

HOUSE OF REPRESENTATIVES—Wednesday, June 8, 1994

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,
June 8, 1994.

I hereby designate the Honorable G.V. (SONNY) MONTGOMERY to act as Speaker pro tempore on this day.

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

PRAYER

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

O gracious and loving God, as we are in remembrance of the dedication and sacrifice of those of our military who landed in Europe 50 years ago, we are reminded anew that our precious freedoms and liberties have come to us from those who have gone before. With gratitude and praise we recall their acts of bravery and valor, of determination and courage, that checked the rise of evil in our world. We especially call to mind the memory of those who gave their lives and who never knew the opportunities of a full life or the gifts of the years. Bless all those who were faithful unto death and whose memory is alive in our own hearts and may Your benediction and eternal promise be with them and all Your people, now and evermore. 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 will ask the gentleman from Oklahoma [Mr. SYNAR] if he would kindly come forward and lead the membership in the Pledge of Allegiance.

Mr. SYNAR 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.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair wishes to announce that the Speaker is in receipt of a letter from the gentleman from Illinois [Mr. ROSTENKOWSKI] transmitting notice of his intention, pursuant to rule 49 of the rules of the Democratic caucus, to temporarily step aside from the position of chairman of the Committee on Ways and Means.

WHAT I REVERE MOST ABOUT CONGRESS

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

Mr. SYNAR. Mr. Speaker, someone recently asked me what I revere most about Congress. As I thought about this I realized that this was not such a strange question.

There must be something about this institution that I love or I would not be here. And then I realized that what I revere is the people and the principles behind Congress.

I revere the principle of public service that must motivate anyone who has the nerve to stand before the people and ask for their permission to serve in their government.

The late Speaker Tip O'Neill said it best, when asked what motivated him to get into politics, he said that it was not because it made a nice career or because it was a prestigious career, it was because he wanted to serve people.

That is why I revere this institution, because it is filled with honest, hard-working people who are willing to dedicate their lives to serving others.

Let us not forget that in these coming days.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Edwin Thomas, one of his secretaries.

THE MYSTERY ILLNESS

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

Mr. CAMP. Mr. Speaker, having just marked the 50th anniversary of D-day—there have been many times in

our American history when the Government has called upon our men and women to serve their country—sometimes under intense circumstances and sometimes with tragic outcomes. Recently, with the return of our troops from victory in the Persian Gulf, many veterans have complained of a mysterious illness affecting their everyday lives. Some have even complained of illnesses in their spouses and birth defects in their children—conceived after their return. A constituent of mine by the name of Neil Tetzlaff, a lieutenant colonel in the USAF who experienced the war and its mystery illness firsthand, recently testifying before a Senate committee said, " * * * early in 1992 I finally realized total body pain, fatigue, weakness, headaches, rashes, nausea, vomiting, and the like were here to stay."

I am calling for more action from the administration. An NIH report soon to be released concludes " * * * a collaborative Government-supported program has not been established. Evaluation of undiagnosed Persian Gulf illnesses has not followed a uniform protocol across military branches * * *."

With these men and women serving our country so faithfully, it is time for a clear course of action. These veterans have earned our help.

INTRODUCTION OF THE CHILD SUPPORT RESPONSIBILITY ACT

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

Mrs. SCHROEDER. Mr. Speaker, today I will be introducing, with a group of bipartisan Congresswomen, the Child Support Responsibility Act.

We are very, very tired of the incrementalism in this area. We are very, very tired of seeing \$34 billion a year being ducked in child support enforcement. We are also really tired of seeing parents using State lines for economic hide-and-seek from their family obligations, and say enough.

We have taken the provisions from the U.S. Commission on Interstate Child Support Enforcement, and we have beefed them up. We have made them as tough as we can. We want this to be done now.

Let us hope every Member gets on this bill. Let us pass this bill. This is the best thing we can do to prevent welfare in America.

We cannot hold children emotionally harmless from the ravages of divorce,

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

but if we pass this bill, we can hold them economically harmless, and that is the least we can do.

A BIG DEAL ABOUT SMALL CHANGES

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

Mr. HEFLEY. Mr. Speaker, as the Congress works its way through the appropriations process, the American people should ask themselves: Are we getting our money's worth?

We worked on a foreign operations spending bill last month, and soon we will be working on the other appropriation bills. But, in none of these bills will we make the sweeping changes desired by the American taxpayer.

We continue to spend the people's money, seemingly unaware of the change of perceptions in the country and the change of reality in the world.

In corporate America, companies are downsizing, becoming more efficient, and increasing productivity. In the Federal Government, we cut around the edges, if we cut at all. We make a big deal about small changes, and we spend the money we said we saved.

Is this the reform we promised the American people in the election of 1992? Are the American people getting their money's worth? What do you think?

ENFORCE THE TRADE LAWS WE HAVE

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

Mr. TRAFICANT. Madam Speaker, every election American politicians get tough on trade. They make tough statements like, "No more free rides for China," or, "Japan, you better open up your markets or else," or, "It is time to level the playing field in Europe." The one that really takes the cake that we hear all the time, "What is good for the goose is good for the gander."

The truth of the matter is American politicians talk the rough talk on trade, but American politicians do not walk the rough walk on trade. In fact, Congress has gone from regulating commerce with foreign nations to regulating food stamps in unemployment in America.

Newspapers now say America once again will compromise with Japan, compromise with Japan. How much more compromising are we going to make for unemployed American workers?

Do your job, Congress. We passed the super 301 trade provision, and that was a washed down compromise.

The least we could do is enforce the trade laws that we have.

CONTINUATION OF TRIAL PERIOD ESTABLISHED ON FEBRUARY 11, 1994, FOR RECOGNITION FOR FUTURE SPECIAL ORDER SPEECHES

Mr. MONTGOMERY. Madam Speaker, I ask unanimous consent that the trial period established on February 11, 1994, for recognition for future special order speeches be continued through Friday, June 10, 1994.

The SPEAKER pro tempore (Mrs. SCHROEDER). Is there objection to the request of the gentleman from Mississippi?

There was no objection.

□ 1210

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. SCHROEDER). The Chair announces that the Speaker's policy for recognition for special order speeches announced on February 11, 1994, will be extended through Friday, June 10, 1994.

PERMISSION TO EXTEND GENERAL DEBATE ON H.R. 4301, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995

Mr. MONTGOMERY. Madam Speaker, I ask unanimous consent that during further consideration of H.R. 4301 in the Committee of the Whole House on the State of the Union pursuant to House Resolution 431, there be an additional 15-minute period of general debate, equally divided and controlled between the chairman and ranking minority member of the Committee on Armed Services, or their designees, before the consideration of any further amendments.

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

There was no objection.

SEQUENCE FOR RECOGNITION OF MEMBERS TO OFFER AMENDMENTS TO H.R. 4301, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995

Mr. MONTGOMERY. Madam Speaker, pursuant to section 5 of House Resolution 431, and as the designee of the chairman of the Committee on Armed Services, I request that the Chairman of the Committee of the Whole recognize Members to offer remaining amendments to H.R. 4301 printed in part 1 of House Report 103-520 after the disposition of the next en bloc amendment offered under section 4 of House Resolution 431.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3261

Mr. TRAFICANT. Madam Speaker, I ask unanimous consent that the name of the gentleman from Missouri [Mr. CLAY] be removed as a cosponsor of H.R. 3261.

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

There was no objection.

INTRODUCTION OF A HOUSE RESOLUTION AMENDING THE RULES OF THE HOUSE

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

Mr. REYNOLDS. Madam Speaker, today I rise to announce the introduction of a House resolution which will end the current wave of hypocrisy advanced by some Members on the other side of the aisle concerning the ethics of one party over another.

The resolution I introduce today will amend House rules to require that any Member of the House who is a chairman or ranking minority party member of a committee or subcommittee, and currently under indictment for a felony, must temporarily step aside from that post unless and until the charges are dismissed or reduced to less than a felony.

Adoption of this resolution will end the hypocrisy of some decrying the supposed ethical shortcomings of one party, while guarding their own ethical loophole.

The American people must know that the two parties in Congress have different standards of conduct. This resolution will end the double standard.

VOTERS SHOW REAL INTEREST IN A-TO-Z SPENDING CUTS PLAN

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

Mr. ZELIFF. Madam Speaker, we had a chance to spend the past 10 days at home in our districts.

I went from one corner of my district to the other. I tried to reach out to voters in every city and town that I represent.

The problem of a \$4.5 trillion debt came up at stop after stop. Without exception, my voters are fed up. The voters want an end to business as usual. The voters want real change now. The voters want votes on real spending cuts.

Madam Speaker, 229 Members have stood up and asked to be heard; 229 Members have cosponsored the A-to-Z spending cuts plan to require real votes on real spending cuts.

But, Madam Speaker, these 229 Members are being ignored. No committee

hearings have been scheduled on A to Z. There appears to be no hope that the leadership will let A to Z come to the floor this year.

That is why we began the A-to-Z discharge petition 1 month ago. To date, 178 of our colleagues have signed Discharge Petition No. 16 to help Congress live within its means.

The magic number is now 40. I hope that my colleagues have listened to the voters back home; I hope my colleagues will end business-as-usual; I hope my colleagues will now stand up individually for change; I hope that we will stand up for real votes on real spending cuts.

If you agree about the future of our future generations, please sign Discharge Petition No. 16 today.

**LOWER DEFICITS, HIGHER
CONSUMER CONFIDENCE, AND
PRIVATE SECTOR JOBS CREATED
UNDER CLINTON**

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

Ms. DELAURO. Madam Speaker, nowhere is the contrast between Democratic and Republican leadership more clear than on economic issues. We have created jobs, lowered deficits, and boosted consumer confidence. The Republican leadership gave us high unemployment and skyrocketing deficits that hurt working families and our small businesses. In the first 16 months of the Clinton administration, we have created more than 3.1 million private sector jobs, nearly 1 million more than those created in all 4 years of the Bush administration.

During the 12 years of the Reagan and Bush administrations, we saw our deficits soar and our competitiveness falter.

Today, we can report that the deficit is down for 3 years in a row, consumer confidence is at its highest level in 4 years, and business investment in equipment in 1993 hit its highest level in 20 years.

The Democratic leadership in the House and in the White House and in the Congress has fought to create jobs, lower the deficit, and restore confidence in our economy.

Not one Republican in the House of Representatives voted for the budget that helped to create 3 million new jobs, and not one Republican voted for the budget that included 500 billion dollars' worth of real deficit reduction.

Democrats want to fight to get our economy back on track. That is what we were elected to do. But it seems that Republicans only want to fight the Democrats.

