspiration. His son, Wadell, said he has never seen his father lose his temper. The younger Mr. Gray told his hometown newspaper that his father "always helped people, night or day. If they needed and he had, then he gave to them."

Because of his good deeds and friendship to others, Mr. Gray deserves recognition as an outstanding Mississippian, an exceptional American, and a shining example for people of all ages, on this occasion of his 110th birthday.

Mr. Speaker, at this time, I ask that my colleagues join me in saluting Mr. Will Gray for his outstanding achievements.

A TRIBUTE TO JAZZ LEGENDS ELLIS MARSALIS AND THE MARSALIS FAMILY

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. CONYERS. Mr. Speaker, I rise on behalf of the Congressional Black Caucus and the Congressional Black Caucus Foundation to bring attention of my colleagues to the distinguished cultural achievements of Mr. Ellis Marsalis, one of America's most notable patriarchs in the field of music. Mr. Ellis Marsalis is not only the father of four of the finest young musicians in modern jazz, he is one of the foremost educators and mentors of young initiates to the modern jazz tradition.

As founder of the Jazz Issues Forums, I am pleased to join with the Congressional Black Caucus, the Congressional Black Caucus Foundation, the American Society of Composers, Authors, and Publishers [ASCAP], and millions of music enthusiasts across the country in leading the tribute to this extraordinary patriarch and his family.

The Marsalis name has come to symbolize the great artistic achievement and potential of modern jazz. As such, the family has contributed greatly to building contemporary audiences for one of America's most brilliant contributions to world culture. They have brought a sense of dignity to being a jazz musician. Led by Ellis Marsalis, the family has figured prominently in developing and maintaining respect for African-American musicians and the music that stems from this rich tradition.

Mr. Speaker, such wide respect does not happen overnight. Nor is it won by an election or by some selective award ceremony that bestows this distinction upon you. It comes through the tireless work and the persistent effort of an individual who perfects his own talents and recognizes the necessity of passing this legacy on. Ellis Marsalis is such a man.

From its inception, the musical career of Ellis Marsalis has simultaneously followed two paths, that of performer and educator. He was born on November 14, 1934, studied music while at Dillard University in New Orleans, and received his bachelor's degree in that field.

A year after graduation from college, Ellis was drafted for service in the U.S. Marine Corps which further advanced his musical development. While stationed in El Toro Marine Base in Santa Ana, CA, he played with a cadre of musicians who were destined to change the direction of modern jazz including Ed Blackwell, Ornette Coleman, Billy Higgins, Charles Lloyd, Don Cherry, and others.

In 1967, after stints as a teacher in Beaux Bridge, LA, and as a band leader at a number of New Orleans clubs, Ellis accepted a job with Al Hirt's band, thus becoming the first African-American musician ever to tour with "Jumbo." One of the enduring facts in jazz lore is that Hirt gave the most famous of the Marsalis progeny, Wynton, his first trumpet when he was 6 years old.

Throughout the 1970's, Mr. Marsalis performed regularly at Lu and Charlie's, a small New Orleans jazz club where the foundation of the New Orleans modern jazz synthesis was laid, the melding of indigenous traditional New Orleans jazz with the great innovations in the form from around the country.

Marsalis is as well known for his endeavors work in the classroom as he is for his performances on the stages of the world. As much as any other living artist, he is responsible for passing the torch to a new generation of jazz artists who have carried the New Orleans jazz traditions to millions of fans in the United States and around the world.

Much of this success is due to his work with the New Orleans Center for Creative Arts [NOCCA], based in New Orleans, LA. Since 1974 NOCCA has become a world renowned multidisciplinary arts high school. The success of many of its students is testament to the outstanding training of this educator and performer. Names such as Harry Connick, Jr., Kent Jordon, Terence Blanchard, and Donald Harrison are just a few of the contemporary artists that he has either taught or had a major influence over.

For over three decades Ellis Marsalis has been a major contributor to the development of jazz as a national American treasure. His contributions have helped to guarantee that traditional and modern jazz, both once threatened with extinction, will be carried on for generations.

Finally, Ellis Marsalis' important personal accomplishment in the world of music as a pianist, bandleader, and composer have been enhanced by the support he has provided for the talents of his sons, Wynton, Branford, Delfeayo, and Jason Marsalis, each of whom, in their own right, has become an inspiration to an emerging generation of aspirants, practioners, and listeners.

Almost without exception, the sons and former students of Ellis Marsalis are leaders, both on their specific instruments and in the field of music in general. Branford has distinguished himself as one of the most versatile and innovative of today's young saxophonists. In addition to the nine jazz and classical albums that he has recorded, he has also performed with such musical greats such as Milt Hinton, Art Blakey, Clark Terry, Herbie Hancock, and Ron Carter, among others. He currently is featured as the band leader of the NBC "Tonight Show" Band, watched by millions of viewers each night around the nation.

Wynton, whose jazz and classical albums have amassed eight Grammy awards and countless chart-topping and poll-topping successes, is best known as one of the most brilliant trumpeter of his generation. He is virtually without peer among his contemporaries in his endeavors as composer, band leader, and jazz educator. Moreover, he has demonstrated extraordinary vision as the Artistic Director of the Jazz Programs at Lincoln Center in New York City, the Nation's premier performing arts center.

Delfeayo has built a reputation as one of the best record producers of his generation as well as an outstanding trombonist and band leader. Last, but not least, Jason at just 16 years of age has blossomed into an outstanding multipercussionist and composer.

Mr. Speaker, in the 1st session of the 100th Congress, I introduced House Concurrent Resolution 57 which declared jazz "a rare and national American treasure." On the occasion of the CBC 23d Annual Legislative Weekend, September 16–18, 1993, I am honored to present to the 103d Congress, a living testament of this national treasure known simply as JAZZ: Ellis Marsalis and the Marsalis family.

PRIVACY FOR CONSUMERS AND WORKERS ACT

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. WILLIAMS. Mr. Speaker, I rise to call attention to disturbing new evidence that highlights the need for a bill that I have sponsored along with more than 100 bipartisan Members of this body. The bill is the "Privacy for Consumers and Workers Act," H.R. 1900.

This bill attempts to draw reasonable boundaries around the explosion of electronic monitoring devices so as to protect basic privacy rights.

What is this disturbing new evidence? Here is an itemization.

Last month, 500 warehouse workers in Manteno, IL, voted to organize into a union.

Throughout the several months long organizing campaign, employees were monitored with video cameras during work time and on breaks. An employee recounts the reactions when the company installed the video cameras, "When they put the video cameras in, we thought it was big joke. Then one of the supervisors started threatening us, saying, 'I'm watching you through the cameras,' Then these cameras started to feel kind of scary—

the monitors are in glass bubbles. You can't tell if they're looking at you. You feel watched all the time."

Employees recently obtained internal company reports prepared by a private investigator who posed as an employee in order to identify union supporters among the 500 warehouse workers. The investigator is referred to as "Inv" in the reports. We have deleted names of employees. Following is a typical section: Inv talked with —— again. ——— is eagerly waiting for the union to come in. Inv hasn't heard from any of the so-called hardcore union people. ——— said he can't wait for the beers tomorrow at John's Pub ——— Two Ft. Wayne people from receiving were talking to ——— from repack and ——— said that he told ——— or ———, supervisors, that if there was any doubt about him sending in his card, there isn't any now ———"

The spying seems to repeat workers' experience in the 1930's when the pervasive use of employee surveillance and intimidation prompted congressional hearings on the subject before the LaFollette Committee and resulted in language in the National Labor Relations Act prohibiting such surveillance.

Days before the union election on Friday, an employee was taken out to take measurements for chains to lock up the warehouse's main gates. "The foreman insinuated that 'if things don't go right Friday * * *' the chains would be used for a lockout." Temporary employees wearing union buttons were threatened with firing.

Mr. Speaker, I believe this graphic evidence of the use of electronic monitoring during an organizing campaign reaffirms the importance of H.R. 1900. Existing law, including common law, already covers some of the alleged spying abuses at Kmart. But more is needed.

Let me emphasize that H.R. 1900 is a modest bill. It would not bar employers from using electronic or other monitoring devices. It would simply grant workers the basic right of being informed in a reasonable manner when those devices are being used.

THE SCHOOL-TO-WORK TRANSITION ACT OF 1993

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. FORD. Mr. Speaker, just before the August recess, I introduced the School-to-Work Transition Act of 1993, President Clinton's legislation to help noncollege-bound students prepare for careers in high-skill, high-wage jobs.

Our challenge is to connect the three-out-of-four high school students who do not complete college to a skill that will get them a good-paying job. We must establish close ties between schools, businesses, and labor to assure that graduating students get their fair shot at the American dream—a good wage in return for skilled work that employers need.

The bill would help States develop work-based learning, allowing students to work in chosen fields while receiving related instruction in the last 2 years of high school. Upon completion, students would receive a high school diploma; a certificate from a post-secondary institution, if appropriate; and a portable, industry-recognized, credential certifying mastery of specific occupational skills.

Under the bill, which the Committee on Education and Labor developed with Secretary Reich's Department of Labor and Secretary Riley's Department of Education, the Federal Government would provide grants to States to establish school-to-work programs and coordinate funding with other Federal programs. The bill would promote collaboration among local business, union, education and community leaders to establish and sustain successful school-to-work systems.

The basic components, developed by States, include work-based and school-based learning, and coordination of the two.

Under work-based learning, students would receive job training, paid work experience, workplace mentoring and instruction in skills and in a variety of elements of an industry. At school, students would explore career opportunities with counselors. They would receive instruction in a career major, selected no later than 11th grade. The study program's academic and skill standards would be those contained in the administration's school reform bill, H.R. 1804, the Goals 2000: Educate America Act. Typically, their coursework would include at least one year of postsecondary education and periodic evaluations to identify strengths and weaknesses.

To bring the two together, the bill would provide for coordinating activities, that is, involving employers, schools, and students, and matching students and work opportunities. It also would involve training teachers, mentors, and counselors for the school-to-work program.

States' school-to-work plans, submitted for Federal implementation grants, would have to detail how the State would meet program requirements. They also would explain how the plans would extend the opportunity to participate to poor, low-achieving and disabled students and dropouts.

This bill is an important blueprint to help us build a high-skilled workforce for the 21st century. In line with other proposals developed by the Clinton administration, it does not establish new Federal bureaucracies but makes States and localities partners with the Federal Government in achieving goals crucial to improving the lives of our citizens.

This program, which is scheduled to be funded beginning in fiscal 1994, will help States and localities deliver on their obligations to young people: To train them for good jobs in tomorrow's labor market. My committee looks forward to hearings and ultimately to enactment of this landmark legislation.

CONGRESSIONAL STAFF

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, September 1, 1993, into the CONGRESSIONAL RECORD:

CONGRESSIONAL STAFF

When the topic of congressional reform comes up, one suggestion that is almost always made is to cut congressional staff. The idea is being given serious consideration in Congress. I support cutting back congressional staff, although I find some of the claims made about staff to be exaggerated.

BASIC FACTS AND TRENDS

Sometimes figures of around 40,000 are given for congressional staff. Figures in this range more properly refer to total legislative branch employment, which includes not just congressional staff but also personnel in several support institutions such as the Government Printing Office, the General Accounting Office, and the Library of Congress. Total legislative branch employment stood at 26,900 in 1945 rising over the next four decades to 37,800 in 1984. Since then there has been no increase, with 1993 employment standing at 37,400.