MISSED DEADLINES

(Mr. GOSS asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. GOSS. Madam Speaker, the President has set many deadlines for health care reform—true, such lines in the sand make for good PR. But so far each of those "drop dead" dates has been missed—as the President's ill-conceived and unworkable Big Government health reform plan dies a slow death. Today we return from Memorial Day recess—when the Democrat-controlled committees of this House were supposed to produce a new Clinton health care bill that met the President's objectives. But Democrats are not much closer than before to agreement—mainly because so much of the Clinton health care proposal is so unpalatable to most Americans. So now the Fourth of July is the latest deadline—and those cracking the whip for Clinton-style Government-run health care say they mean business—but not regrettably private enterprise business. Why does the Clinton administration continue to whip this dead horse? Let's come together for bipartisan health reform that can and will work. Our side is ready.

**INTRODUCTION OF LEGISLATION
TO STRENGTHEN FAMILIES RE-
CEIVING AFDC AID**

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

Mr. FLAKE. Madam Speaker, today I rise to introduce before the House the welfare bill to strengthen the families receiving aid to families with dependent children, through education, job training, savings, and investment opportunities and to provide States with greater flexibility in administering such aid in order to help individuals make the transition from welfare to employment and economic independence.

I am hopeful we can correct the wrongs within the welfare system and that we do not forget, as we do so, the real lives of women and children who are at the bottom and left out and who are sometimes at the end of the process. In my role both as an urban minister, as a Member of this body, as a community developer in my district, I know firsthand the suffering and frustration for many families.

It is, therefore, my hope that we can move families to the point where welfare is at worst a temporary condition and at best a former condition.

With that, I ask my colleagues to join me in support of this welfare bill which I introduce today, and I seek co-sponsors in hope that we will be able to change welfare as we know it.

□ 1220

**HONORING THE LEGENDARY TED
WILLIAMS**

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

Mr. STEARNS. Madam Speaker, last night we honored the legendary Ted Williams, who was being recognized as the American Sportsfishing Association 1994 Man of the Year.

There is an old Chinese proverb that states, "Give a man a fish, and you feed him for a day. Teach him how to fish, and you feed him for a lifetime." Throughout his lifetime, Ted Williams has demonstrated a great love for the outdoors and certainly a great love for sportsfishing. He has become a wonderful ambassador for the sport, and that is one of the reasons he was being honored this week.

Ted has approached everything in his life with gusto, vigor, and determination, from his Hall of Fame days with the Boston Red Sox, to his patriotic service to his country in World War Two and the Korean war, to his pursuits in the great outdoors. Whenever and wherever the name of Ted Williams is spoken or mentioned, the American people conjure up feelings of respect, pride, and admiration, feelings we all share today.

Madam Speaker, I am glad to be able to call Ted Williams a friend and a fellow Floridian. On top of the recent opening of the Ted Williams Retrospective Museum and Library in Citrus Springs, FL, I know that he considers this award from the American Sportsfishing Association an honor that he will always cherish.

**SUPPORT AMENDMENT TO ALLOW
INDUSTRIAL FACILITIES TO
SELL GOODS AND SERVICES TO
NON-DEFENSE DEPARTMENT
CUSTOMERS**

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

Mr. MAZZOLI. Madam Speaker, I rise on behalf of an amendment which will be offered later today when consideration is resumed of the defense bill. It is an amendment offered by the gentleman from California [Mr. FAZIO], the gentleman from Maryland [Mr. HOYER], and myself, and it would allow industrial facilities, and I happen to represent one, the Louisville site of the Crane Division of the Naval Surface Warfare Center, it would allow industrial facilities to sell their goods and services to non-Defense Department customers. Under current law there are very severe limitations on how this can be done. Under the amendment, which I hope the House will approve, such sales and dual uses would be facilitated. These industrial facilities run on

their proceeds. They run as if they were corporations. This amendment would allow them to sell outside the DOD under certain specified circumstances when there are not available goods and services from private purveyors and where there is a need for expedited treatment.

Madam Speaker, I think the Fazio-Hoyer-Mazzoli amendment is a good amendment. I think it would move public industrial facilities into a much more competitive position to help their service branches, to help the Defense Department, and to help our country.

REPORT ON THE D-DAY CEREMONIES AT NORMANDY

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

Mr. MONTGOMERY. Madam Speaker, our Speaker, the gentleman from Washington [Mr. FOLEY], authorized 27 Members of the House to represent the House of Representatives at the D-day ceremonies, and with that group was the minority leader, the gentleman from Illinois [Mr. MICHEL]. My codel spent 7 days in Europe. We went to the United Kingdom, Italy, and France. We were very proud that the gentleman from Florida [Mr. GIBBONS] represented President Clinton. When the President had to go other places, Madam Speaker, SAM was there representing the President.

And I thought the President made some strong remarks at Normandy, and I thought he handled himself very well.

I would say to my colleagues, if you saw all the white crosses, at the different American cemeteries, you realize war is really devastating, and if you also realize that those young men buried under those crosses were 18 and 19 years old, young men who really had just started in life.

Madam Speaker, our codel is sending a brief report to all Members of the House. That report will go out today. I hope that Members will have a short time just to read that brief report.

INTERIM GOVERNMENT ESTABLISHED IN SOUTH AFRICA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mrs. SCHROEDER) laid before the House the following message from the President of the United States; which was read and, without objection, referred to the Committee on Foreign Affairs:

To the Congress of the United States:

Pursuant to sections 4(a)(2) and 5(b)(1) of the South African Democratic Transition Support Act of 1993 (Public Law 103-149); 22 U.S.C. 5001 note), I hereby certify that an interim govern-

ment, elected on a nonracial basis through free and fair elections, has taken office in South Africa.

WILLIAM J. CLINTON.

THE WHITE HOUSE, June 8, 1994.

DEPARTMENT OF AGRICULTURE DEFERRALS OF BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed:

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report two revised deferrals of budget authority, now totaling \$555.2 million.

The deferrals affect the Department of Agriculture. The details of the two revised deferrals are contained in the attached report.

WILLIAM J. CLINTON.

THE WHITE HOUSE, June 8, 1994.

COMMODITY CREDIT CORPORATION REPORT FOR FISCAL YEAR 1992—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Agriculture:

To the Congress of the United States:

In accordance with the provisions of section 13, Public Law 806, 80th Congress (15 U.S.C. 714k), I transmit herewith the report of the Commodity Credit Corporation for fiscal year 1992.

WILLIAM J. CLINTON.

THE WHITE HOUSE, June 8, 1994.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and May 23, 1994, and today, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

FURTHER DOWN THE WRONG ROAD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. GOSS] is recognized for 5 minutes.

Mr. GOSS. Madam Speaker, 2 weeks have passed since the House last visited the Haiti issue. If one looks at the

media spin in the headlines, it appears that the United States is making great strides there. However, behind the headlines, the substance indicates that we are still striding down the wrong road. Despite the clear signs that the President's new refugee policy is encouraging Haitians—more than 1,600 since the policy was announced—to take to their leaky boats, the administration has not abandoned it. Instead, we have tried to fine-tune a bad policy by pursuing agreements with our Caribbean neighbors. The United States can now anchor its \$34,000-a-day Ukrainian ships in Jamaican water for refugee processing. In Turks and Caicos we can use the beach—for the small price of a \$12 million investment in the local infrastructure and a pledge that we will help repatriate 3,000 of the Haitians already on shore there. In both cases, it will be U.S. personnel, U.S. funds, and U.S. refuge for those seeking political asylum. Bottomline: Same policy, different location, higher price tag. This week, the administration announced with much fanfare its plan to ratchet up the misery-producing embargo again, this time with a ban on commercial flights and financial transactions. Yet despite this pressure, the military leadership in Haiti remains defiant, attacking Haitians attempting to leave, reinstating the Macoutes and freezing United States aid funds in Haitian banks. The thugs and their supporters have hunkered down, stockpiled, and are prepared to wait this latest crisis out. Opportunists on both sides of the Haitian-Dominican Republic border are proving nightly that the leaks in the embargo cannot be plugged when the sun goes down. Meanwhile, missionary networks in Haiti report growing signs of malnutrition and desperate Haitians are slaughtering their goats and chopping down what's left of their mango trees just to survive today. For tomorrow, they will have nothing—and appear ready to risk the dangers of the seas. Much-needed humanitarian relief flights remain mired in bureaucracy and grounded in the United States while the United Nations sanctions board decides whether or not to allow them to journey to Hispaniola. It is only a matter of time before the embargo is deemed a failure and the President moves on to plan B. Everyone knows it—even the President's own Haiti advisors. In fact, in the 2 weeks since the House voted to send the White House a clear no on military intervention in Haiti, the administration has purposely moved closer to just that plan of action. From the President's outline of his top six reasons to invade Haiti, to the buildup of military personnel and machinery in the Caribbean, to the Public call to arms from de facto White House Haiti advisor Randall Robinson, to pressure in this House to reverse itself on its strong no to United States military intervention—the signs are all there. Even

some in the international community are preparing for the United States to take that step. The French Embassy is evacuating Embassy dependents and the United Nations has plans to do the same. While they are getting potential hostages out of the unwelcome line of fire, our important allies in Haiti—France, Venezuela, Canada, the OAS, the United Nations—have refused to support military intervention. And, they remain divided on whether or not to join peacekeeping forces if democracy is restored. Acting alone, the United States military easily could put down the resistance of the rag-tag Haitian military.

However, as one unnamed official at the Pentagon noted: "The problem isn't getting in, it's getting out." The administration doesn't have any good answers about the rules of engagement or an exit strategy, but we are hearing disturbing talk of nation building—the disastrous and ill-defined approach that led to tragedy in Somalia. When the Committee of the Whole rises on consideration of the national defense authorization later this week, rumor has it that we can expect another vote on the Goss amendment. Clearly the White House is unhappy that this House has gone on record against military intervention in Haiti. In this administration, it seems, the tactic if you don't like an outcome is to twist some arms, make some deals, and try again. I urge my colleagues to resist this pressure: Support once again a clear "no" on military intervention and a "yes" to embracing constructive solutions like the safe haven plan.

□ 1230

MEMBERS' SIGNATURES SOUGHT ON DISCHARGE PETITION FOR BILL TO PROTECT AMERICAN TAXPAYERS' RIGHTS

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). Under the Speaker's announced policy of February 11, 1994, May 23, 1994, and today, the gentleman from Ohio [Mr. TRAFICANT] is recognized for 60 minutes as the designee of the majority leader.

Mr. TRAFICANT. Mr. Speaker, today I want to talk about taxpayers' rights in America. I have a bill now known as H.R. 3261 and an accompanying discharge petition, Petition No. 12, to bring the bill to the floor because it will never come out of the chapter 13 file of the Ways and Means Committee, and I want to explain it. I want to explain it to the Congress so the Members can understand it.

No American should fear their government. Every American should pay taxes, and we do pay taxes. But we have a tax system that is so complicated you need a Philadelphia attorney to interpret it and an accountant to fill out your tax forms, and when

the IRS comes calling, the IRS is so powerful the tax attorney bails out on you and the accountant seems confused and some tax judge appointed for a lifetime term who does not want to get the IRS mad is going to make a decision on your entire life and future.

Now, 95 to 99 percent of these IRS agents are fine people from fine families. They not only mean well, they do a great job, and they are good Americans. But there are a number of IRS agents who have been reckless and overzealous and who have ripped off Americans, mistreated Americans, abused Americans, and Congress has turned its back, its cold back, to much of this abuse.

The Traficant bill does several things. First of all it says that when an IRS agent, with reckless disregard, violates the rights of a taxpayer, harasses, scares to death, intimidates, forces, and pressures a taxpayer against their will, and once that is proven in a court of law, that IRS agent is personally liable and out of their own pockets they have to pay damages.

Second, existing law says that when that happens, the IRS which is responsible for the behavior of its agents is liable up to \$100,000. The Traficant bill, H.R. 3261, says that is being expanded to \$1 million.

Right now we have an IRS that is sending agents out with quotas and saying, "Get that money, no matter how you get it." The Traficant bill is saying:

You had better counsel them to do it the right way and treat them with respect because they are the boss, and if you don't, not only is the taxpayer going to be upset but the IRS agent is going to get zapped personally and the IRS could be penalized up to \$1 million.

Those two provisions were already included in legislation last year that happened to be vetoed, and those provisions were not the reason for the veto of H.R. 11, so they are uncontroversial. There are some people who are ducking the major issue around here and trying to cite those two provisions.

The third provision is a basic tenet of the American Constitution, the methodology by which we govern ourselves. In America you are supposed to be innocent until proven guilty. Jeffrey Dahmer killed 17 young men and boys. He ate part of their flesh. Jeffrey Dahmer was innocent till proven guilty. He did not have to give testimony against himself, he did not have to answer one question. He said, "The Constitution and the Bill of Rights protect my interests." But when you go into a tax court on a civil proceeding and you are accused of fraud or tax evasion, you, the American taxpayer, has to prove your innocence. That is unbelievable.

The Traficant bill basically deals with burden of proof. It takes us a little bit back to the Constitution, which

everybody seems to wave around here, and here is what the Traficant bill says:

When the IRS points its finger for tax fraud or tax evasion, the IRS had better have a good case against you, Mom and Dad, because if it is good enough for the Son of Sam to be innocent, it is good enough for Mom and Dad in the tax court, and the IRS has to prove you have committed fraud.

That is the crux of the Traficant bill. I have close to 85 signatures on the discharge petition, and I need more Members of Congress to sign that discharge petition to allow it to come to this floor for debate, because otherwise it will never come out of that file 13 wastebasket down in the committee room.

I want to cite a couple of things that have happened in our country, and I want the Members of Congress to think about this. Alex and Kay Council of North Carolina had a windfall in the sale of some property. Their accountant advised them to invest in a deal called Jackie's Fine Arts.

□ 1240

They invested in Jackie's Fine Arts because they would get some tax shelter, some tax credit, and would not give all of their gain up to Big Brother Uncle Sam. The accountant advised them it was legal at the time they took it. Five years later the IRS came back and wanted close to \$300,000 in fines, penalties, and back interest, because they denied the tax shelter of Jackie's Fine Arts.

Alex and Kay Council feverishly tried to deal with the IRS. The IRS said, "We gave you a notice. Why didn't you respond?" The Councils said they never got a notice. Six years later, in a court of law, ladies and gentlemen, it was proven the IRS sent the notice to the wrong address, but the IRS said by law, that makes no difference. Our intent was to mail it to the Councils.

To really confuse this, ladies and gentlemen, Alex Council, faced with the loss of everything for his family and his children and his business, committed suicide. He committed suicide. An unbelievable case in American history. And listen to the suicide note that Alex Council left his wife Kay.

My dearest Kay, I have taken my life in order to provide capital for you. The IRS and its liens have been taken against our property illegally by a runaway agency of our government, and they have dried up all sources of credit for us. So I have made the only decision I can. It is purely business, Kay. I love you completely, Alex.

He left a note telling her how to go about the insurance money, how to apply that money, fight for their good name, and she did. She exhausted all her money. Six months after Alex's suicide, the judge ruled the IRS was completely negligent and wrong.

What has it come to here, Congress? Has the IRS become so powerful they scare even Members of Congress? I have

had Members of Congress say, "Jim, you are right, but I don't want to get involved. I am afraid to get involved." Members of Congress. Has this turned into wimp city? If Members of Congress are afraid of this powerful agency that Alex Council said is a runaway agency of our government, then what about the average taxpayer, folks? H.R. 3261, the IRS says, you are guilty of tax fraud, you are guilty, mom and dad, of tax evasion, they have every right to say it. But the Traficant bill says if you are going to accuse someone in America, the accused has the right to meet their accuser and the right in fact to all of the constitutional protections available under our Bill of Rights. And here is the basic tenant: In America, the last I heard, you are innocent until proven guilty. If it is good enough for Jeffrey Dahmer, it is good enough for Charles Manson, it is good enough for Richard Speck, good enough for the Son of Sam, good enough for the four terrorists who blew up the World Trade Center, then it is good enough for mom and dad in a Federal proceeding with a Federal appointed judge, because there is no such thing as civil fraud. Fraud is a criminal act.

Is this going to kill collections for the IRS? No. The IRS calls about an education account or an exemption, the taxpayer must answer. We know that. But when it goes to court for tax fraud or tax evasion, the burden of proof, ladies and gentlemen, shall be on the IRS, and that is where it should be.

H.R. 3261 is the bill. Discharge Petition No. 12. A dozen. Discharge Petition No. 12. That is needed to be signed by 218 Member of this Congress, so that it comes out of the wastebasket in some of the lower intestines of the Capital and be brought to the House floor where the people govern, the people draft our laws, the people are the boss, and people should take their Government back and forget all the fancy rhetoric.

This is exactly the place to start. H.R. 3261. Discharge Petition No. 12.

Mr. COLLINS of Georgia. If the gentleman will yield, I commend the gentleman for his bill. I have signed Discharge Petition No. 12. I encourage other colleagues to sign Discharge Petition No. 12, because I feel, as the gentleman from Ohio, people should be innocent until such time as the IRS proves that they have committed fraud. It should not be left up to the individual. I commend you, sir.

How many do you have now who have signed that petition?

Mr. TRAFICANT. Approximately 85 who have signed the discharge petition, the last I have heard.

Mr. COLLINS of Georgia. Due to the new rules, will those names be published, so we can encourage others or have constituency encourage others?

Mr. TRAFICANT. Well, I have not published any names, and I am hoping

not to do that. But if the point comes we are running out of time, I may decide to do that.

But I am not surprised. MAC COLLINS, that you have signed, and I wish that everybody around the country would recognize it is going to take a little bit of strength to sign that discharge petition. The trouble is, Mr. COLLINS, not everybody exhibits the same type of strength and fortitude that you have here in the Congress.

This is not an easy thing to do, but this is an important thing to do for the American people. And that is why people like yourself are going to have to give me a hand, Mr. COLLINS, because it don't look good without your help.

Mr. COLLINS of Georgia. Well, I am very willing to help the gentleman. I can appreciate his concern and reserve about publishing names. I commend the gentleman, if it comes down to it, on behalf of the American people, that the gentleman is willing to take that step.

Mr. TRAFICANT. I appreciate it, Mr. COLLINS. I think Mr. COLLINS' record speaks for itself. He didn't have to make that statement today.

H.R. 3261, Discharge Petition No. 12. Mom and dad are citizens and mom and dad should be innocent until proven guilty as well. Discharge Petition No. 12. Members must sign it so it can come to the floor. Discharge Petition No. 12.

AMERICANS WANT MARKET-PLACE HEALTH CARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, May 23, 1994, and today, the gentleman from Georgia [Mr. COLLINS] is recognized for 15 minutes as the designee for the minority leader.

Mr. COLLINS of Georgia. Mr. Speaker, I appreciate the time.

Mr. Speaker, I rise today to discuss the issue of health care reform, but, more importantly, I want to discuss word that I have received from the Third District of Georgia, and particularly from a constituent by the name of Dr. Rodney Kreider. Dr. Kreider is an associate pediatrician in one of the largest pediatric practices in Atlanta, GA.

He makes several comments and points about health care reform, and these are some of the same points and comments I have heard throughout the Third District of Georgia, throughout Georgia itself, and from many other places across this country.

The first point that Dr. Kreider makes is that Government spending in the form of entitlements has failed to adequately address the needs of our Nation's poor. For the past several years, our Federal and State governments have spent record amounts of tax dollars on social entitlement benefits. But we have not seen a real return on those so-called investments.

The poverty rate has not declined, and infant mortality is still high. The social programs begun in the 1960's have been a tremendous failure because they have caused circular and increased dependence on the Federal Government. They have failed to help the individuals and families return to a position where they can live independently and contribute to the productivity of our Nation's economy. The trillions of tax dollars spent through these programs have not changed the poverty status quo.

Now we face the possibility of installing what Dr. Kreider accurately calls the mother of all entitlement programs, through the passage of the Clinton administration's Government-based health care reform. If this or a similar reform package passes, we will install a tremendous bureaucratic spending machine that makes Government the final authority on delivering, spending, and regulating the health care industry. Federal spending, taxes, and intrusive interference in the private sector will continue to grow with the passage of a Government-based plan.

The second point is that there is no health care access problem, but rather a health care insurance access problem. Everyone in the health care debate agrees that there are problems with the system. Those problems, consistently pointed to by the President, the leadership of Congress, and people all across the country, indicate that we need insurance reform. We need to increase the access to insurance coverage. We can do this through non-controversial reforms, without changing the nature of the entire industry.

□ 1250

Eliminating barriers to job-to-job portability of coverage, ending pre-existing condition limitations are both aggressive measures that will bring many of the uninsured into the insured fold.

The third point: Current Government-based health care is a major reason for escalating health care costs.

Dr. Kreider makes one very clear point in his letter: As a physician, he knows through first-hand experience that Government-based health care is already a major cause of the escalating costs of health care. Entitlements such as Medicaid have driven up costs by creating an insatiable demand for free health care. We all know this is true. That is why we have the major problem of cost shifting in the health care profession. And it is getting worse.

The fourth point is: We won't know how expensive health care really is until it is free.