However, the number of congressional staff—personal, committee, and administrative for both the House and Senate—is about half that number. Total congressional staff now stands at 19,500, of which 7,400 are Senate employees and 12,100 are House employees. Of the House staff, most—7,200—are personal staff of Members (an average of around 16 per Member); in addition, 2,200 are committee staff and 2,700 are administrative staff.

Congressional staff grew significantly from the 1950s through the 1970s, growing from 3,300 in 1945 to 19,200 by 1983. This growth was driven largely by the overall expansion of the executive branch, efforts by the Nixon White House to challenge congressional powers, and congressional reforms aimed at improving Congress's own policy expertise. Since 1983 congressional staff has stopped growing, and the number today (19,500) is basically the same as a decade ago.

Some of the growth in congressional staff over the years was offset by cuts in other legislative branch employment. For example, staff in the General Accounting Office was cut back from 13,800 in 1945 to the current level of 5,200. Thus total legislative branch employment over the past 50 years has shown relatively modest growth. The increase from 26,900 in 1945 to 37,400 today represents a 39 percent increase, which over 50 years translates into less than 1 percent growth per year.

COMPARISONS

Some comparisons might be helpful to put these numbers into perspective. Total legislative branch employment is, for example, one-seventh the size of the Department of Veterans Affairs (265,000) and one-third the size of the Department of Agriculture (123,000); but it exceeds employment at the Federal Reserve System (25,000). Overall, legislative branch employees represent about 1% of total federal employees.

The United States has more legislative branch employees than any other country, although some of that is a reflection of our nation's size. Canada, for example, has more legislative branch employees per capita than we do.

In terms of growth over the years, while total legislative branch employment increased 39% over the past 50 years, total U.S. population grew by some 80%. The fastest growing branch in recent decades has been the judicial branch, up some 300% since 1970.

CRITICS

Those who believe we have too many congressional staff make several arguments: First, cutting staff would save money, which

is important especially at this time of national belt-tightening. Before we ask our constituents to sacrifice, we need to make cuts in our own operations. Second, businesses are making painful downsizing decisions from competitive pressures; so should Congress. Third, staff inflate the congressional agenda and worsen the workload burden, by getting their Members involved in their own pet projects and a host of marginal issues. Fourth, some staff are more interested in serving the campaign interests of their Members than focusing on the resolution of national problems. Fifth, unelected staff have too much power and influence. They often perform functions that Members should perform, and are less likely to compromise on issues than Members meeting face to face—thus contributing to gridlock. Finally, staff have been a nuisance to the executive branch over the years with micromanagement and intrusion into minute details of daily governance for which they are ill-suited.

SUPPORTERS

Those who defend current staffing levels make several arguments: First, staff has grown over the years as the workload of Congress has increased—as the U.S. has emerged as a world superpower, and as the federal government has attacked an increasing range of issues, from health care to defense conversion to environmental protection. Second, constituent contacts have greatly expanded over the years. In my own office, I now receive about 1,200 constituent contacts per week, triple the number only seven years ago. Third, effective oversight by committee staff can help save American taxpayers millions of dollars by discovering waste and abuse in the executive branch. Fourth, cutting staff will make Congress more dependent on the executive branch and interest groups for information and policy expertise, and power will flow to them. It is not possible to have a co-equal branch of government without providing Congress the resources to fulfill its constitutional role. Fifth, other countries are emulating our system of providing independent policy expertise for members of the legislative branch.

ASSESSMENT

My view is that Congress today deals with a very complex policy agenda—much more complex than even a few decades ago—and that Members are increasingly called on to assist their constituents in a variety of ways; neither of these basic facts will change. That means that members will continue to need strong, professional staff assistance. The past reforms that beefed up congressional research and investigative capabilities and strengthened Congress were, overall, a move in the right direction. The U.S. government should not be dominated by one branch. At the same time, Congress can certainly do some belt tightening and look for efficiencies and savings in its staff operations. Certainly we can find waste, and can cut some staff and staff functions that are no longer a high priority.

Earlier this year, House and Senate leaders announced plans to eliminate more than 1,300 legislative branch jobs by 1995. In addition, they proposed cutting legislative branch administrative expenses by 14% for a total savings of about $500 million by 1997. These are initial steps in the right direction, although somewhat modest, and I will support these and additional reductions. The goal should be to make the cuts in ways that preserve the ability of Congress to represent constituents, fulfill its constitutional responsibilities, and deal with the country's problems.

THE SUCCESS OF THE IEA SCHOOL-TO-WORK TRAINING PROGRAM

HON. DAVID MANN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. MANN. Mr. Speaker, and Members of the House, I would like to bring to your attention the successes of the Industry-Education Alliance [IEA], a new school-to-work training program that is currently underway back in my district in Cincinnati, OH. The Home Builders Association of Greater Cincinnati and Great Oaks Joint Vocational School District have launched this major training initiative with the Home Builders Institute [HBI], the educational arm of the National Association of Home Builders, and PAVE, The Education and Training Foundation. Together they are training and placing adult unemployed and dislocated workers into well-paying jobs in the homebuilding industry.

Every adult student completing the IEA school-to-work training program has been placed in a job with professional builders earning 31 percent above entry level wages. I would ask you all to join me in commending all participants in the IEA program on this significant and encouraging achievement as we work to break the cycle of unemployment and Government assistance.

STUDENT LOANS, H.R. 2264

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. POMEROY. Mr. Speaker, I would like to take this opportunity to respond to Chairman FORD's remarks on August 5 on H.R. 2264, specifically regarding direct lending of student loans. The chairman would have you believe that we had the opportunity to fully debate the proposal to move the direct Government lending and that this Chamber in fact supports that move.

I would like to remind the Members of this Chamber that the only opportunity we had to vote on this issue was on the Gordon-Goodling-Pomeroy amendment during consideration of the Labor-HHS-Education appropriations bill. Our amendment passed the House by a vote of 397–28. Because the chairman chose to cast that vote as meaningless, we sent a letter to the budget conferees stating our opposition to full-blown direct lending and continued support for a pilot program. In his statement yesterday, the chairman would have you believe that this letter was signed only by 148 Republicans. To the contrary, our bipartisan letter was signed by 285 Members—with over 120 Democrats. I have attached the letter, along with a list of cosigners in case there is still any doubt.

I would like to further point out that the compromise brought to this floor as a part of budget reconciliation is something we can live with for the meantime. It is by no means ideal. I am pleased that we have maintained a private-public partnership which works by reducing the excessive subsidies provided to lenders and guarantee agencies. This provides assurances that students will continue to have secure loan access at lower costs with the same quality of service they receive now.

I remain concerned, however, that this proposal allows for a ballooned bureaucracy by providing implementation to reach 40 percent by the 1995–96 school year. Additionally, the proposal has a provision that gives the Department of Education the authority to mandate a school's participation. Furthermore, many of the problems that prompted me to fight this proposal still exist: The estimated savings are illusive; many studies show the Department of Education does not have the ability to administer the program; this proposal will add $52.9 billion in new debt; and it will add 600 new bureaucrats to the Department of Education.

Mr. Speaker, I remain committed, as do many of my colleagues, to seeing that this program is improved upon at every opportunity in the future.

HOUSE OF REPRESENTATIVES,
Washington, DC, July 23, 1993.

DEAR CONFEREE: The Budget Reconciliation legislation which was passed by the House in May includes a title which will replace the guaranteed student loan program which has served student and parent borrowers since 1965 with an untested direct loan program by 1997. This dramatic change in the student loan delivery system was made without a specific vote on the issue having been held on the House floor.

Since that time, however, House Members were given an opportunity to express their concerns about direct lending by supporting an amendment to the Labor-HHS-Education Appropriations bill which would limit direct lending funding to the pilot program authorized last year.

This Gordon/Goodling/Pomeroy amendment passed the House on a recorded vote of 397 to 28 with our support. This is the only vote which has been taken on direct lending and it is intended to voice the concerns which many of us have about moving to a full-blown direct lending program without first testing a substantial pilot. As such, it is also intended to express our opposition to the direct lending provisions which have been included in the House reconciliation bill.

Our opposition to a full conversion at this time is based on several factors. Perhaps the most salient factor during these times of fiscal discipline is this: the Congressional Budget Office recently acknowledged that more than half of the budget savings attributable to direct loans are smoke and mirrors—caused only by the budget scoring conventions of the Credit Reform Act of 1990. Thus, in an apples-to-apples comparison the savings attributed to direct lending fall from $4.27 billion to $2.08 billion. And in February of this year economists at the Congressional Research Service (CRS) concluded that "[c]onversion to direct loans cannot be justified on the basis of either budget savings or increases in overall economic welfare."

Much of the concern surrounding the transition to direct loans also arises from fears about the Department of Education's ability to manage a loan program of such magnitude. In one of its December 1992 "high

risk" reports, the GAO warned that "the inventory of known problems in the Department's administration of guaranteed student loans raises questions about its ability to adequately manage a direct lending program."

At a recent hearing held by the Subcommittee on Human Resources and Intragovernmental Relations, the GAO repeated that message, characterizing the Department's gatekeeping procedures for determining which schools can participate as "weak", its oversight as "slack", and its financial and management systems as inadequate to oversee the program and protect the federal interest. Although we have a strong team at the Department of Education, they certainly will have their hands full dealing with these existing problems without adding a new $18 billion a year program to the mix.

A representative from the National Association of Student Financial Aid Administrators (NASFAA) also testified as to the "deep concerns that a majority of financial aid administrators have expressed involving a lack of confidence in the Department's ability to satisfactorily carry out its responsibilities in a timely and efficient manner." Therefore, the NASFAA position is to proceed with a direct loan demonstration program before moving to full-scale direct lending.

Finally, we remain concerned about the expanded federal bureaucracy which will come with a new government program (the Department has estimated they will need to hire over 600 new employees) and the $52.9 billion in additional debt which will be taken on by the Treasury in the next five years.

Last year, the policy implications of terminating the guaranteed student loan program and transitioning to direct loans were considered by Congress as part of the reauthorization of the Higher Education Act. At that time, Congress decided to authorize a sizable pilot program to test the concept of direct lending. The pilot concept was adopted because of the wise disparity in views on this subject, and an unwillingness to risk failure in a complete transition to a totally untested program. It is unfortunate that, without full House consideration, we have chosen to move away from this careful compromise.

The fact is that there are alternative ways to find the required savings, specifically by squeezing out excess profits from the existing system. Following this path would provide immediate savings, would protect us from further growth in the federal bureaucracy, and would ensure that students continue to receive the loan funds they need when they need them. this process could run concurrently with a direct lending pilot project. We are enclosing one example of a package which could meet the necessary savings as well as a scoring of this package by the Congressional Budget Office (savings equal $4.34 billion over five years).

Though direct lending supporters will try to cast the Gordon/Goodling/Pomeroy amendment itself as of limited practical impact, they cannot deny that the vote on this amendment is of tremendous importance. The majority of Members voting yes on this amendment did so for one reason; they believe that a direct lending pilot program such as the one authorized last year does remain the preferred course of action over a short-term transition to full-blown direct lending.

We ask that you keep these views in mind in your negotiations with the other body.

Thank you for your time and consideration. If you have questions or would like more information on our position, please feel free to call any one of us directly.

Sincerely,

Bart Gordon, Earl Pomeroy, Lee Hamilton, Sonny Montgomery, Olympia Snowe, Doug Bereuter, Bill Goodling, Marcy Kaptur, Bill Clinger, Tim Valentine, Jim Slattery, Andy Jacobs.

Neil Abercrombie, Gary Ackerman, Wayne Allard, Michael Andrews, Bill Archer, Richard Armey, Jim Bacchus, Spencer Bachus, Richard Baker, Cass Ballenger, Peter Barca, James Barcia, Tom Barlow, Bill Barrett, Roscoe Bartlett, Joe Barton, Herb Bateman, Helen Delich Bentley, Doug Bereuter, Mike Bilirakis, Sanford Bishop, Peter Blute, Sherwood Boehlert, John Boehner, Henry Bonilla, Bob Borski, Rick Boucher, Bill Brewster, Corrine Brown, Sherrod Brown, Jim Bunning, Dan Burton, Stephen Buyer, Leslie Byrne, Sonny Callahan, Ken Calvert, Dave Camp, Charles Canady, Maria Cantwell, Michael Castle, Jim Chapman, Eva Clayton, Bob Clement, Bill Clinger, James Clyburn, Howard Coble, Ron Coleman, Michael "Mac" Collins, Larry Combest, Gary Condit, Jim Cooper, Sam Coppersmith, Jerry Costello, Chris Cox, Bud Cramer.

Phil Crane, Michael Crapo, Randy Cunningham, Pat Danner, Buddy Darden, Nathan Deal, Tom DeLay, Butler Derrick, Peter Deutsch, Lincoln Diaz-Balart, Jay Dickey, Calvin Dooley, John Doolittle, Bob Dornan, David Dreier, John Duncan, Jennifer Dunn, Chet Edwards, Bill Emerson, Eliot Engel, Glenn English, Anna Eshoo, Terry Everett, Thomas Ewing, Eni Faleomavaega, Sam Farr, Harris Fawell, Jack Fields, Bob Filner, Eric Fingerhut, Hamilton Fish, Floyd Flake, Tillie Fowler, Gary Franks, Elton Gallegly, Dean Gallo, George Gekas, Pete Geren, Sam Gibbons, Wayne Gilchrest, Paul Gillmor, Ben Gilman, Newt Gingrich, Dan Glickman, Bob Goodlatte, William Goodling, Bart Gordon, Porter Goss, Rod Grams, Fred Grandy, James Greenwood, Steve Gunderson, Luis Gutierrez, Tony Hall, Lee Hamilton, Mel Hancock, Jane Harman, Dennis Hastert, Alcee Hestings, Jimmy Hayes.

Wally Herger, Peter Hoagland, David Hobson, George Hochbrueckner, Peter Hoekstra, Martin Hoke, Tim Holden, Amo Houghton, Michael Huffington, Bill Hughes, Duncan Hunter, Tim Hutchinson, Earl Hutto, Henry Hyde, Bob Inglis, Jim Inhofe, Jay Inslee, Ernest Istook, Andy Jacobs, Jeff Jefferson, Don Johnson, Nancy Johnson, Sam Johnson, Tim Johnson, Harry Johnston, Paul Kanjorski, Marcy Kaptur, John Kasich, Joe Kennedy, Jay Kim, Pete King, Jack Kingston, Scott Klug, Joe Knollenberg, Jim Kolbe, Michael Kopetski, Jon Kyl, Blanche Lambert, Martin Lancaster, Larry LaRocco, Rick Lazio, James Leach, Richard Lehman, David Levy, Jerry Lewis, John Lewis, Tom Lewis, Jim Lightfoot, John Linder, Bill Lipinski, Bob Livingston, Marilyn Lloyd, Jill Long, Ron Machtley, Carolyn Maloney, David Mann, Thomas Manton, Donald Manzullo, Ed Markey, Robert Matsui.

Ron Mazzoli, Al McCandless, Frank McCloskey, Bill McCollum, Jim McCrery, Dave McCurdy, Joseph McDade, John McHugh, Scott McInnis, Buck McKeon, Alex McMillan, Mike McNulty, Martin Meehan, Carrie Meek, Jan Meyers, John Mica, Robert Michel, Dan Miller, David Minge, Susan Molinari, Alan Mollohan, Sonny Montgomery, Carlos Moorhead, Constance Morella, John Murtha, John Myers, Richard Neal, Steve Neal, Bill Orton, Michael Oxley, Ron Packard, Mike Parker, Bill Paxon, L.F. Payne, Tim Penny, Collin Peterson, Pete Peterson, Richard Pombo, Earl Pomeroy, John Porter, Rob Portman, Deborah Pryce, Jimmy Quillen, Jack Quinn, Jim Ramstad, Arthur Ravenel, Ralph Regula, Bill Richardson, Thomas Ridge, Pat Roberts, Harold Rogers, Dana Rohrabacher, Ileana Ros-Lehtinen, Toby Roth, Marge Roukema, Edward Royce, Bobby Rush, Rick Santorum, Bill Sarpalius, Jim Saxton.

Dan Schaefer, Steve Schiff, James Sensenbrenner, Phil Sharp, E. Clay Shaw, Christopher Shays, Karen Shepherd, Bud Shuster, Norman Sisisky, Joe Skeen, Ike Skelton, Jim Slattery, Louise Slaughter, Christopher Smith, Olympia Snowe, Gerald Solomon, Floyd Spence, Cliff Stearns, Bob Stump, Bart Stupak, Don Sundquist, Dick Swett, James Talent, John Tanner, Billy Tauzin, Charlie Taylor, Craig Thomas, William Thomas, Karen Thurman, Peter Torkildsen, Robert Torricelli, Jim Traficant, Fred Upton, Tim Valentine, Peter Visclosky, Harold Volkmer, Barbara Vucanovich, Bob Walker, James Walsh, Curt Weldon, Jamie Whitten, Charles Wilson, Bob Wise, Frank Wolf, Albert Wynn, Bill Young, Don Young, William Zeliff, Dick Zimmer.

SNUFF OUT SNUFF

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mrs. SCHROEDER. Mr. Speaker, many historical figures had tiny snuff boxes in their pockets, eagerly waiting for the perfect time to pinch. Now, spitters abound at virtually every sporting event, rodeo, gun show, car show, and fishing contest.

The Centers for Disease Control reports that snuff and chewing tobacco use has almost tripled since 1972, and that nearly 10 million Americans are chewing and spitting on a regular basis. Worse, an estimated 3 million chewers are under age 21.

Chewing tobacco is not a pretty sight. Spitters place a pinch between their gum and cheek, and chop away as the nicotine seeps directly into their blood stream. While nicotine addicts may think this is good news, the bad news is that chewing tobacco leads to high cholesterol and blood pressure, accelerated coronary heart disease, oral lesions, and oral cancer. The link between oral cancer and chewing tobacco is compelling. Of the 30,000 people diagnosed with oral cancer in 1992, 75 percent were smokeless users. As a result of the increased use of chewing tobacco among juveniles, the National Cancer Institute is predicting an epidemic of oral cancer in young men.

Today, Representatives DICK DURBIN, MIKE ANDREWS, MIKE SYNAR, ELEANOR HOLMES NORTON, and I are introducing two bills to stamp out snuff. The Smokeless Tobacco Distribution Control Act prohibits free distribution

of smokeless tobacco either through the mail or at events. The Smokeless Tobacco Consumption Reduction and Education Act discourages tobacco use by raising the excise tax on smokeless tobacco—presently 3 cents-a-tin—to that of cigarettes—24 cents-a-pack. This move will generate approximately $300 million, 10 percent of which will go to the proposed smokeless tobacco education and prevention trust fund to inform the public on the risks of smokeless tobacco.

Smokeless tobacco is serious business. Smokeless tobacco manufacturers' profits shoot through the roof while spitters get sick, and taxpayers foot the bill. Americans need to kick the smokeless habit. Our legislation will start the trend.

REMEMBRANCE OF THE UKRAINE FAMINE

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. BONIOR. Mr. Speaker, 60 years ago, Soviet dictator Joseph Stalin ordered the seizure of the Ukrainian grain crop and forced collectivization which resulted in mass starvation that left millions of Ukrainians dead. Sadly, too little has been known in the West about this tragedy. To put it in perspective, it would be as if the entire population of Michigan was made to starve to death.

Stalin began his campaign of terror against Ukraine by arresting scholars, writers, students, and priests. Then he turned to the ruthless annihilation of the Ukrainian countryside. Stalin made impossible demands on the Ukrainian grain harvest. These initial demands were followed by even more and more absurd ones on grain that no longer existed. When all the grain was seized, Stalin's minions took whatever food was left. Millions and millions of men, women, and children were forced to starve.

Through tremendous effort, Ukraine produced enough grain to appease Moscow in August 1932. However, this left the countryside utterly exhausted. By November, the exorbitant Soviet demands could no longer be met. At that time Ukrainians were already starving to death. Instead of easing up on Ukraine, Moscow tightened its grip.

An intense effort was made to wring every last bit of grain out of Ukraine. Watchtowers were erected in the fields manned by armed guards. Ukrainians caught with excess grain were shot. The number of executions rose dramatically during this period.

In the fields, the horror began full scale. As food ran out, people began to make bread out of nettle and weeds. In desperation, they turned to eating unimaginable things just to stay alive. In the winter, acorns were collected from beneath the snow. At the height of the famine, Communist party officials ridiculed the Ukrainians as parasites who would do anything to get out of working.

Of course these same party officials were well fed while the death ravaged the countryside. It is also these officials who brutally enforced the grain decrees. In the Kharsyn village of the Poltava Province, a women 7 months pregnant was beaten to death for plucking some spring wheat. In the same province, Nastia Slipenko was shot for digging up potatoes at night. Her three young children, whose father had been arrested earlier, starved to death.

Houses were searched on a regular basis. Any edible food was seized. There were reports of especially brutal Communist Party henchmen who, in order to avoid extra trips, brought both the dead and dying to the cemetery. Children and old people were left alive in mass graves for several days.

Stalin blamed the shortfall of grain on sabotage and the "unMarxist approach of a significant part of our village Communists." Reports of massive famine were dismissed. So, in 1933, more grain was demanded at a time when all the grain was long gone. In the spring of 1933, the famine reached its height. Entire villages were decimated.

The children were especially hit hard. An entire generation was wiped out by the famine. As their parents either died or were arrested, many children were left to fend for themselves. In Kirovohrad, the orphans were placed in a children's town where they starved to death. A wall surrounding the orphanage prevented people from seeing what was going on. At night, trucks would haul away the bodies. They fell off the trucks so often that each morning caretakers would look over their areas to see if any bodies had fallen there.

Unfortunately, these children had no one else to turn to. There was no international effort to help the Ukrainians. News of the famine was either suppressed or obscured by Stalin's propaganda machine. We must never forget this tragic period of history. We must never forget the terrible suffering of the Ukrainian people—suffering that was to continue throughout Soviet rule.

Commemorating the famine helps us better understand the very real concerns that Ukraine has today about Russia. These concerns are based on the deaths of millions of Ukrainians due to the cruel policies of Moscow. The best way to prevent history from repeating itself is to support a strong and independent Ukraine.

There are also enduring lessons from the famine. The international community failed to act in the face of this great human tragedy. Those who could help either didn't know or didn't want to recognize the brutal reality in Ukraine. This must never be allowed to happen. Food must never again be used as a weapon.