Dr. Kreider makes the point: This is why we must oppose the Clinton health care plan or any other measure that is a Government-based plan promising health care benefits to everyone, with

the real costs hidden. By demanding that the employer pay for 80 percent of all health care costs, the plan eliminates any accountability, and removes any incentive that individuals should have to ensure that they are obtaining the most cost-effective health care.

Medicaid already does that now for our Nation's poor. Health care is currently free and accessible for these recipients. And even though clinics like Dr. Kreider's has never turned away a sick child on the basis of inability to pay, Medicaid recipients too often choose the most expensive avenue of health care services: the emergency room. It is free for those individuals, but as you and I know, in reality, emergency room health care is truly the most expensive.

The fifth point is that installing a Government framework as the ultimate authority-manager of health care is only the beginning of more control to come.

Dr. Kreider makes another very good point: If we allow the Government to get the foot in the door, then it will be easy for the bureaucracy to obtain more and more control of the health care system every year. Proponents of the Clinton approach are very transparent in their approach: Creating bigger, more intrusive Government means there will be a greater dependency or need among the masses for the Government. That means more Federal spending and of course that means a bigger tax burden on Americans in order to meet that demand for increased Federal spending.

He asked, what about individual responsibility?

The Clinton plans avoids individual responsibility. Proponents of this Government-based approach are writing a blank check for health care costs and encouraging the public to go shopping.

Another excellent point that Dr. Kreider makes: "The only managers in medicine should be the physician and the patient." Not the Government. The Government should have no role in dictating what benefits we will have access to; the Government should not dictate who will have access to what medical speciality procedures; or when you will no longer be able to receive dramatic treatments for dramatic illnesses.

Reforms are needed—but only those that strengthen our current system.

As Dr. Kreider and Americans all across this country point out: The American health care system is the envy of the world. We must not enact reform that will destroy the nature of our private health care industry. We must approach reform with common sense about our method; and sensitivity to the impact these changes will have on the quality of health care available to people across this country. This means we must give top priority to the impact any reform changes will

have on all elements of our current market-based health care industry.

So what is the best option? The best option is building upon what we have by strengthening weaknesses that cause barriers to health care insurance coverage. And we should address the problems in the system that contribute to the escalating costs of health care.

America wants greater access to health care through market-based reforms that make the very necessary changes without weakening the structure or damaging the foundation upon which the current system is built.

We can do this, Mr. Speaker, by creating greater tax fairness through increasing deductibility for health care costs; by reducing paperwork and administrative costs; giving States greater flexibility so that they can change their health care systems in a way that most efficiently meets the needs of the people within their regions; and by granting more individual control and responsibility for health care decisions through IRA-like medical savings accounts. This can be done without installing a new bureaucratic Federal program; and without placing unfunded mandates on States and on the private sector.

In addressing the inflationary costs of health care, the legislation must contain medical malpractice reform components. By providing limits on noneconomic damages; limiting punitive damages related to medical product liability; placing a \$250,000 cap on noneconomic damages; directing that punitive damages awarded by the courts be paid to States to assist funding their efforts to reduce medical malpractice; limiting attorneys' contingency fees; and through additional incentives we can adequately address the inflationary costs caused by a market that is overburdened by excessive litigation.

Already there are market-place reforms taking place to address cost issues. Health care providers all over the country are forming networks, and joining in the effort to address the need to provide quality service at controllable cost levels.

Less government, less costly malpractice litigation, and less regulatory control is what we must strive for. In health care we need greater access, but not mandated coverage and certainly we do not need the Federal Government exerting exclusive control over the delivery, insurance, and quality of health care in America.

COMMUNICATION FROM THE ACTING DIRECTOR, OFFICE OF DIRECTOR OF NON-LEGISLATIVE AND FINANCIAL SERVICES

The SPEAKER pro tempore (Mr. FIELDS of Louisiana) laid before the House the following communication from the Acting Director of the Office

of the Director, Non-Legislative and Financial Services:

OFFICE OF THE DIRECTOR, NON-LEGISLATIVE AND FINANCIAL SERVICES, HOUSE OF REPRESENTATIVES,

Washington, DC, May 31, 1994.

Hon. THOMAS S. FOLEY,

Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally pursuant to Rule L (50) of the Rules of the House that the Office of Finance has been served with a subpoena issued by the Superior Court of the District of Columbia.

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

Sincerely,

RANDALL B. MEDLOCK,
Acting Director.

COMMUNICATION FROM THE ACTING DIRECTOR, OFFICE OF DIRECTOR OF NON-LEGISLATIVE AND FINANCIAL SERVICES

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

OFFICE OF THE DIRECTOR, NON-LEGISLATIVE AND FINANCIAL SERVICES, HOUSE OF REPRESENTATIVES,

Washington, DC, May 31, 1994.

Hon. THOMAS S. FOLEY,

Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally pursuant to Rule L (50) of the Rules of the House that the Office of Finance 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 consistent with the privileges and precedents of the House.

Sincerely,

RANDALL B. MEDLOCK,
Acting Director.

COMMUNICATION FROM THE HONORABLE DAN BURTON, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable DAN BURTON, Member of Congress:

HOUSE OF REPRESENTATIVES,

Washington, DC, June 1, 1994.

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 staffer in my office has been served with a subpoena issued by the State of Indiana, Marion Superior Court in connection with a civil case involving some constituent casework.

After consultation with the General Counsel, I will determine if compliance with the

subpoena is consistent with the privileges and precedents of the House.

Sincerely,

DAN BURTON,
Member of Congress.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the House stands in recess until 3:45 p.m.

Accordingly (at 12 o'clock and 59 minutes p.m.) the House stood in recess until 3:45 p.m.

□ 1549

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. MONTGOMERY) at 3 o'clock and 49 minutes p.m.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995

The SPEAKER pro tempore. Pursuant to House Resolution 431 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. 4301.

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. 4301) to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1995, and for other purposes, with Mr. BACCHUS of Florida, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Tuesday, May 24, 1994, the amendment printed in part 5 of House Report 103-520 relating to U.N. peacekeeping offered by the gentleman from South Carolina [Mr. SPENCE] had been disposed of.

Pursuant to the order of the House of earlier today, there will now be additional period of general debate.

The gentleman from Mississippi, [Mr. MONTGOMERY] will be recognized for 7½ minutes and the gentleman from South Carolina [Mr. SPENCE] will be recognized for 7½ minutes.

The CHAIR recognizes the gentleman from Mississippi [Mr. MONTGOMERY].

□ 1550

Mr. MONTGOMERY. Mr. Chairman, I ask unanimous consent that I be permitted to yield my 7½ minutes of debate time to the gentlewoman from Florida [Mrs. MEEK] and that she may yield that time as she sees fit.

The CHAIRMAN pro tempore. (Mr. BACCHUS of Florida). Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The CHAIRMAN pro tempore. The Chair recognizes the gentlewoman from Florida [Mrs. MEEK].

Mrs. MEEK of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like for my Representative from the State of Florida and chairman of the Florida delegation, the Honorable SAM GIBBONS, to stand.

Mr. Chairman, I am so proud to join with my colleagues in honoring U.S. Representative SAM GIBBONS, an outstanding American and son of Florida who has served his country so well both in and out of uniform.

SAM GIBBONS was a member of the legendary 101st Airborne Division in World War II. "Theirs was not to reason why * * * Theirs was but to do * * * or die."

As a 24-year-old captain, SAM GIBBONS was among the first American paratroopers to land behind enemy lines in Normandy, in the middle of the night, to spearhead the invasion of Europe on D-day, June 6, 1944.

For this reason, it was most appropriate that President Clinton designated Congressman GIBBONS as his personal representative at several ceremonies in Normandy this past week.

Representative GIBBONS wrote about his experiences on D-day. And one cannot help be moved by this article. It helps humanize and make understandable to those of us who were not there that day the enormity of the contribution of those young Americans—like SAM GIBBONS—who put their lives on the line to create the foothold in France needed to defeat Nazi Germany—and to secure the freedom too many of us take for granted today.

I offer this article for reprinting in the CONGRESSIONAL RECORD following my statement.

Mr. Chairman, we honor Representative SAM GIBBONS for his leadership on the battlefield, for his leadership in the House of Representatives, and for his leadership as chairman of the Florida delegation. It is my privilege to serve with him in this body.

SAM GIBBONS, hero of World War II, hero to us in our delegation, hero to the House of Representatives, thank God for you.

The text of the article referred to is as follows:

TWO DAYS OF THE INVASION

(By Representative Sam Gibbons)

[Representative Sam Gibbons recounts the 48 hours after he parachuted from a plane at 1:26 a.m. on June 6, 1944. For Gibbons, a 24-year-old captain with the 501st Parachute Infantry, D-day included a bloody ambush and at least two miracles.]

My parachute snapped open with a loud crack.

I looked around to make sure I was clear of other jumpers—couldn't see anyone. I did see and hear rifle and machine gun fire coming up from below me. I got brief glimpses of a

small, blacked-out town six or seven hundred yards in front of me. Gussed it to be Ste. Mere-Eglise. Guess later proved to be correct. Feet hit—knees give—roll forward—end lying flat on my back.

Instantly, I knew I was in the wrong place—at least six miles from my planned drop zone and far deeper in German territory than planned. The time was 1:26 a.m., June 6, 1944. D-Day was to begin on the beaches at 6:30 a.m. The parachute jump from plane to ground in Normandy, France, had taken 35 to 40 seconds, maybe less.

I was 24 years old—a captain—in the 501st Parachute Infantry, a part of the 101st Airborne Division which, together with the 82nd Airborne Division, landed a total of 12,000 paratroopers that night. We were the spearhead of the invasion of Europe.

For this performance our heads had been shaved—the surgeons insisted we'd be easier to sew up that way. Our unique uniforms were made of a heavy cotton cloth. The jacket collars were high and right below the neck we carried a switch-blade knife in a pocket for emergencies, like cutting yourself out of your parachute. My normal weight was 165 pounds. That night when I hit the ground I was well over 200 pounds.

In the leg pocket we carried a British-made anti-tank mine because there were plenty of tanks nearby, a gas mask (I stuck two cans of Schlitz beer in mine), an equipment bag containing a raincoat, blanket, toothbrush, toilet paper, and six meals of emergency K-rations, a combination shovel and pick for digging in, maps, flashlight, compass, small hacksaw blade, a map of France printed on silk, and \$300 worth of well-used French currency.

We carried two other items in our equipment. We wore our identification (dog tags) on a light metal chain around our necks, taped together so they didn't click or rattle. And a "cricket," which when you depressed the steel made a snapping sound or a "crick." When you released the steel part, it would crick again. This was to be our primary means of identification between friend and foe during the night assault.

Our immediate objective was to open up the assault beach about six miles east of my landing spot and secure the river line of the Douve so that the Germans could not bring in reinforcements while we captured Cherbourg.