September 10–12 marks the official observance of the 60th anniversary of the Ukraine Famine. On that weekend, I will be joining the Ukrainian community to solemnly remember these terrible events. I urge my colleagues to join in this effort.

HONORING GEORGE W. "BOB" KOHL

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. GILMAN. Mr. Speaker, I wish to call to the attention of our colleagues the outstanding achievements and fantastic life of George W. Kohl, one of the premier citizens of New York's 20th Congressional District, and a role model for all Americans.

This week, George Kohl, affectionately known as "Bob" to his family, friends, and many loved ones, is being honored with the lifetime achievement award at the Harvest Ball of the Orange County Association of Realtors. Next week, George Kohl is being honored as the hospital trustee of 1992 by the Hospital Trustees of New York State. This prestigious award is given annually in recognition of a hospital trustee who has made a mark of utmost distinction in service to health care, the hospital, and his community.

When George W. Kohl first joined the board of trustees of Arden Hill Hospital in 1962, this health care facility—then known as Goshen Hospital—was a 50-bed, small community hospital. Largely, through George Kohl's efforts, the hospital moved to its present location in 1967, and ever since has been in the forefront of state-of-the-art, up-to-date medical facilities servicing an ever-expanding horizon.

It was due to the foresight of George Kohl that Arden Hill Hospital gradually occupied adjacent properties, to eventually encompass its current 85-acre site which houses a medical facility on the cutting edge of modern health care, including long-term care, three medical arts buildings, a mental health unit, and a self-care wing. Under George Kohl's leadership, during his tenure as president of the board of directors, 1974–80, the physical plant at Arden Hill Hospital doubled, with the number of beds available for patients increasing from 79 to 158.

In the 1980's, George Kohl challenged Arden Hill to begin a Life Care Center: a skilled nursing facility, including a social model adult day care program. Since entering the field of long-term care services for the elderly in 1985, the Arden Hill Life Care Center has become a statewide role model for adult care of this nature, and in fact has won the best practice award 5 years in a row.

Recognizing the need for a retirement community, George Kohl helped establish the Glen Arden, Inc., Life Care Retirement Community, the first community of its nature operating in New York State since the enactment of the 1989 State law enabling such ventures. Mr. Kohl is currently serving as the charter president of the Board of Glen Arden and is personally involved in the day-to-day operations of the exciting new facility.

A realtor by profession, George Kohl has served twice as president of the Orange County Board of Realtors. In this capacity, George significantly helped Orange County cope with the burdens of unprecedented growth during the period of one of the greatest expansions in our region's history. Twice, 1966 and 1976, George was named "Realtor of the Year" due to his leadership in the field of real estate, for George is a professional's professional who has served as a role model for his fellow realtors. George is past president of the New York State Association of Realtors, for his expertise and professionalism are known from one end of our State to the other, from Montauk Point to Niagara Falls. He was named New York State "Realtor of the Year" for 1982, and has been a member of the

board of directors of the National Association of Realtors since 1975, as well as a member of that organization's Finance and Legal Action Committees; and chairman of the Strategic Planning Committee of the New York State Association of Realtors since 1991.

George Kohl is not the type of individual content to rest on his laurels, and he is living proof of the adage: "If you want a job done, ask a busy person."

He has been an active member of the Goshen Rotary Club. He has also served as a board member of the Goshen Historic Track and has accomplished much toward a public recognition of that site so rich in our Nation's heritage. George is a board member of the Orange County Citizens Foundation.

Mr. Speaker, I have known George Kohl and his family for many years, and am one of those who have come to depend upon his keen insight and his sound advice. He is the type of individual who not only has his fingers on the pulse of the community, but has the foresight and presence of mind to foresee the needs of tomorrow. Our world would be a better place if we had more George Kohl's.

I invite our colleagues to join in congratulating an outstanding American for his contributions to our communities and to our Nation.

THE DEFICIT AND THE DEBT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, August 25, 1993, into the CONGRESSIONAL RECORD:

THE DEFICIT AND THE DEBT

I often find that the two main measures of our government's red ink—the federal deficit and the federal debt—are not always understood. Here are some frequently asked questions and my answers.

WHAT IS THE DIFFERENCE BETWEEN THE DEFICIT AND THE DEBT?

The federal budget deficit is calculated for each year and is the shortfall between what the federal government will spend that year and how much it receives in revenues. For 1993, the government is projected to spend $1.44 trillion and raise $1.14 trillion in revenues, for a deficit of $302 billion.

The debt, on the other hand, is the sum of money that the government has borrowed to finance all the annual budget deficits—not just what we owe from the 1993 deficit, but the 1992 deficit, the 1991 deficit, and so on. It is similar to a family's accumulated borrowing over the years—how much it still owes on its home mortgage, its car loan, and the like. The federal debt is measured in different ways. The debt held by the public now stands at $3.3 trillion. The gross federal debt, which also includes federal debt issued to federal trust funds such as Social Security, is $4.4 trillion.

HOW MUCH INTEREST DO WE PAY?

The federal government must pay interest on its accumulated debt. This year the federal government will pay about $200 billion in interest payments to the public, which means that $1 of every $7 of federal spending goes for interest payments. The main holders of the public debt include state and local governments, foreign lenders, the Federal Reserve System, individuals, banks, and private pensions.

HOW MUCH HAVE THE DEFICIT AND DEBT GROWN OVER THE YEARS?

In tracking federal borrowing, economists are less interested in the dollar amount of the deficit and debt than their size as a share of national income—Gross Domestic Product (GDP). For example, whether a home mortgage of $100,000 puts a strain on a family's finances depends on whether the family's annual income is $50,000 or $500,000. Likewise economists are less worried about federal borrowing if our Gross Domestic Product is growing and is able to cover the interest payments from the indebtedness. Thus a particular concern has been that in recent years our deficits and debt have been growing faster than GDP.

The 1993 budget deficit is expected to be 4.9% of GDP. During World War II the deficit was much higher, reaching 31% of GDP in 1943. But from 1950 through the mid-1970s it hovered around 1% of GDP or less. During the 1980s the deficit averaged around 4% of GDP.

The federal debt held by the public was 114% of GDP after World War II. But as the economy grew in subsequent years, the ratio steadily declined—falling to 25% of GDP by the mid-1970s. The enormous deficits over the past decade have driven up the debt to the current 53% of GDP.

HOW DO WE COMPARE TO OTHER COUNTRIES?

The U.S. deficit and debt levels are considered about average. Our budget deficit this year of around 5% of GDP is slightly above the 4% average of the major industrialized nations, with the United Kingdom, for example, running a deficit of 8% of GDP and Japan and Germany running deficits of about 2% of GDP. Likewise, our debt as a share of GDP is about average, with Japan and Canada, and Italy having higher debt levels and Germany and France having lower debt levels.

WHAT HARM DO THE DEFICIT AND DEBT CAUSE?

Economists do not expect any catastrophe as a result of the large U.S. debt and deficits. High deficits have led to financial catastrophes in some countries over the years—for example, both Israel and Argentina experienced hyperinflation of around 800% annually in the mid-1980s when they ran budget deficits exceeding 50% of GDP.

Though far short of that, the U.S. deficit today still can cause significant harm. Large budget deficits mean that the federal government must borrow huge amounts from our pool of national savings, driving up real interest rates and absorbing savings that would otherwise be available to finance private sector investment in new plant and equipment, training, and research and development. Large deficits can also drive up the value of the dollar, making U.S. products less competitive in international markets. Moreover, the annual deficits boost our accumulated national debt, and each year enormous interest payments on the debt mean less revenue available for other federal priorities.

WHY HAVE THEY GROWN SO FAST?

Prior to 1981, the largest deficit in our nation's history was $74 billion. Since then they have averaged $200 billion. Several factors led to large deficits, including two recessions in the early 1980s, the tax cuts and defense build-up during the Reagan presidency, the steady growth of federal entitlement programs, and the bailout of insolvent Savings and Loans. The 1990 budget agreement between President Bush and Congress was expected to tame the deficit and nearly balance the budget by the mid-1990s. But unexpected developments—mainly weak economic growth and surging outlays for health care programs—have meant that the deficits continue to be large.

HOW MUCH OF THE BORROWING IS FOR INVESTMENT?

A particular concern about the large federal borrowing in recent years is that little went for increased national investment—just as a family's borrowing would be more sensible if it went to finance a college education rather than an ocean cruise. Our national debt basically quadrupled during the 1980s, but the share of total federal spending going for nondefense investment actually dropped, from 16% to 9%. The recently enacted deficit reduction package made some shifts toward greater investment, but not as much as the President originally proposed

WHAT IS THE OUTLOOK?

Earlier this year the budget deficit was projected to increase from $302 billion in 1994 to $360 billion by 1998. And federal debt as a share of GDP was projected to jump from 53% today to 61% in five years. The President's deficit reduction package is expected to reduce the deficit to $213 billion by 1998, and to slow the growth in the national debt by about $500 billion over the next five years. Although the dollar amounts of projected future deficits will still be large, the Clinton package does accomplish the goal of reducing the deficit as a share of GDP. The deficit would go down from the current 4.9% of GDP to 2.7% of GDP by 1998. And the debt as a share of GDP would basically stabilize. Yet they will both start rising again after 1998 unless steps are taken to rein in federal health care costs.

GALLEGLY BILL TO BAR IRAQI POW'S FROM ADMITTANCE TO UNITED STATES AS REFUGEES

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. GALLEGLY. Mr. Speaker, once again the United States is proving to the world how generous and magnanimous our Nation is, and once again the rest of the world is snickering at us under its collective breath.

As incredible as it may seem, the United States is in the midst of resettling some 4,000 Iraqi prisoners of war and their families in the United States. Around 1,000 these former POW's—and their families—have been resettled already, and another 3,000 are in the pipeline.

I believe it is an insult to the veterans of Operation Desert Storm to welcome these Iraqis with open arms, which is why I am introducing legislation today to prohibit anyone who served in the Iraqi Armed Forces between August 2, 1990, and February 27, 1991, from receiving refugee status. Mr. Speaker, I ask that the full text of this legislation be placed in the RECORD at this point.

H.R.—

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

SECTION 1. PROHIBITION OF ADMISSION TO THE UNITED STATES AS REFUGEES OF INDIVIDUALS WHO HAVE SERVED IN THE ARMED FORCES OF IRAQ DURING THE PERSIAN GULF CONFLICT.

(a) IN GENERAL.—Notwithstanding any other provision of law, individuals who have served in the armed forces of Iraq during the Persian Gulf conflict may not be admitted to the United States as refugees under the Immigration and Nationality Act.

(b) PERSIAN GULF CONFLICT DEFINED.—For purposes of this section, the term "Persian Gulf conflict" means the period beginning on August 2, 1990, and ending on February 27, 1991.

While many veterans, along with many other Americans, are facing an uncertain future because of the limping national economy, these Iraqi soldiers—who took up arms against American men and women—are eligible for a full range of Federal benefits, including Medicaid and Aid to Families with Dependent Children. They also can receive cash assistance for job and language training, free medical screenings, and Federal cash payments for up to a year if they don't qualify for State assistance.

Incredibly, the cost to the taxpayers could total $70 million before this process is complete.

The question is, why? Why, of all the people in the world who seek to immigrate to the United States, are we accepting 4,000 former enemy soldiers, and more than twice that number of their dependents?

The reason given by the State Department is that these POW's face imprisonment or even execution by the government of Saddam Hussein if they are returned to Iraq. Many of them were deserters who fled their units in fear for their lives in the hours and days before the awesome might of the American-led coalition force sliced through the Iraqi lines. Still others are members of ethnic and religious minorities that Saddam has persecuted for years.

But even if these Iraqis do have a legitimate fear of persecution if they return to their homeland, why can't Kuwait, Saudi Arabia, and the other Persian Gulf States take them in? After all, one would assume that the governments of the Gulf States are grateful to the United States for saving them from certain annexation into Greater Iraq, in fact if not necessarily in name.

Our Saudi friends, however, have refused to even think about the possibility, saying that most of the Iraqi POW's are Shiite Moslems and therefore not welcome in the Sunni Moslem kingdom. The other Gulf States, also overwhelmingly Sunni, also refuse to take in any of the Iraqis.

So while Iran and a couple of Scandinavian nations have accepted some of these leftover POW's, the vast majority apparently will be winging their way across the Atlantic. The State Department reports that around 1,000 ex-POW's are already here, and more are expected next year.

I believe this is ludicrous. If the Israeli government and the Palestine Liberation Organization can sit down and break bread together, surely Gulf State governments can set aside doctrinal differences and resettle their Arab brothers quickly.

Finally, there is another reason to oppose this resettling program—the possibility of terrorism. There is nothing Saddam Hussein would get more pleasure from than striking back at the United States, and as the World Trade Center bombing so clearly proved, we are not immune from acts of terror. Can we conclusively prove that none of these captured soldiers are still loyal to Saddam and ready to do his bidding?

The bottom line is clear: The U.S. Government has no business putting enemy soldiers ahead of some 9 million unemployed Americans, including veterans of Operation Desert Storm. As a nation, we are generous and we are magnanimous. Our entire history proves that. Our current immigration policies, under which we accept more legal immigrants and refugees than every other nation in the world, also proves that.

Mr. Speaker, since I first proposed this legislation, my office has been deluged with calls and letters in support. It's clear that the American people want nothing less than an immediate end to this ludicrous policy. I ask my colleagues to cosponsor this legislation, and to quickly debate and pass it. Just for once, can't we put Americans first?

CONGRATULATING SVOBODA

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. SOLOMON. Mr. Speaker, on September 15, a very special publication called Svoboda will celebrate its centennial anniversary. Svoboda, which means liberty, is the official publication of the Ukrainian National Association and the oldest Ukrainian newspaper in the world.

Throughout its history, Svoboda has provided hundreds of thousands of Ukrainian immigrants, in their native language, with information about the United States and the world. It has also served to enlighten America about the horrible truths of Soviet rule in Ukraine.

It was Svoboda which told us about the Great Stalinist Famine of the 1930's, which was wholly induced by idiotic Socialist economic policies. Svoboda chronicled for us the repression of human rights activists in the 1970's and 1980's. And Svoboda gave us insights into Ukraine's great struggle for independence from Gorbachev's ludicrous reformed Soviet Union in the late 1980's and early 1990's.

Mr. Speaker, I am honored to take this opportunity today and congratulate Svoboda on its anniversary. I hope there will be 100 years more of this enlightening publication.

A LITTLE "LEMON-AID" FOR MIDWESTERN FLOOD VICTIMS

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. MAZZOLI. Mr. Speaker, today, I take pleasure in saluting residents of my community who took it upon themselves to help the victims of the recent and most disastrous Midwestern floods.

It is hard for any of us to imagine what it must be like to lose not only one's material possessions but also irreplaceable personal souvenirs in a natural disaster. This same thought occurred to Kristen Hubert, her family, and friends who reside in my hometown of Louisville, KY.

Rather than just discussing the issue, they got together and did something about it. Their unique and innovative idea to help those in need was to have a "Lemon-Aid" stand with the profits going to the victims in the Midwest.

Soon, help began to pour in from neighbors who offered to work at the stand, and from local businesses, which offered everything from advice to ice to help the worthy cause.

Because of this enthusiasm and spirit, the event was a complete success. The fund-raiser raised about $300 for the American Red Cross to use in the Midwest. Furthermore, it was even more of a success because it showed that a small group of people will come to the assistance of fellow human beings in times of desperation and need. The action proves that one person—such as Kristen Hubert—truly can make a difference.

I ask my colleagues to join me in saluting the many heroes of the Midwestern flood disaster who have given their time, their money, and their humanity in trying to make life for those suffering just a little more bearable.

Though not all the volunteers are listed below, the list is representative of those who put the welfare and well being of others before their own, and I am proud to represent all those who took part in "Lemon-Aid": Emily Readerer, Elizabeth Kinny, Nathan Shelburne, Suzanne Benninger, Rachel Benninger, Timothy Joseph Morton, Maggie Malone, Katy Hardy, Kimmy Kasey, Sara Spaid.

TRIBUTE TO EVA UGARKOVICH

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. FAZIO. Mr. Speaker, I rise today to pay tribute to Ms. Eva Ugarkovich, who will retire effective September 17, 1993, after 37 years of dedicated service to the U.S. Air Force. Ms. Ugarkovich has been Director, Financial Management Directorate, Sacramento Air Logistics Center at McClellan Air Force Base in Sacramento, CA, for the past 3 years.

A native of Mart, TX, Ms. Ugarkovich began her Government career as a clerk typist in Okinawa, Japan, in September 1956. While at the Sacramento Air Materiel Command, McClellan Air Force Base, CA, she switched from administrative work to management, progressing through management technician, management analyst, and program analyst positions. In June 1972, Ms. Ugarkovich transferred to Wright-Patterson Air Force Base, OH, as a maintenance planner and returned to McClellan in February 1975 to become Chief of the Plans Branch, Directorate of Plans and Programs. She then progressed through a series of branch chief positions in the Directorate of Maintenance, heading the Workloading and

Field Services Branch, Aircraft Production Branch, and finally the Flight Instruments and Pneudraulic Components Branch.

In 1981, she was promoted to Deputy Chief of the Aircraft Division, where she was responsible for complete overhaul of the F–111 aircraft weapon system and accomplishment of programmed depot maintenance of the F–4 aircraft weapon system Ms. Ugarkovich moved to the Directorate of Materiel Management in November 1982, to serve as Deputy Division Chief, first with the Resources Management Division and later in the Item Management Division. She was responsible for managing over 700 employees engaged in budgeting, requirements computations, manpower management, and worldwide distribution of assets in support of the F–111 and A–10 weapon systems along with communications and ground radar equipment. She became Deputy Director of Distribution in February 1986. In this position, she controlled all receiving, storage, warehousing, inventory, and transportation of materiel, with over 2,000 employees in the directorate.

Ms. Ugarkovich became the first female member of the Senior Executive Serve [SES] in the Air Force Logistics Command [AFLC] in November 1986, assuming the position of Deputy Director, Directorate of Contracting and Manufacturing at Ogden Air Logistics Center, Hill Air Force Base, UT. This was an absolute first for a female employee to serve as head of a large Air Force contracting activity.

Ms. Ugarkovich is a member of the Society of Logistics Engineers, the Air Force Association, and the Federal Managers' Association. She has received the Air Force nomination for Federal Woman of the Year, Outstanding and Sustained Superior Performance Awards, and the EEO for Affirmative Action Award. The extraordinary leadership, outstanding dedication, and ceaseless efforts of Ms. Eva Ugarkovich culminate a distinguished career in the service of her country and reflect great credit upon herself and the U.S. Air Force.

TRIBUTE TO PUBLIC HEALTH NURSING

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. CARDIN. Mr. Speaker, today I rise to pay special tribute to public health nursing in the United States in its centennial year. I also want to commend Gov. William Donald Schaefer for designating Friday, September 10, 1993, as a celebration of Public Health Nursing in the State of Maryland.

American public health nursing was founded by Lillian Wald who made her first home visit in 1893. Since then, public health nursing has provided vital health services to millions of Americans. Public health nurses are on the front lines providing skilled care to pregnant women and children, the chronically ill, the elderly, and the disabled. They are also critical in the fight to reduce communicable and infectious diseases, from AIDS to tuberculosis to measles.

The key to public health nursing is teaching. By teaching and explaining good medical care, public health nurses often extend their influence beyond the patient to the community.

As we approach the task of reforming our health care system, public health nurses will have an important role in the process. On September 10, 1993, in celebration of the 100th anniversary of public health nursing, the University of Maryland School of Nursing is sponsoring an important conference in Baltimore on reforming our health care system.

Mr. Speaker, I hope you and my colleagues will join me in recognizing the important contribution made by public health nurses in the last century and the vital role they will be called on to play in health care reform in the future.

PROTECTING AMERICANS FROM LEAD-BASED PAINTS

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. MANTON. Mr. Speaker, last year Congress passed legislation implementing a national lead-paint abatement program. But as we begin a program to remove lead-based paint, we must also make certain that children, workers, and the general public are protected from the potential dangers associated with that removal.

I commend to my colleagues the following summary of a significant proposal developed by the International Brotherhood of Painters to protect Americans from the threat of lead-paint removal. I believe this well thought out proposal deserves serious consideration by the Congress.

GETTING THE LEAD OUT—PROTECTING ALL AMERICANS FROM LEAD-PAINT POISONING

INTRODUCTION

When Congress passed the Housing and Community Development Act (HCDA) of 1992, the Federal Government took the first step in developing and implementing a national lead-paint poisoning prevention program. However, the passage of this Act should not be viewed as an end unto itself. Rather, it should be viewed as a starting point from which to develop a comprehensive national lead-paint prevention policy that protects all Americans from the dangers of lead-based paint—children, workers, homeowners and the general public.

To this end, the Federal Government must: (1) fully enforce the regulations that are currently being developed to implement Title X of HCDA, the section of the law that addresses lead-paint poisoning prevention issues; and (2) work to solve the lead-paint poisoning issues not fully addressed under the new law. These issues include: (1) finding economically feasible ways to fund a massive effort to remove lead-paint from the millions of private homes and other structures contaminated by this poisonous substance; and (2) property protecting the workers who are called upon to perform this hazardous work on residential, commercial, industrial and public structures. These two issues are intimately related, since the former will fuel the need for the latter.

A comprehensive national lead-paint protection policy will complement President Clinton's economic strategy of "putting people first." Reducing the amount of lead-paint in the environment and property training workers to safely perform this hazardous work will:

Decrease the public health threat and save billions of dollars in potential health care costs;

Create numerous technical deleading-related jobs;

Generate technologies to safeguard the environment; and

Save the Federal Government hundreds of millions of dollars as it invests in rebuilding America's infrastructure.

Even without a comprehensive, national deleading policy, lead-paint abatements will increase in the next decade for three primary reasons:

1. The Federal Government is making great strides to remove lead-based paint from all public-owned housing. Congress has ordered the U.S. Department of Housing and Urban Development to test all Indian and public housing units for lead-paint by 1994 and, if necessary, to remove it.

2. As the amount of information about the dangers of lead poisoning increases—which it will as the U.S. Environmental Protection Agency (EPA) launches a national public awareness campaign about the problem this spring—homeowners who can afford to remove lead-paint from their homes will do so.

3. The urgent need to rebuild the nation's infrastructure will create a large demand for lead-paint abatement jobs on bridges, overpasses, railways and other public structures that underpin our nation's economy.