Getting oriented in the middle of the night is not easy. Two things helped me. First, we had studied the area using maps, aerial photographs, and models for hours and days until it was drilled into us. Second, I had been in the open door of the plane on the flight from England and had picked up such landmarks as the islands of Guernsey and Sark and the French coastline near Cap de Carteret.

I thought I recognized St. Sauveur-le-Vicomte and then the Douve River with its marshes. As we approached the Douve our plane had slowed down and elevated the tail to lessen the chances of hitting the tail assembly in case you made a bad door exit. So as we crossed the Douve, the green light signal to jump came on.

It seemed to me that we were too far north and too far west of our designated drop zone. But you can't hesitate and argue with the pilot because he couldn't hear you anyway and since we were flying in very tight formation, there was no chance of independent judgment. At least we were over land—some weren't so lucky that night.

But first we had to push the two equipment bundles out. These contained radios for

Headquarters Command and control of 501st. Next were two radio operators. I never found the operators or the radios. Next, me, and then 13 or 14 others who probably had little or no idea where they were. I believe the last man out that door was Lt. Col. Harry Kinnard, the Regimental Executive Officer and second in command of the 501st Parachute Infantry. Kinnard and I next met about 40 hours later and many miles from where we jumped.

I turned again to examine the field in which I had just landed. There was just enough moonlight coming through the clouds to allow me to determine that no other Americans had landed or were landing in my field. I could not hear any American weapons being fired. The German weapons sounded distinctly different from ours, the principal difference being the rate of fire for their automatic weapons. Theirs fired much faster and did not seem to sound as deep in resonance as ours.

The Germans to my southeast—about 70 yards away—were manning a roadblock. I figured, and the new firing about 1,000 yards to the north appeared to be near Ste. Mere-Eglise.

I turned west and began crawling. The firing continued behind me at the cross-roads. I could not see or hear anyone.

I began to wonder whether the whole mission had been aborted and I just hadn't gotten the signal. I resumed moving again, still trying to get away from that crossroads fire without being detected. This time I was crouched over and moved a little faster. I finally came to the southwest end of the field.

To my left was a cattlegate and other things that cows leave around when they are in a field, but at least I knew the field probably wasn't mined if there were cows around. We had been told that there was a possibility that our landing fields would be mined and booby-trapped.

I found myself in a narrow, paved road with hedges on each side. The tall trees in the hedges gave the place a spooky look, but still no signs of anyone except those people back at the crossroads. By this time I was sure that they didn't hear me and couldn't see me so I began walking in an upright position, my rifle in both hands ready for action and my cricket between my left thumb and forefinger.

I must have walked along for about ten minutes keeping to the right side of the road near the edge where there was a shallow ditch. Then about 25 feet in front of me I thought I saw a helmet silhouetted against the sky. It looked like an American helmet, but in the dark I couldn't tell, so I kneeled down in the ditch and "cricked" my cricket one time.

Instantly the response came back with two cricks. I felt a thousand years younger, and both of us moved forward so we could touch each other. I whispered my name and he whispered his. To my surprise, he was not from my plane. In fact, he was not even from my Headquarters group. He was a sergeant and lost, too.

We kept going down the road for about 50 or 100 yards when we suddenly ran into some more cricks and picked up three more people, none of whom were from my plane. But they seemed to know each other and they were from the 501st. By that time we were beginning to feel pretty good and our confidence was coming back.

We got out the maps, pulled out the flashlight, covered it as best we could, and began to figure out exactly where we were. We concluded rapidly that it was impossible to get

to our designated assembly area and that we had best try to accomplish the 501 mission of securing the Douve River line.

We then decided that moving along the road, while it might be productive in finding other friends, also might be extremely dangerous. So we decided to take off across the field to our left and head for the Douve River line. As we entered the field, we found some more 501 parachutists. Still no one from my plane and no coherent pattern to the people we were finding.

It was about 3 a.m. when we hit the next road.

About that time we heard noise toward the rear of the column and a couple of shots were fired by my patrol. There was a clatter of someone falling to the pavement. I ran back and found that they had shot at a German who had been riding a bicycle. He apparently was a messenger of some sort.

We disarmed and searched him, and tried to figure out what we would do with him. His bicycle was a wreck, and he was skinned up from his tumble. The men took off his belt and tied his hands behind him, and we decided then that with that noise if there were many more Germans in town, they had heard us, so we moved in rapidly.

It was a short dash into town. It was a very small town, completely dark. At the head of the column there were a few more shots fired and the word came back that they had killed some Germans—probably two who were apparently trying to run from one of the houses in town when we ran in.

By this time we were making so much noise that if there was anyone else there, they certainly would have heard us. The noise of the shooting seemed to raise our spirits even more. Still, we didn't know where we were.

I began to pound on doors and shout for people to come out, but, of course, none of the doors opened and no one moved. I was shouting in English and if there was anyone in that town who understood English, we never found them.

Finally, after two or three minutes, one man about 50 to 55 years old came to the door of one of the houses. In English I began to ask him where we were, what was the name of his town, but he just stared back, then began to speak in French.

He was excited and eventually some other people in the house came forward—none of whom could speak English. Some of my men had gotten responses at doors and windows and were running into the same trouble.

Finally I went into the dark house, pulled out my map and flashlight, and began to make gestures, hoping he would point to where we were. But he was either afraid or was determined not to get involved. Even though I recited with my best French accent the names of some towns that I thought he would know and would point to, I got no response. Finally, one of the sergeants came up and said he had found out the name of the town was Carquebut.

The action in Carquebut had taken about 20 to 25 minutes. It was now approaching 3:30 a.m. We knew that Carquebut was outside of the sector of the 101st Airborne Division—our parent unit—and was in the sector of the 82nd Division, which had a different responsibility than we did that first day.

After a quick conference with some of the sergeants, I decided that we should move to the south toward St. Come-du-Mont, which was about five miles from where we were. St. Come-du-Mont had been a part of the 501st objective. It was on the Douve River line and it was not far from the bridges across the

Douve that we had been assigned to seize and destroy.

In about 30 minutes we hit the main two-lane, north-south road between Ste. Mere-Eglise and Carentan. At a little town called Les Forges, we could see two or three American soldiers near the crossroads and we moved rapidly to meet them.

Here for the first time I ran into someone I knew. There was an American lieutenant by the name of Charlie Poze, a member of 501st. He had rounded up five or six men and they were controlling the town. They had already searched the buildings and found no Germans.

To our north was the town of Ste. Mere-Eglise, about one and a quarter miles away. To the south of us was St. Come-du-Mont, nearly three miles away, and the Douve River highway and railroad bridge crossing. Controlling these crossings was our objective.

As dawn came it was possible to see scattered parachutes lying around in the fields. Some were hanging in trees, some lying partly in the road. It was obvious that we were coming closer to a place where more men had been dropped.

Just a short distance along we ran into the town of Bloisville. We encountered some fighting from our left but it did not appear to be well aimed. When we returned the fire, the hostile firing would die out, so we chose to ignore it and move more rapidly toward St. Come-du-Mont.

It was now approaching 7:30 or 8 a.m. We had gathered strength as we had moved along and we now had approximately 50 men, including Lt. Poze, two glider pilots whom we had picked up on the march from Carquebut and who had been charged with controlling the prisoner, and myself.

By the time we got to the end of Bloisville, a Capt. MacNeilly, also with the 501st, moved out on the road and we had a reunion! I had known and worked with MacNeilly. He was from San Francisco and a genial fellow and a good man.

While our confidence had returned, we all still felt very isolated. There was firing going on to the east of us, but it was so faint that it was hard to distinguish what we heard.

As morning came, it was beautiful: a cloudless sky, cool, no more planes of any sort were in sight. There was scattered fire in about every direction except off to the west, so we moved out to the south and headed to St. Come-du-Mont, which seemed to be three-and-one-half miles away.

After about an hour, I called a halt, brought in Poze and MacNeilly and the one flanker from both the east and west, and held a council. At the end of the council no one could suggest a better method of moving, and because there was also occasional firing on both flanks with more to the east, some of which seemed to be aimed at us, we decided to continue in the diamond formation.

At the end of this council I brought out my two cans of beer, which we shared. I estimate we had moved about a mile and a half south from Bloisville. When the cans were empty we decided to leave them in the middle of the road as a monument to the first cans of Schlitz consumed in France.

In about five minutes the point man signaled with his hand and beckoned me forward, and I discovered what he had found. In the west ditch was a wounded German soldier. I moved the patrol on up.

The German had been hit in the stomach area and was in bad shape. He had already

turned rather gray-looking and seemed to be rather incoherent. There were some parachutes lying in the fields nearby and I assumed the parachutists had gotten him. We searched the area but found no one.

The German was moaning, his eyes closed. We disarmed him and then had to decide what to do with him. We finally decided just to leave him where he was. He was a pitiful sight, so all alone, so badly injured, and so near death, with us standing over him. We didn't waste much time. We just went on. He was no danger to us.

As I recall, one of the men did give him some water and someone propped his head up a little and he quit moaning, but his breathing was laborious.

Down the road a point man spotted a sign post on a little concrete marker on the right-hand side of the road: Carentan 6km, Paris 250km. We joked about being in Paris that night, or maybe it was just the fact that it was broad open daylight and that our luck seemed to be going well.

All of us were tired because we hadn't had a chance to eat or sleep since leaving our airfield in England. We had been awake and moving for 30 hours. Our last meal had been 17 hours earlier. We halted for a minute and I called Poze to me and told him to go up and take the forward point position because we needed to make better time.

St. Come-du-Mont was near—perhaps 400 yards away. According to the Regimental plan, St. Come-du-Mont should already be in 501st hands. In fact, it should have been in the 501st hands for about six hours. Unfortunately, I was wrong.

As we got closer to St. Come-du-Mont, nothing appeared to be unusual. The windows in the buildings were all closed with wooden shutters as we had seen in all the other small towns. The doors were not open. No one appeared to be moving around on the main street, which was the highway that we were on. Cows were grazing in the nearby field.

There was firing—both German and American—far off to the left. I could now see the first building very clearly on the right-hand side of the road, and I had great expectations that we would at last run into the main body of the 501st forces.

I moved over toward the edge of the road to the right. I was now at the bottom of a very small hill with St. Come-du-Mont sitting at the crest. We found the main body of forces, but it wasn't the 501st. In fact, it wasn't even a friendly force.

Shortly after I had given the signal to Poze to continue forward, I heard a gun bolt. I looked toward the sound and there was a gun muzzle pointed in my direction. As I dove for the ditch, all hell broke loose! We had been ambushed.

I remember seeing Poze go down in front of me as if he, too, were diving in the ditch. The gunner was standing behind the hedge—the muzzle of his gun pointed through the bushes—and he apparently had his weapon set on full automatic because when it started to fire, it sprayed bullets all over the area.

The first thing I had to do was to get rid of that gunner right over my head. I knew I couldn't exist long with him there. He had probably seen me dive into the ditch but he couldn't get a good shot at me until he climbed to the top of the hedge.

I took a grenade out of my pocket, pulled the safety pin, and lobbed it over the hedge. I hoped that he didn't have time to throw it back. He didn't. After it went off, I heard no more firing from his position and assumed that that problem was out of the way for awhile.

I called to Poze and had no response. I lay there for a minute or so, but it seemed like a lifetime. I couldn't get my head up because every time I moved I drew fire. I yelled back to MacNeilly to tell him to cover me. He understood and so the fire from our patrol picked up.

It was accurate enough to cause the German fire to slow down—and as soon as it slowed, I jumped up out of the ditch, took about six fast paces, and took cover behind a concrete telephone pole. It wasn't very good protection, but it was better than I had had.

I guess only luck saved me, I made a dash across the road and dove in the ditch again. How I escaped getting hit I will never know, but at least this ditch was deeper and no one could directly observe my movements as long as I stayed flat on my stomach. I slid down the ditch in the direction of MacNeilly.

It was the easiest crawling I ever did. I had received such a shot of adrenaline I think I could have crawled a mile. I probably only had crawled 50 yards when I slid under a low drainage culvert in the road and felt safe—or at least relatively safe.

After I had gone a short distance out of the culvert, I passed the crest of the low hill on which my patrol had taken up firing positions, and I was out of immediate danger. The first person I ran into was MacNeilly, and he was laughing a sort of nervous laugh. He said he had never seen me run so fast in my life and that I had looked like a jack-rabbit going across that road with the Germans firing at me.

We could still see St. Come-du-Mont—we were now about 300 yards from the town. By that time our patrol had taken up some good firing positions. We slowed down our firing to conserve ammunition. It was obvious that we were badly outnumbered. We had at least two missing, and one man reported that he was slightly wounded.

It was more and more obvious that the Germans were well placed and had planned to defend St. Come-du-Mont stubbornly.

So there we were—200 to 300 yards north of St. Come-du-Mont meeting superior fire from a major force. We had no automatic weapons, no radios—only our semi-automatic rifles and a few pistols.

Before we decided to break off the fire fight, two of our men were killed. MacNeilly and I held a council. We called in a couple of the sergeants and decided that since the day was half over and since it appeared useless to try to attack the town, we just couldn't sit there for the rest of the day and wait for some miracle to happen. Also, I did not know what was building up behind us to the north because during our advance on St. Come-du-Mont there had been intermittent firing from our flanks. We knew that there were Germans behind us, but we did not know where they actually were nor how many they were.

I decided that the best thing to do was to split the patrol—leaving some with MacNeilly to continue firing into St. Come-du-Mont—and for me to go northward to try to find some friendly force. I designated two sergeants and about 15 men to stay with MacNeilly; I took the rest and returned north.

I knew we had to move fast for it was then 1:30 or 2 in the afternoon and we were not finding any more parachutists coming out of the fields to join us. We moved at a slow trot back toward Blosville. When we passed the spot where the wounded German had been, he was dead.

About an hour and half after we departed the St. Come-du-Mont area, we reached the

outskirts of Ste. Mere-Eglise. We found a small unit of the 82nd had established a roadblock there near a crashed glider.

The crashed glider was one of the bloodiest sights I saw on D-Day. It had been used by some units of the 82nd to attempt to bring in anti-tank guns and the pilot had overshot the field and crashed into a stone wall right off the highway. If there were any survivors, they weren't around. There were plenty of bodies. We turned over our prisoner and said good-bye to our two glider pilots who rejoined the 82nd.

We headed for the designated glider landing zone, hoping that those operations which had been planned for D-Day evening would come off as scheduled. I had been designated to receive one of the six jeeps the 501st was to get. Jeeps were quarter-ton open trucks.

At Hiesville, there were other American soldiers from the 101st around. Not many—perhaps 50. They were near a farmhouse, and I discovered it was the Division Command Post, hardly the kind you might expect for a Division.

They de-briefed me in about ten minutes and entered the situation as I described it on their maps, and I headed immediately for the glider landing zone just south of Hiesville. I got there between 6:15 and 7 p.m.

I am sure there were a lot of miracles on D-Day, but my own second miracle occurred when that glider assigned to carry my jeep landed right on time and right at the designated spot. I wasn't more than 50 feet from the spot where the glider landed—certainly within shouting distance—when the glider nose opened and my jeep rolled out. I called the driver's name; he recognized me and drove right over.

We had been isolated for about 18 hours that day. We had been shot at, taken some casualties, and inflicted a few ourselves, but the arrival of this jeep was like a miracle.

When I arrived back at the Divisions CP, I was asked to help provide local security for protection of the Command Post because by that time darkness was approaching fast and there was still an awful lot of German firing going on. We organized a guard detail with others who had been arriving at the CP, and I was assigned a sector to the north about 300 yards from the Command Post.

I took my small patrol to our sector and we divided the responsibility for the night. We posted the first guards, then moved into a well-built cluster of farm buildings—a milking shed, tool shed, hay barn, all clustered around a stone-paved courtyard. But it was home.

I sat down in the equipment barn beside an old two-wheeled hay rake and opened my first K-ration: ham and eggs in a small tin can, a fruit bar, some biscuits that looked and tasted like I guess dog biscuits taste, some kind of powdered coffee, a hard chocolate bar for dessert. The chocolate bar was so hard that if you had thrown it like a rock it would have been a dangerous weapon. I devoured my meal in record time.

I had the second shift of the guard detail that night so I went to sleep as soon as I finished eating.

When the word came to wake up again, we were in contact with some other members of the 501st who had also shown up in the Division Command Post area. I went over toward the direction of the CP and found Col. Kinnard. I knew at least two people from the plane had survived. He said that we were moving out in a few minutes to join a force of the 506th.

We moved from the Division Command Post near Hiesville in the direction of

Vierville with a mission of seizing the bridges across the Douve between St. Come-du-Mont and Carentan. The advance from Hiesville to Vierville was relatively uneventful. There was some firing but it didn't stop us.

It was not until I had reached Angoville that the first serious action of that day began for me. There were already some other American forces there—apparently remnants of our 1st Battalion. We quickly exchanged information. No sooner than that happened we came under heavy fire.

We took some casualties. I don't remember how many. After an hour the firing stopped. It seemed that German troops who had been positioned on or near the beaches and who had been driven back by the landing forces were now moving toward us.

With the 4th Division and some elements of our 101st pushing from the east and with the only way across the Douve River and into Carentan being blocked by us, we were picking up one German unit after another as they were trying to move to a better position.

Our road to the southwest to St. Come-du-Mont was still blocked and so we spent the rest of that day in the Angoville-Vierville area. There was too much resistance at St. Come-du-Mont for us to move south. There was too much resistance to the northeast for us to move in that direction. So we settled down after nightfall for some rest.

That takes you through two days of the invasion. The first day didn't seem like it would ever end, and the second day went so fast I hardly remember it. Eventually we would take St. Come-du-Mont.

Instead of taking it with one company of the 501st, as had been our original plan of operation before the invasion—or with my small combat patrol as I had tried to do on D-Day—it took the whole Division plus the fire support from the cruiser Quincy plus eight or ten tanks that were assigned to us from the 5th Corps.

It took plenty of lives, both German and American. But within three days we held St. Come-du-Mont and control of the bridges, the line of the Douve River was secure, and our first mission completed.

Mr. Chairman, I yield such time as he may consume to the gentleman from Florida [Mr. HUTTO].

Mr. HUTTO. I thank the gentlewoman for yielding to me. I appreciate it very much.

I want to echo the sentiments the gentlewoman from Florida has expressed and pay tribute to our good friend and colleague, SAM GIBBONS.

SAM has been an outstanding statesman from Florida, as you know, for many years, having served in the Florida legislature with distinction and then here in the Congress of the United States.

I remember when I was working in television news in Panama City, a good number of years ago, the first time I had met SAM GIBBONS. In fact, the only time, I guess, until I was elected to Congress. He came through, and I think at that time SAM was possibly looking at a run for the U.S. Senate, which I do not believe he ever made. But I interviewed him and was very impressed with him at that time and have always been impressed with him.

Mr. Chairman, Nancy and I are delighted that we have as good friends SAM and Martha and their family.

Mr. Chairman, it was my privilege and honor to be on the CODEL with the gentleman from Mississippi [Mr. MONTGOMERY], along with other World War II veterans. We were in Normandy and participated in and were at a number of the commemoration ceremonies. I can say with assurance that the President made a great choice in asking SAM GIBBONS to be his representative. He did an outstanding job speaking on a number of occasions, some of which, I take it, were carried by the national television networks, whereas some were not. But throughout the whole week of ceremonies in commemoration of World War II for D-day, SAM GIBBONS and his family were in there and represented us very well and made a beautiful family, he, Martha, their sons Mark, Cliff, and Tim, and their wives and children; that is, SAM GIBBONS' grandchildren made a very beautiful family.

Not only that, but the remarks that SAM made I think were very touching to us because he is one, as the gentlewoman suggested, who actually landed during this time. This was a period of triumph and tragedy for our country, but as was pointed out time and time again, had D-day not happened and that invasion to get the enemy out of France and to begin the end of Adolf Hitler, we might not be here at this time; the world might have been totally different.

So I am very, very proud of our colleague, SAM GIBBONS, and his contribution to the war effort and bringing freedom to our Nation and to the world as well as his good work as statesman and a Member of the House of Representatives.

Mrs. MEEK of Florida. I thank the gentleman from Florida for his comments.

Mr. Chairman, I yield to the gentleman from Mississippi [Mr. MONTGOMERY], chairman of the Committee on Veterans' Affairs.

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

Mr. Chairman, we had our CODEL at Normandy, and we were there with SAM GIBBONS, his wife Martha, and his three sons and their families. We were mighty proud of him.

Mr. Chairman, Mr. GIBBONS used no notes in his remarks. He talked to thousands and thousands of veterans from all the allied forces. After his remarks, veterans stood up and cheered.

Mr. Chairman, SAM is a great American. We were honored to be with him at three different ceremonies. He represented the President and the Congress, and the President could not have chosen a better person out of the 435 Members.

I thank the gentlewoman from Florida for yielding.

Mrs. MEEK of Florida. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida [Mr. BACCHUS].

Mr. BACCHUS of Florida. I thank the gentlewoman for yielding this time to me.