As A.L. "Mike" Monroe, general president of the International Brotherhood of Painters and Allied Trades (IBPAT), has stated:

The Clinton administration and Congress cannot allow the lead-paint abatement industry to grow without enacting and enforcing regulations that protect Americans from the threat of lead-paint and its removal. Such inaction will cause massive amounts of unsafe lead-paint exposure among workers, homeowners and their dependents, and deter responsible contractors from entering the industry for fear of lawsuits from customers and employees.

The IBPAT is taking the lead in outlining specific policies that will protect workers, customers, and contractors, while ending one of America's primary environmental and health threats.

This paper will outline the magnitude of these challenges and offer creative solutions to promote and help finance the safe abatement of lead-paint from America's homes, schools, hospitals, businesses, bridges, and other structures, while protecting all Americans from lead-paint poisoning.

PROTECTING ALL AMERICANS FROM LEAD-PAINT POISONING

Title X of the Housing and Community Development Act of 1992 was a watershed in lead-paint poisoning prevention because it provided funds to abate lead-paint from public housing and established cursory lead-paint protections for construction workers. However, much more needs to be done.

The International Brotherhood of Painters and Allied Trades calls on Congress and President Clinton to support and enact legislation that will:

Assist with financing lead-paint abatements—The cost of deleading the millions of homes, schools, and other structures that contain lead-based paint is staggering. Unfortunately, budget deficits at all levels of government will make it difficult for government agencies to fund a massive lead-abatement effort.

Even with the huge Federal budget deficit, Congress must make a commitment to channel more funds to homeowners for deleading

projects. With the cost of abating all homes estimated to be as much as $240 billion, the $134 million currently budgeted for such projects is a fraction of what is needed to prevent future lead-paint poisonings.

The American public must push the Federal Government to support creative solutions to help finance lead-paint removals. Massachusetts has already taken the lead. The Massachusetts Housing and Finance Authority has established a "Get Out the Lead" program to assist low- and moderate-income homeowners with lead-abatements by making no or low-interest loans available for this purpose. Massachusetts also provides financial incentives for homeowners to remove lead-paint by offering state income tax credits for deleading projects. Similar policies must be enacted nationally.

The federal government should subsidize and guarantee loans from union pension funds to allow unions to make loans available to homeowners for lead-abatements. Using pension funds for lead-abatements is in the best interest of union members and the country because it will create jobs, prevent lead-paint poisonings, and provide safe, affordable housing, while generating a strong financial performance for the funds.

Lending institutions should also be encouraged to provide discount home-equity loan interest rates for repairs, improvements, or additions that involve deleading. Massachusetts-based Neworld Bank has already established such a policy by setting aside $1 million for what the bank terms "green loans." The federal government must encourage similar innovative solutions from private lenders by granting tax breaks to banks and other institutions that provide loans to homeowners for lead abatement.

Develop and Enforce Occupational Safety Standards for Construction Workers—Legislation that mandates lead-abatement worker protections must include the following regulations as recommended by the National Institute of Occupational Safety and Health:

Personal Hygiene Practices—This is an important element of any program for protecting workers from exposure to lead dust. Employers should provide adequate washing facilities for workers to remove lead particles from their skin and hair to prevent workers from transporting lead-paint particles to their cars and homes.

Workers must not leave their work sites without showering and changing from their work clothes. The employer must arrange for the laundering of protective or disposable clothing and should maintain an adequate supply at the work site and arrange for its safe disposal according to federal and state regulations.

Workers should not eat, drink, smoke, or use tobacco products at the work site to prevent the ingestion of lead-paint particles. Workers should be forbidden to eat while wearing their contaminated work clothes and should wash their hands and face thoroughly before eating.

Personal Protective Equipment—Engineering controls and good work practices are two effective methods employers must use to minimize worker exposure to lead dust. However, proper personal protective equipment such as protective clothing and correct respirators, properly fitted to the individual, must be used whenever construction workers are potentially exposed to lead.

Environmental Controls—Utilize new technologies to contain and eliminate lead-paint debris and other airborne hazards at its source to minimize exposures to lead, dust, and abrasive and chemical vapors at the work site. Whenever possible, controls should include material substitution (i.e., repainting structures with less toxic materials), process and equipment modification (such as using chemical strippers rather than abrasive blast), isolation or proper containment, and effective local and general exhaust ventilation.

At a minimum, engineering controls should limit lead exposures to 40 μg/m3, as NIOSH recommends, to better protect employers and workers. While OSHA is developing interim guidelines to reduce allowable airborne lead levels in the construction industry from their current standard at 200 μg/m3 to the general industry standard of 50 μg/m3, the proposal does not yet carry with it the full teeth of an OSHA lead-in-construction standard.

Medical Surveillance—To detect the health effects of excess lead exposure and to provide a baseline for comparison with future results, an occupational health interview and a physical examination should be performed before the worker starts a lead abatement job. The interview and examination should also be conducted before employees return to work after being removed from the job because of elevated blood lead levels and annually for all workers exposed to lead.

Blood lead levels are currently the best indicator of personal lead exposure, although new x-ray technologies promise to be more accurate measures of exposure. Until these new technologies are proven reliable, workers should be monitored for the presence of lead in the blood every two weeks while they are performing abatement work. This assessment is necessary to ensure that engineering controls, personal hygiene practices, and personal protective equipment are preventing lead exposure. According to NIOSH recommendations, when blood lead levels exceed 25 μg/dl, the workers should be removed from the work site until the blood lead level is reduced to safe levels.

Construction workers need to be tested frequently because of their highly variable, unpredictable exposure to lead. These provisions already have been specified by the Connecticut Department of Transportation to be included in bid specifications for construction work involving lead exposure. All workers exhibiting signs of lead poisoning should be tested immediately. The testing should be performed only by OSHA-certified laboratories and evaluated only by physicians certified by OSHA to render such examinations.

Air Monitoring—A certified lead inspector should perform an initial hazard assessment of the work site to determine the level of lead in the paint. Monitoring should also measure the workers' exposure to airborne lead and other hazardous agents while the work is being performed. Environmental monitoring should be performed as needed throughout the abatement project to measure the effectiveness of protection methods.

Warning Signs—Warning signs must be used to mark the boundaries of lead-contaminated work areas, warn the public and employees about the lead hazard, and prohibit eating, drinking, and smoking in the contaminated area. The signs should also specify which personal protective equipment is required.

Mandatory Reporting—Currently, only 15 states require laboratories and health care providers to report cases of elevated blood lead concentrations to the State health departments. This should be mandated by the federal government for all states. Most health plans and health providers have the means and resources to start this reporting immediately.

Provide Guidelines for Certification, Licensing, and Training of Lead Abatement Contractors and their Employees—Title X requires that the EPA promulgate regulations that ensure worker training programs are accredited and systems are in place for the certification of residential contractors and workers. However, questions remain as to who is qualified to do the training and what requirements must be met to receive accreditation.

The EPA has established six university-based centers to train contractors and construction workers in lead abatement. Many lead-abatement training experts worry that the EPA centers are focusing too heavily on safety tips and how-to skills, such as putting on a respirator, and not enough on safe methods of removing lead-paint.

Industry groups and labor unions, such as the International Brotherhood of Painters and Allied Trades, the Painting and Decorating Contractors of America (PDCA), and the Steel Structure Painting Council (SSPC) lead in efforts to define and develop training programs that protect workers, employers and the general public from lead-paint debris. The IBPAT program is approved by the EPA and HUD and will meet and exceed new OSHA standards as mandated by Title X. However, this program does not yet have the force of law and cannot be mandated for all contractors.

The federal government must adopt a thorough curricula modeled after the programs sponsored by these groups to develop mandatory and universal national training standards. The universal or "one rule" standard must include:

Information about the potential adverse health effects of lead exposure;

Information about the early recognition of lead intoxication;

Safety data sheets for new paints or coatings that contain lead and other hazardous materials;

Instruction about heeding warning signs;

Discussion of the importance of personal hygiene practices in reducing lead exposure;

Instruction about the use and care of appropriate protective equipment, tools, and equipment used in lead-paint abatement;

Information and hands-on training for safe lead-paint abatement practices, with continuing education classes to keep workers up to date on the latest abatement technologies;

Instruction on record-keeping and medical surveillance to locate construction workers and track their lead exposure levels; and

Written and practical performance-based examinations that test literacy level and the knowledge and skills of employers, supervisors, and employees.

Establish an Office of Construction Safety—The federal government should establish an Office of Construction Safety to enhance OSHA's present oversight of the construction industry. As an important part of its mission, the office would combine the efforts to protect construction workers from lead-paint poisoning currently being performed by several different departments and agencies including the EPA, OSHA, and the Department of Health and Human Services. The office would oversee all construction safety and health programs, including those for lead-based paint, by:

Regulating mandatory safety and health programs;

Conducting thorough investigations of injuries and deaths caused by construction work;

Inspecting construction sites for health and safety hazards and violations;

Investigating workers' compensation records to identify industries and jobs where a large number of accidents occur—then increasing the number of OSHA construction inspectors at these work sites; and

Establishing qualifications and training requirements for OSHA construction inspectors.

Facilitate Entry into Lead-Paint Abatement Industry—As work practices and standards for certifying contractors are developed, drawing upon EPA's experience in resolving similar issues facing asbestos contractors, more insurers will be lured into the lead abatement insurance market. However, the federal government must encourage insurance companies to provide affordable and accessible liability insurance to deleading firms by providing subsidies and tax breaks to insurers who render such services.

Specify Worker Protection Guidelines in Procurement Bids—When painting companies bid on government contracts to repaint public housing units, bridges, tunnels, overpasses, and other government-owned structures, the bids often include a simple five-word phrase—"lead-paint abatement may be necessary." The simplicity of this phrase underestimates its importance as well as the costs associated with lead abatement.

The current federal procurement policies actually favor contractors who fail to take appropriate safety precautions. Knowledgeable and responsible contractors understand that abating lead-paint is a costly undertaking. To protect their employees, the public, and themselves, these contractors include the costs of safety precautions in their final bid. As a result, these contractors often lose contracts to ignorant and/or irresponsible contractors who underbid their competitors by omitting the expense of safeguards from their proposals.

These unscrupulous contractors frequently fail to take necessary safety precautions and poison their employees, infect neighborhoods surrounding the work site, and face huge liability suits. The taxpayers then must incur the additional expense of correcting the faulty abatements and awarding huge sums of money to victims of lead exposure.

A small number of states, including Connecticut, Massachusetts and Maryland, recognized the problems created by ambiguous procurement specifications and changed their own policies to level the playing field among contractors for government painting and lead abatement services. These new laws ensure that painting contractors who bid on work that involves lead abatement include the cost of safe abatement technologies, containment structures, and protective equipment in their bids. The U.S. Navy has issued similar procurement rules for lead-paint abatement of Naval structures.

Congress must pass legislation to ensure that the federal government issue stringent and clearly-outlined specifications for federal procurement contracts that include lead-paint abatement work. For example, contracts that contain lead-abatement work must have separate break-out line items for this work to clearly define the costs associated with lead-paint abatement.

Protect Children from Lead Poisoning—Since protecting all Americans from lead poisoning must be the primary objective of a national lead poisoning prevention plan, the IBPAT supports efforts to protect children, as well as adults, from the health hazards of lead poisoning. We therefore implore the federal government to implement the National Action Plan For Preventing Childhood Lead Poisoning, released by the Alliance to End Childhood Lead Poisoning in January 1993.

By taking the above steps to eliminate the environmental and health threat of lead-based paint, Congress and the Clinton administration will also create jobs, promote the development of environmental technologies, and save taxpayers billions of dollars over the long run.