Mr. Chairman, I simply want to join my colleagues from Florida and throughout the country in saying what a privilege it is to serve with SAM GIBBONS. SAM has long been one of my heroes. I am very privileged and proud to say that for 25 years he has been a friend. He has known me since I was a teenager. He has helped raise me, he has laughed at me, laughed with me, along with me. SAM has been a leader for 50 years in many, many ways. He is a leader still today.

Mr. Chairman, SAM has faced and met and conquered every challenge that has ever confronted me. Today he has some new challenges in the House. I look forward to all those stories in the fall about how so many people have underestimated my friend, SAM GIBBONS.

I am confident the gentleman will lead us this year and in the years to come just as well as he led those troops in Normandy on D-day.

Thank you very much, SAM, for your friendship.

Mrs. MEEK of Florida. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore (Mr. BERMAN). The time of the gentlewoman from Florida [Mrs. MEEK] has expired.

Mr. SPENCE. Mr. Chairman I yield 3 minutes of my 7½ minutes to the gentlewoman from Florida [Mrs. MEEK], and ask unanimous consent that she be allowed to yield time as may be required.

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

There was no objection.

Mrs. MEEK of Florida. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida [Mrs. THURMAN].

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Mrs. THURMAN. Mr. Chairman, my esteemed colleague from Florida, Congressman SAM GIBBONS, established himself as a leader early in life.

Just 50 years ago, SAM GIBBONS was a skinny 24-year-old captain in the 501st Parachute Infantry.

In the dark, predawn hours of June 6, SAM began the long and treacherous campaign to wrest control of Europe from Hitler's iron grasp by parachuting through thick machinegun fire and behind German lines near Normandy, France.

Realizing he was alone and miles from his planned drop point, SAM nonetheless quickly determined his position, picked up other Americans along the way, and carried out his mission to capture French towns and prevent reinforcements from reaching German troops battling the Allied invasion at Normandy.

Mr. Chairman, SAM GIBBONS helped D-day succeed by carrying out his mission.

I am proud to call SAM GIBBONS my friend. I can think of no one better, Mr. Chairman, to guide this House through the minefields of health care reform than the man who began the defeat of the Nazi war machine in the dark skies over France 50 years ago.

Mrs. MEEK of Florida. Mr. Chairman, we want to end this tribute to the gentleman from Florida [Mr. GIBBONS] and say to him, "We thank you from the bottom of our hearts for having represented this great country on the beaches of Normandy and as a paratrooper. We owe our lives and the quality of our democratic ideals to your contribution. Thank you."

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Chairman, I would like to join my colleagues from Florida in recognizing our good friend, the gentleman from Florida [Mr. GIBBONS] 50 years ago, he was one of those heroes who helped win the battle of Normandy.

Having just returned from France, I would like to emphasize to every American the tremendous pride that we should all feel in what SAM GIBBONS and all those who fought at Normandy accomplished. The tribute to the veterans of D-day was one of the most moving experiences I have ever had, as well as the tremendous appreciation the French people showered on them.

SAM GIBBONS was one of the first to land on the European continent. He was one of those who worked behind enemy lines with the "clickers" which we heard so much about during the commemoration. The courage and leadership he exhibited then was extraordinary. And we have been fortunate that, 50 years after D-day, he continues his service to the American people here in the House of Representatives.

So, along with our other colleagues in the House, TOM BEVILL and our minority leader BOB MICHEL, and all Americans who served at Normandy, I would like to salute my colleague SAM GIBBONS as a true American hero.

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

Mr. Chairman, I would like to associate myself with the remarks of everyone speaking here today on behalf of my good friend, the gentleman from Florida [Mr. GIBBONS]. On numerous occasions he and I have discussed his exploits during World War II and in particular, during D-day. He is a great American, and we are all indebted to him and all those who served.

As my colleagues know, too few of us ever pause to think back. And I am glad we have been celebrating the 50th anniversary of D-day recently and have once again had the chance to realize what so many people did and sacrificed on behalf of all of us. The gentleman from Florida [Mr. GIBBONS], Republican leader BOB MICHEL, and many others

proudly represent the millions who fought for all of us during World War II.

Mr. Chairman, I was, of course, a little bit too young for that conflict, but thank goodness and thank God for people like the gentleman from Florida [Mr. GIBBONS].

Mr. Chairman, I yield the balance of my time to the gentleman from Florida [Mr. GIBBONS] so he might be able to respond and feel free to say anything he may choose to say.

Ms. BROWN of Florida. Mr. Chairman, I rise today to pay tribute to a great Floridian and a great American. I rise to tell the American people about this true public servant, who has given more than 40 years of his life to serving this country, and serving his constituents in the Tampa Bay area.

Mr. Chairman, SAM GIBBONS is this man. He has fought for our Nation on the beaches of Normandy and has fought for the rights of poor and older Americans. He has been a staunch voice on trade issues, and opening foreign markets to U.S. companies.

And today, SAM GIBBONS, a true friend of Florida and a defender of our Nation, will be leading our Nation on a path toward healing and a return to global competitiveness. A path toward reforming the way we receive our health care. And a path to make our country more competitive as he addresses this nation's economic problems at home and abroad.

It is a true pleasure, Mr. Chairman, to pay tribute to this fine American.

Mr. GIBBONS. Mr. Chairman, I thank very much the gentleman from South Carolina [Mr. SPENCE], the gentleman from Mississippi [Mr. MONTGOMERY], and the gentlewoman from Florida [Mrs. MEEK], and everyone who has participated in this. I do not deserve it, but I really appreciate it.

I was able to meet with some of my colleagues on one of those nights, on the 5th of June just before the celebrations on the 6th, and I told them then at that time that everyone in the room deserved the honor of being the President's representative more than I did because I knew they were good soldiers. But I appreciated the opportunity of being able to serve, and I think it is important that all Americans ought to understand that the people that fought there in Normandy for us were good, loyal, patriotic people who loved their country, who had a great respect for the institutions of their country, and they still show it today. I talked to many of them, some of them rather infirmed, some of them rather aged, but they still have that great love of country, and great respect and pride in our institutions, and it was really inspiring to see that and to hear that.

I want to say, as I said there, that there are a couple of lessons that we ought to draw out of our experiences in Normandy, and the first lesson is that America must remain involved as a world leader. Being involved is not

pleasant. We have got to make sacrifices to do that. We have got to remain strong enough so that we are believable, so we can say no to would-be aggressors. But, when our vital interests are at stake, we can say no, and we can control the situation.

Second, Mr. Chairman, we really want to pay attention to the quality of the people that we attract to serve in our Armed Forces. I had experiences before World War II in training some of the people who were not as well qualified physically, mentally or emotionally to be soldiers. I can say, without any challenge in my own mind, "You can't lead a soldier that's not willing to fight, you can't train a soldier that's not willing to fight, and if you got to fight, you have got to have something you're fighting for." So, we need to keep the quality of the new people who come into the service year, after year, after year up to a very high standard. We need to reward them so that they will look upon military service as an opportunity.

I say to my colleagues, "Those are the kind of people we need. Those are the kind of people who will keep America strong."

I want to thank everybody for participating in this, and I want to say, "I'm just glad to be here. Thank you."

The CHAIRMAN pro tempore (Mr. BACCHUS of Florida). All time for general debate has expired.

AMENDMENTS EN BLOC, AS MODIFIED, OFFERED BY MR. MONTGOMERY

Mr. MONTGOMERY. Mr. Chairman, pursuant to section 4 of House Resolution 431, I offer the following en bloc amendment, consisting of amendments 2, 3, 9, 10 (as modified), 12 (as modified), 15 (as modified), 16 (as modified), 23, 31 (as modified), 32 (as modified), 33, 35 (as modified), 40, 46 (as modified), 50 (as modified), 51, 52 (as modified), 53 (as modified), 54, 55, 56 (as modified), 59 (as modified), 60 (as modified), 64 (as modified), 65 (as modified) and 66 printed in part 1 of House Report 103-520; and amendment 10 (as modified) printed in part 1 of House Report 103-509.

The CHAIRMAN pro tempore. The Clerk will designate the amendments en bloc and report the modifications.

The texts of the amendments en bloc, as modified, offered by Mr. MONTGOMERY are as follows:

Amendments en bloc, as modified, offered by Mr. MONTGOMERY:

AMENDMENT OFFERED BY MR. GINGRICH
At the end of title X (page 277, after line 2), insert the following new section:
SEC. . PROHIBITION ON USE OF DEPARTMENT OF DEFENSE FUNDS FOR UNITED STATES SHARE OF COSTS OF UNITED NATIONS PEACEKEEPING OPERATIONS.

No funds authorized to be appropriated by this Act may be transferred or obligated for the payment of the assessed share of the United States for costs of United Nations peacekeeping operations or for any arrearages derived therefrom.

AMENDMENT OFFERED BY MRS. SCHROEDER

Page 279, line 17, strike out "\$355,600,000" and insert in lieu thereof "\$295,600,000".

Page 279, line 20, strike out "\$50,000,000" and insert in lieu thereof "\$80,000,000".

Page 279, line 23, strike out "\$50,000,000" and insert in lieu thereof "\$80,000,000".

Page 280, line 4, strike out "\$15,000,000" and insert in lieu thereof "\$45,000,000".

AMENDMENT OFFERED BY MS. FURSE

At the end of subtitle D of title XXXI (page 414, after line 4) add the following new section:

SEC. . PROHIBITION ON DISCLOSURE OF CERTAIN INFORMATION ON EXPOSURE TO RADIATION RELEASED FROM HANFORD NUCLEAR RESERVATION.

Section 3138 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1834) is amended by adding at the end the following new subsection:

"(d) PROHIBITION ON DISCLOSURE OF EXPOSURE INFORMATION.—(1) Except as provided in paragraph (2), a person (including the Secretary of Energy, an officer or employee of a State, or any other person participating in or receiving assistance under a program established under this section) may not disclose to the public any information obtained through the program that identifies a person who may have been exposed to radiation released from the Hanford Nuclear Reservation or that identifies a person participating in any of the programs developed under this section. Information prohibited from disclosure under this subsection shall include—

"(A) the name, address, and telephone number of a person requesting information referred to in subsection (b)(1);

"(B) the name, address, and telephone number of a person who has been referred to a health care professional under subsection (b)(2);

"(C) the name, address, and telephone number of a person who has been registered and monitored pursuant to subsection (b)(3);

"(D) information that identifies the person from whom information referred to in this paragraph was obtained under the program or any other third party involved with, or identified, by any such information so obtained; and

"(E) any other personal or medical information that identifies a person or party referred to in subparagraphs (A) through (D).

"(2) Information referred to in paragraph (1) may be disclosed to the public if the person identified by the information, or the person's legal representative, has consented in writing to the disclosure.