TRIBUTE TO BILL ROBERTSON

HON. JULIAN C. DIXON
OF CALIFORNIA

HON. HOWARD L. BERMAN
OF CALIFORNIA

HON. HENRY A. WAXMAN
OF CALIFORNIA

HON. ANTHONY C. BEILENSON
OF CALIFORNIA

HON. XAVIER BECERRA
OF CALIFORNIA

HON. MATTHEW G. MARTINEZ
OF CALIFORNIA

HON. LUCILLE ROYBAL-ALLARD
OF CALIFORNIA

HON. ESTEBAN EDWARD TORRES
OF CALIFORNIA

HON. MAXINE WATERS
OF CALIFORNIA

HON. JANE HARMAN
OF CALIFORNIA

HON. WALTER R. TUCKER III
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. DIXON. Mr. Speaker, we rise today to pay tribute to Bill Robertson, a close friend of ours for many years and one of the truly great leaders in the history of Los Angeles. Bill is probably best known by the public for his tireless work as executive secretary-treasurer of the Los Angeles County Federation of Labor, AFL–CIO. But that is only part of the story.

Just ask the people at United Way, where Bill has been a mainstay since 1975. Bill's many accomplishments with United Way include setting up the organization's AFL–CIO Labor Community Services Program. He helped initiate the program's food bank and emergency assistance project, and started a college-accredited program in community services that has been taught at United Way of Greater Los Angeles. The program specifically develops volunteer leadership among union members.

Our talk to the homeless of Los Angeles, a group that was literally and figuratively shunned by government in the 1980's. However, they were not treated this way by Bill Robertson, who mobilized union volunteers to build a 144-bed shelter that is filled to capacity every night.

Sports fans also have a reason—make that two reasons—to thank Bill Robertson. In the early 1980's he was one of the key supporters of the then-Oakland Raiders' move to Los Angeles. With the Rams having left the city for Anaheim in 1980, the Raiders quickly became LA's football team in the hearts of fans from Boyle Heights to Westwood, Watts to Sylmar.

In 1984, Bill looked on in triumph as Los Angeles hosted the Olympic games. Much of the credit for the smashing success of the games goes to Bill, who was 1 of 7 community leaders appointed by Mayor Bradley to oversee the event.

Still, Bill's greatest single contribution is as a consistent, forceful advocate on behalf of the working men and women of Los Angeles County. Starting in 1957, when he was elected president of Hotel Employees and Restaurant Employees Local 694 in the San Fernando Valley, Bill has been nothing less than one of the most visible and effective labor leaders in Los Angeles. We have long admired his passionate commitment to working people, civil rights and the city of Los Angeles.

We are privileged to be good friends with Bill Robertson, who through good and bad times has always been there for his people. We ask our colleagues to join us today in saluting a selfless, dedicated man to whom so many owe so much.

A SPECIAL SALUTE TO THE 1992–93 GENERAL EDUCATION DEGREE RECIPIENTS

HON. LOUIS STOKES
OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. STOKES. Mr. Speaker, the impact of a high school education on an individual's personal growth and career success cannot be overlooked. I am pleased that in today's world, a greater number of adults are re-entering the academic environment to complete their education. This is taking place in my congressional district in Ohio, and in areas around the Nation. Today, I rise to pay tribute to constituents from the Cleveland Heights and University Heights areas, who recently completed the General Education Degree [GED] Program and have been awarded diplomas.

A total of 48 students were honored for completing the Adult Basic Education Program. Their success was noted with a special reception and program highlighting their efforts. Throughout the festivities, graduates were commended for their dedication to pursue an education and for this outstanding achievement.

For the students, the graduation ceremony represented a culmination of many hours of hard work, dedication, and motivation. I am proud to note that more than 50 volunteers throughout the community gave freely of their time and talents to prepare the students for the rigorous GED course.

Mr. Speaker, the students who received their GED's have expressed their intentions to either attend college, enter the work force, or further their careers. Despite differences in goals, however, each of the graduates recognized the fact that they are now equipped with a diploma and able to reach any goal.

As a strong advocate of education, I am proud to salute the 1992–93 General Education Degree recipients from Cleveland Heights and University Heights. Each of these

individuals have exercised a right often taken for granted—the right to pursue an education. At this time, I would like to share with my colleagues a list of the GED recipients.

GENERAL EDUCATION DEGREE GRADUATES

Aaron Anderson.
Adam Bell.
Ronald Bencs.
Michael Brainard.
Richard Burgess.
John Catana.
Ida Cirino.
Nicholas Cirino.
Lorene Clark.
Denise Cooper.
Cherise Edwards.
Sonya Edwards.
Michelle Erhardt.
Joseph Fealkovich.
Ernestine Ford.
Edith Godfrey.
Raymond Gordon.
Ruby Griffin.
Andrew Hehr.
Robert Herder.
Gail Johnson.
Mary Jones.
Armanda Keaton.
Edward Knipe.
David Kopf.
Ivan Lane.
Toni Logan.
Curtis Matthews.
Eileen McGeady.
Rebecca McKnight.
Eddie Melvin.
Kim Scott Murray.
Rosario Nicotra.
Marta Patete.
Melvie Pollard.
Cornelia Porchia-Porch.
Gary Remer.
Eugene Rice-Imani.
Michael Russell.
Patricia Semenak.
Shawn Short.
Nemo Sicking.
Anita Simmons.
Patreece Snell.
Lydia Thompson.
Charlene Wade.
Brian Warshaw.
Alexander Young.

HUMAN RIGHTS COMMISSION IN INDIA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. HAMILTON. Mr. Speaker, the Government of India is in the process of establishing a national human rights commission, and I have had an exchange of letters with Ambassador Ray on this subject.

In view of the interest many in this House have in the human rights situation in India, I thought Members might be interested in seeing copies of this exchange.

Text of three letters follows:

July 7—Rep. Hamilton to Ambassador Ray.

July 13—Ambassador Ray to Rep. Hamilton.

July 29—Ambassador Ray to Rep. Hamilton.

COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, July 7, 1993.

His Excellency SIDDHARTHA SHANKAR RAY,
Ambassador of India, Washington, DC.

DEAR MR. AMBASSADOR: Many thanks for your letter of June 18, with its kind words about my Floor statement during the debate over the Burton amendment.

It seems to me that your government's plans to establish national and state human rights commissions represent a useful step toward addressing the conditions that gave rise to the Burton amendment.

I hope you will permit me to make a few observations about the proposed commissions.

First, it will be important that they are fully independent of government influence or control. This is relevant with respect to the powers of, appointments to, and funding of the commissions.

Second, the contemplated commissions must have both legal powers and human and material resources sufficient to render them effective mechanisms for the promotion and protection of human rights. For instance, one of the best ways of tackling problems of custodial violence is by allowing unannounced visits to jails and prisons. I would hope the new commissions would be given such powers. In addition, the commissions should be empowered to investigate human rights violations attributed to military and para-military forces.

Third, the commissions must not be allowed to substitute for, or diminish the value of, existing mechanisms for the protection of human rights. Specifically, the remedies currently available to Indian citizens from an independent and adequately funded judiciary must not be downgraded by the establishment of these new commissions.

A decision by your government to establish one or more official human rights commissions could be an important step in addressing U.S. concerns about the human rights situation in India, and in setting the stage for a further strengthening of the bilateral relationship between our two countries.

But this action will be helpful only if the commissions actually advance the cause of human rights in India. Above all else, you must avoid the impression that India is taking this step merely to deflect criticism of its human rights record.

I hope your trip to India has been both productive and enjoyable, and I look forward to seeing you upon your return.

With best regards,

Sincerely,

LEE H. HAMILTON,
Chairman.

AMBASSADOR OF INDIA,
Washington, DC, July 13, 1993.

Hon. LEE HAMILTON,
Chairman, House Foreign Affairs Committee, House of Representatives, Washington, DC.

DEAR CONGRESSMAN: Thank you very much for your letter of the 7th July. I appreciate your concerns with regard to our Human Rights Commission and I am sending a copy of your letter to our External Affairs Minister. I understand that the setting up of the Commission will be announced on the 15th August—our Independence Day—and there is no doubt that the provisions relating to this Commission should be such as to make it credible. As I understood things in Delhi, everybody was really interested in seeing that violations in Human Rights were properly investigated and what you say towards the end of your letter under reply is certainly relevant and I am sure people are looking into that aspect of the matter.

I hope to see you one of these days when you are a little free.

With very best wishes,

Yours sincerely,

SIDDHARTHA SHANKAR RAY.

AMBASSADOR OF INDIA,
Washington, DC, July 29, 1993.

Hon. LEE HAMILTON,
Chairman, House Foreign Affairs Committee, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: On July 17, 1993, the Government of India made an important announcement with regard to visits to India by International Human Rights Organisations. I would like to bring the new policy decision to your personal attention.

In November last year we had invited a delegation of Amnesty International to India for discussions on a broad range of issues related to human rights. The Government of India had viewed this as the beginning of a constructive dialogue which has been continued. Periodic interaction has also continued with other organisations concerned with the promotion and protection of human rights.

In furtherance of the earlier initiatives, Government has now decided to allow certain Human Rights organisations to visit India to see for themselves how human rights safeguards operate in various parts of the country. The timings of such visits would be settled in consultation with the Government of India and the concerned State Governments. A dialogue with such organisations would be initiated in the coming days.

In keeping with Government of India's sustained commitment to the protection of Human rights in their widest form, a Bill for establishing a National Human Rights Commission was introduced in the last session of Parliament. The Bill will be debated during the next session of Parliament beginning on July 26, 1993. It is our expectation that the law setting up this independent National Human Rights Commission with wide powers will be passed in the coming week and the constitution of the Commission announced immediately thereafter.

Yours sincerely,

SIDDHARTHA SHANKAR RAY.

DECOMMISSIONING OF THE U.S.S. "FORRESTAL"

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. FOGLIETTA. Mr. Speaker, I rise today to bid a fond but sad farewell to the aircraft carrier U.S.S. *Forrestal,* which will be decommissioned on September 11, 1993, in a ceremony at pier 6E at the Philadelphia Naval Shipyard in my district.

The development of the *Forrestal,* the U.S. Navy's first super carrier, represented many significant improvements over previous carrier designs. *Forrestal* was the first carrier designed specifically to operate jet aircraft, and included an angled deck which permitted simultaneous takeoffs and landings. *Forrestal's* revolutionary design became the basis for all U.S. carriers that followed.

For over 30 years, the sailors and aviators of the *Forrestal* have sailed her though 21 successful operational deployments. In 1991, *Forrestal* provided support for Operation Provide Comfort, the international relief effort for the Kurds in northern Iraq. The ship completed the first noncombatant evacuation exercise ever conducted from a carrier, as well as many NATO and other multi-national exercises during her final deployment.

In February 1992, the *Forrestal* changed her homeport from Mayport, FL, to nearby Pensacola, to become the U.S. Navy's training carrier for naval aviators and support personnel.

I was there when *Forrestal* arrived at the Philadelphia Naval Shipyard in September 1992 for her scheduled 14-month complex overhaul. I shared the pride of the women and men at the shipyard as they prepared to return the *Forrestal* to peak operational condition. Unfortunately, the overhaul was discontinued in March 1993 when the *Forrestal* was designated for decommissioning.

Former members of the crew and their guests will join the current ship's compliment as they pay their respects to the Navy's oldest active aircraft carrier. I am sure my colleagues join me in paying tribute to the *Forrestal*, her crews, and the men and women who took care of her.

JOE DISHANNI "MR. IRWINDALE" FOR HIS OUTSTANDING RECORD OF SERVICE

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. TORRES. Mr. Speaker, today I rise and ask my colleagues to join me in recognizing Mr. Joe DiShanni, a true public servant and tireless advocate for the city of Irwindale's business community.

Following his retirement in 1980, after nearly 40 years in the auto body repair business, Joe DiShanni organized the Irwindale Chamber of Commerce. Over the past 13 years, Joe has been instrumental in helping to bring national and local businesses to establish their offices and manufacturing plants in Irwindale.

Born in 1909 in Wallkill, NY, and raised in Salerno, Italy, Joe has been a resident of California for the past 53 years. Joe and his lovely wife, the former Eva DiPietra, were married on November 24, 1940. They have 3 children, Neil, Cecilia, and Joey, and five grandchildren.

Once described as a person with boundless energy and a colorful personality, Joe claims that his nonstop involvement in community affairs is his way of not getting old. In addition to holding the executive director's job at Irwindale's Chamber of Commerce, Joe also has served as a trustee for the Sons of Italy and for West Covina's Queen of the Valley Hospital. He also has been president of the Irwindale Lions Club and the California Skeet Shooting Association. Joe also serves on the Los Angeles County Insurance Commission and is a member of the Los Angeles Attorney General's Advisory Council.

As an avid gun enthusiast, Joe has been a skeet shooting competitor for more than 45 years. In 1964 he was a member of the international skeet range five-man team winning the world record 500x500. He also won the 1960 and 1961 Will T. Sesman, Jr., skeet championship; the 1962 Southern California 12-gauge championship; and the 1959 San Gabriel Valley Gun Club skeet championship.

Though many have asked when he plans to retire and finally settle down, Joe simply says, "I'm not going to retire until I'm 103, there's still too much to be done."

Mr. Speaker, Joe DiShanni is a true champion of business and an individual who has dedicated his life to helping others. I am proud to count him among my friends, and I ask my colleagues to join me in saluting and thanking this exceptional individual for his record of unselfish service.

FIRST FLIGHT OF DC–X1

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. ROHRABACHER. Mr. Speaker, on Wednesday August 18, 1993, at 4:43 p.m. MDT, the DC–X1 rocket vehicle flew for the first time from Space Harbor at White Sands Missile Range, NM. White Sands is ably represented by Hon. JOE SKEEN, but the DC–X1—the Delta Clipper-Experimental 1—was designed and built in my congressional district by the talented and dedicated men and women at the McDonnell Douglas Aerospace-West plant in Huntington Beach.

It is my belief that August 18, 1993, will someday be seen to be as important to our future activities in space as the day that humans first landed on the Moon. Indeed, some have likened the first flight of the DC–X1 in importance to future space activities as being as important as the first flight of the Wright brothers 90 years ago was to the future of aviation.

The DC–X1 was built in 18 months, measured from the time authority was given to proceed, and it flew 22 months from contract signature. In today's aerospace environment, this is in itself an incredible accomplishment.

My hat is off in salute to the men and women responsible, and in order to help to give them their due, I'd like to cite them here.

From the Ballistic Missile Defense Organization: Col. Pete Worden, Lt. Col. H.P. Ladner, USAF, Ret., Lt. Col. Steve Theriault, Maj. Jess Sponable, Jim French, Ron Shena.

From the Air Force: Capt. Mitchell Clapp, Capt. Ed Spaulding, S. Sgt. Don Gisburne.

From McDonnell Douglas Aerospace Space Systems: Dr. William Gaubatz, program manager, SSTO programs, Paul Klevatt, deputy program manager, SSTO programs/DC–X1, Charles "Pete" Conrad, Jr., flight manager, DC–X1, Edward Webster, manager, operations and supportability, Don Amberg, Jim Anderson, Phil Arroyo, Bob Bell, David Brumley, Jose Burclaga, Kenneth Burdeno, Eric Burgdorf, Ernie Butler, Bill Byrkit.

Dino Capparelli, Aaron Carter, Donald Carter, John Caufield, Joyce Chandler, Ray Charette, Gerry Coleman, Layne Cook, John Copper, Bill Cottle, Ruth Coulter, Steve Cowls, Michael Cox, Shane Cuda, James Darling.

Jim Day, Randy De Merio, Robert Del Toro, Scott Dieter, Eric DiStefano, Donna Eggebrecht, Jack Farrell, Ray Fierro, Dave Forge, Sandee Fox, Dezi Gage, Marc Giegerich, Roger Glickman, John Greene, Julio Gutierrez.

William Hale, Twila Hart-Humphrey, Paul Heflin, Andy Helms, John Hensley, Lou Hoopingarner, Tom Ingersoll, Vance Jacobs, Mike Johnson, Ande Karllson, Richard Kraft, Dave Larson, Jeff Laskevich, Jeff Laube, Jim LeBar.

Joe Lee, Carl Lemons, Bruce Leonard, John Linnell, Bruce Maderic, Mike Mahoney, Matt Maras, Bruce Marvin, Lyle Menzel, Ken Novak, Michael Novratil, Dan Nowlan, Victor Olloqui, Bill Opperman, Al Paddock.

Young Oak, Dave Palmer, Nino Polizzi, Carolyn Pritzl, Brian Redfinger, David Robertson, Thomas Robinson, Chris Rosander, Ron Runyon, Mark Scatolini, Pat Sgarlate.

From McDonnell Douglas Aerospace Tactical Aircraft: Mike Berry, Rick Bean, Vince Briscuso, Nick Carter, Brad Corbin, Phil Inslee, Pat Madorin, Jim Mason, Marty Montgomery, Randy Nuedecker, Joe Rachel, Jim Whitehouse, Rick Wolfe, Rod Wyatt.

From McDonnell Douglas Kennedy Space Division: John Newsome, Carl Glim, Mike Grysikiewicz, Cathy Milloshewski, Steven Voglewede, William Wooten.

From Aerojet Propulsion Division: Lee May, Grant Hart, Tom Fanciullo, Dan Faiello, Chris Baxter, Scott Novak, Ross Hewitt, Scott Fieger.

From Chicago Bridge and Iron Co.: Leo Pasini, Lee Prestley, Larry Larson, Jacky Bagby, Keith Morgan.

From Deutsche Aerospace-DASA: Dr. Wolfgang Kleinau, Jorge Kase, Dr. Dietrich Koelle.

From Harris Corp.-Space Systems: John Mochannuk, Craig Guy, Tom Zimmer.

From Honeywell Inc.: Wayne Soehren, Bob Skoyles.

From Martin Marietta Launch Systems: Dick Rozycki, Larry Clark, Bill Edwards, Jim Greenwood, Sam Satterthwaite, Beth Worthington.

From Pioneer Aerospace Corp.: Roy Fox, Bob Geiger, Ron Golden, Bert Engstrom, Bill Wailes.

From United Technologies Pratt and Whitney: Jim Holloway, Tim Avampato, Joaquin Castro, Jim Currier, Don Galler, Paul Gannon, Steve Herndon, Paul Kanic, Chuck Limerick, Sam Owen, Larry Witherup, Doug Young.

From Scaled Composites Inc.: Burt Rutan, John Campbell, Manny Chavez, Jack Frye, Greg Garrett, Richard White.

From SpaceGuild: Max Hunter

I'd also like to thank Lt. Gen. Daniel O. Graham U.S.A. Ret., and Dr. Jerry Pournelle, who along with Max Hunter, are the three folks responsible for the original concepts that were the foundation for this program.

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 scheduled, 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.

Meetings scheduled for Thursday, September 9, 1993, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 10

9:30 a.m.
Indian Affairs
To hold hearings to examine constitutional issues relating to S. 1021, to assure religious freedom to Native Americans.
SR-485

10:00 a.m.
Foreign Relations
To hold hearings on bilateral investment treaties with Romania (Treaty Doc. 102-36), with Argentina (Treaty Doc. 103-2), with Bulgaria (Treaty Doc. 103-3), with Armenia (Treaty Doc. 103-11), with Kazakhstan (Treaty Doc. 103-12), with Kyrgyzstan (Treaty Doc. 103-13), with Moldova (Treaty Doc. 103-14), and a proposed bilateral investment treaty with Ecuador.
SD-419

SEPTEMBER 14

9:30 a.m.
Energy and Natural Resources
To hold hearings to review United States policy regarding oil and gas development on the Outer Continental Shelf.
SD-366

Environment and Public Works
To hold oversight hearings on implementation of the Clean Water Act Amendments of 1990.
SD-406

10:00 a.m.
Foreign Relations
Business meeting, to consider pending calendar business.
SD-419

2:30 p.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings to review the Civil War Sites Advisory Commission's report to Congress on the nation's Civil War battlefields.
SD-366

3:00 p.m.
Foreign Relations
To hold hearings on the nominations of James T. Laney, of Georgia, to be Ambassador to the Republic of Korea, and John D. Negroponte, of New York, to be Ambassador to the Republic of the Philippines.
SD-419

SEPTEMBER 15

9:30 a.m.
Environment and Public Works
Clean Water, Fisheries and Wildlife Subcommittee
To resume hearings on S. 1114, authorizing funds for programs of the Federal Water Pollution Control Act, focusing on wetlands issues.
SD-106

Indian Affairs
To hold hearings on S. 1146, to provide for the settlement of the water rights claims of the Yavapai-Presecott Indian Tribe in Yavapai County, Arizona.
SR-485

10:00 a.m.
Energy and Natural Resources
To hold hearings on the nominations of Tara O'Toole, of Maryland, to be Assistant Secretary for Environment, Safety and Health, and Jay E. Hakes, of Florida, to be Administrator of the Energy Information Administration, both of the Department of Energy.
SD-366

Special on Aging
To hold hearings to examine problems in the hearing aid industry.
SD-G50

3:00 p.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To hold joint hearings with the Committee on Indian Affairs to examine the Job Training Partnership Act program and the implementation of the Indian Employment Training and Services Demonstration Act.
SR-485

Indian Affairs
To hold joint hearings with the Committee on Labor and Human Resources' Subcommittee on Employment and Productivity to examine the Job Training Partnership Act program and the implementation of the Indian Employment Training and Services Demonstration Act.
SR-485

SEPTEMBER 21

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Legion.
334 Cannon Building

2:30 p.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 986, to provide for an interpretive center at the Civil War Battlefield of Corinth, Mississippi, S. 1033, to establish the Shenandoah Valley National Battlefields and Commission in the Commonwealth of Virginia, S. 1341, to establish the Wheeling National Heritage Area in the State of West Virginia, and H.R. 1305, to make boundary adjustments and other miscellaneous changes to authorities and programs of the National Park Service.
SD-366

SEPTEMBER 22

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

SEPTEMBER 23

10:00 a.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To hold hearings on S. 687, to regulate interstate commerce by providing for a uniform product liability law.
SR-253

SEPTEMBER 30

10:00 a.m.
Environment and Public Works
Superfund, Recycling, and Solid Waste Management Subcommittee
To resume hearings to examine the Superfund clean-up process, focusing on clean-up options.
SD-406

POSTPONEMENTS

SEPTEMBER 9

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings on proposed legislation to authorize funds for the National Transportation Safety Board.
SR-253