"(3) The States of Washington, Oregon, and Idaho shall establish procedures for carrying out this subsection, including procedures governing the disclosure of information under paragraph (2)."

AMENDMENT, AS MODIFIED, OFFERED BY MR. EVANS

Page 15, line 15, strike out "\$854,833,000" and insert in lieu thereof "\$854,883,000".

Strike out section 851 (page 233, line 9, and all that follows through line 18 on page 234).

AMENDMENT AS MODIFIED, OFFERED BY MR. PETERSON OF FLORIDA

At the end of title X (page 277, after line 2), insert the following new section:

SEC. . ASSISTANCE TO FAMILY MEMBERS OF KOREAN CONFLICT POW/MIAS WHO REMAIN UNACCOUNTED FOR.

(a) SINGLE POINT OF CONTACT.—The Secretary of Defense shall designate an official of the Department of Defense to serve as a single point of contact within the depart-

ment for the immediate family members (or their designees) of any unaccounted-for Korean Conflict POW/MIA.

(b) UNACCOUNTED-FOR KOREAN CONFLICT POW/MIA DEFINED.—For purposes of this section, the term "unaccounted-for Korean Conflict POW/MIA" means a member of the Armed Forces or civilian employee of the United States who, as a result of service during the Korean Conflict, was at any time classified as a prisoner of war or missing-in-action or otherwise as unaccounted for and whose person or remains have not been returned to United States control and who remains unaccounted for.

(c) FUNCTIONS.—The official designated under subsection (a) shall serve as a liaison between the family members of unaccounted-for Korean Conflict POW/MIAs and the Department of Defense and other Federal departments and agencies that may hold information that may relate to unaccounted-for Korean Conflict POW/MIAs. The functions of that official shall include assisting family members—

(1) with procedures the family may follow in their search for information about the unaccounted-for Korean Conflict POW/MIA;

(2) in learning where they might locate information about the unaccounted-for Korean Conflict POW/MIA;

(3) in learning how and where to identify classified records that contain pertinent information and that will be declassified.

(d) ASSISTANCE IN OBTAINING DECLASSIFICATION.—The official designated under subsection (a) shall seek to obtain the rapid declassification of any relevant classified records that are identified.

(e) REPOSITORY.—The official designated under subsection (a) shall provide for a centralized repository for all documents relating to unaccounted-for Korean Conflict POW/MIAs that are located as a result of the official's efforts.

AMENDMENT AS MODIFIED, OFFERED BY MR. BERMAN

At the end of subtitle C of title XI (page 307, after line 11), insert the following new section:

SEC. 1136. ASSISTANCE FOR CERTAIN WORKERS DISLOCATED DUE TO REDUCTIONS BY THE UNITED STATES IN THE EXPORT OF DEFENSE ARTICLES AND SERVICES.

(a) ASSISTANCE UNDER THE DEFENSE CONVERSION ADJUSTMENT PROGRAM.—Section 325 of the Job Training Partnership Act (29 U.S.C. 1662d) is amended—

(1) in subsection (a), by striking out "or by closures of United States military facilities" each place it appears and inserting in lieu thereof "or by closures of United States military facilities, or by reductions in the export of defense articles and defense services as a result of United States policy, including reductions in the amount of defense articles and defense services under agreements to provide such articles or services or through termination or completion of any such agreements";

(2) in subsection (d), by striking out "or by the closure of United States military installations" and inserting in lieu thereof "or by closures of United States military facilities, or by reductions in the export of defense articles and defense services as a result of United States policy, including reductions in the amount of defense articles and defense services under agreements to provide such articles or services or through termination or completion of any such agreements"; and

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

"(f) DEFINITION.—For purposes of this section, the term 'defense articles and defense services' means defense articles, defense services, or design and construction services under the Arms Export Control Act, including defense articles and defense services licensed or approved for export under section 38 of that Act."

(b) ASSISTANCE UNDER THE DEFENSE DIVERSIFICATION PROGRAM.—Section 325A of the Job Training Partnership Act (29 U.S.C. 1662d-1) is amended—

(1) in subsection (b)(3)(A), by striking out "or the closure or realignment of a military installation" and inserting in lieu thereof "the closure or realignment of a military installation, or reductions in the export of defense articles and defense services as a result of United States policy, including reductions in the amount of defense articles and defense services under agreements to provide such articles or services or through termination or completion of any such agreements";

(2) in subsection (k)(1), by striking out "or by the closure of United States military installations" and inserting in lieu thereof "the closure of United States military installations, or reductions in the export of defense articles and defense services as a result of United States policy, including reductions in the amount of defense articles and defense services under agreements to provide such articles or services or through termination or completion of any such agreements"; and

(3) in subsection (o), by adding at the end the following new paragraph:

"(3) DEFENSE ARTICLES AND DEFENSE SERVICES.—The term 'defense articles and defense services' means defense articles, defense services, or design and construction services under the Arms Export Control Act, including defense articles and defense services licensed or approved for export under section 38 of that Act."

AMENDMENT, AS MODIFIED, OFFERED BY MR. DELLUMS

At the end of title VIII (page 246, after line 23), insert the following new section:

SEC. 873. DEFENSE ACQUISITION PILOT PROGRAM.

(a) DESIGNATIONS.—Pursuant to section 809(b) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1485, 1593; 10 U.S.C. 2430 note), as amended by section 811 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2315, 2450), the following defense acquisition programs are authorized to be designated for participation in the Defense Acquisition Pilot Program:

(1) FIRE SUPPORT COMBINED ARMS TACTICAL TRAINER (FSCATT).—All contracts directly relating to the procurement of a training simulation system, including related hardware, software, and subsystems, to perform collective training of field artillery gunnery teams, with development of software as required to generate the training exercises.

(2) JOINT DIRECT ATTACK MUNITION (JDAM D).—All contracts directly relating to the development and procurement of a strap-on guidance kit, using an inertially guided, Global Positioning System updated guidance kit to enhance the delivery accuracy of 1000 and 2000 pound bombs in inventory.

(3) COMMERCIAL-DERIVATIVE AIRCRAFT (CDA).—(A) All contracts related to acquisition or upgrading of commercial-derivative aircraft for use in future Air Force airlift, tanker, and airborne warning and control system requirements.

(B) For purposes of this paragraph, the term "commercial-derivative aircraft" means any of the following:

(i) Any aircraft that is of a type customarily used in the course of normal business operations for other than Federal Government purposes, that has been issued a type certificate by the Administrator of the Federal Aviation Administration, and—

(I) that has been sold or leased for use in the commercial marketplace; or

(II) that has been offered for sale or lease for use in the commercial marketplace.

(ii) Any aircraft that, but for—

(I) modifications of a type customarily available in the commercial marketplace; or

(II) minor modifications made to meet Federal Government requirements;

would satisfy the criteria in clause (i).

(b) **AUTHORIZATION FOR WAIVERS.**—With respect to the programs described in subsection (a), the Secretary of Defense is authorized to waive or limit the applicability of the following provisions of law:

(1) Section 2306(b) of title 10, United States Code (relating to prohibition against contingent fees).

(2) Section 2320 of such title (relating to requirements pertaining to technical data).

(3) Section 2321 of such title (relating to validation of proprietary data restrictions).

(4) Section 2324 of such title (relating to requirement for the disclosure of the identity of suppliers and sources of supplies).

(5) Section 2393(d) of such title (relating to prohibition against doing business with certain offerors or contractors).

(6) Section 2402 of such title (relating to prohibition on limitation of subcontractor direct sales).

(7) Section 2408(a) of such title (relating to prohibition on certain involvement with persons convicted of defense contract-related felonies).

(8) Section 2410b of such title (relating to contractor inventory accounting system standards).

(9) Section 843 of Public Law 103-160 (107 Stat. 1720) (relating to reports on defense contractors dealings with terrorist countries).

(c) **CONDUCT OF DEFENSE ACQUISITION PROGRAMS.**—In the case of each defense acquisition program designated under subsection (a) for participation in the Defense Acquisition Pilot Program, the Secretary of Defense shall—

(1) develop guidelines and procedures for carrying out the program and the criteria to be used in measuring the success of the program;

(2) evaluate the potential costs and benefits which may be derived from the innovative procurement methods and procedures tested under the program; and

(3) develop the methods to be used to analyze the results of the program.

(d) **RULE OF CONSTRUCTION.**—Nothing in the amendments made by this section shall be construed as authorizing the appropriation or obligation of funds for the programs designated as defense acquisition pilot programs under subsection (a).

AMENDMENT OFFERED BY MR. FAZIO

Page 66, strike out line 13 and all that follows through line 6 on page 68 (relating to a reutilization initiative for Army and Navy depot-level activities) and insert in lieu thereof the following:

SEC. 329. REUTILIZATION INITIATIVE FOR DEPOT-LEVEL ACTIVITIES.

(a) **PILOT PROGRAM AUTHORIZED.**—During fiscal year 1995, the Secretary of Defense shall carry out a pilot program to encourage commercial firms to enter into partnerships with depot-level activities of the military departments for the purpose of—

(1) demonstrating commercial uses of such depot-level activities that are related to the principal mission of such depot-level activities;

(2) preserving employment and skills of employees currently employed by such depot-level activities or providing for the re-employment and retraining of employees who, as the result of the closure, realignment, or reduced in-house workload of such activities, may become unemployed; and

(3) supporting the goals of other defense conversion, reinvestment, and transition assistance programs while also allowing such depot-level activities to remain in operation to continue to perform their defense readiness mission.

(b) **PARTICIPANTS IN PILOT PROGRAM.**—The Secretary shall designate not less than six depot-level activities of the military departments to participate in the pilot program under this section. Of these depot-level activities, at least two shall be depot-level activities of the Department of the Army, at least two shall be depot-level activities of the Department of the Navy, and at least two shall be depot-level activities of Department of the Air Force.

(c) **CONDITIONS ON PILOT PROGRAM.**—In carrying out the pilot program under this section, the Secretary shall ensure that the program—

(1) does not interfere with the closure or realignment of a depot-level activity of the military departments under a base closure law; and

(2) does not adversely affect the readiness or primary mission of a participating depot-level activity.

(d) **FUNDING FOR FISCAL YEAR 1995.**—Of the amounts authorized to be appropriated under section 301, \$100,000,000 shall be available only to carry out the pilot program under this section.

AMENDMENT, AS MODIFIED, OFFERED BY MS.

MC KINNEY

At the end of title X (page 277, after line 2), insert the following new section:

SEC. . REPORT ASSESSING THE REGIONAL SECURITY CONSEQUENCES OF UNITED STATES MILITARY COOPERATION PROGRAMS.

(a) **REPORT.**—On or before the date of the submission to Congress of the next annual report of the Secretary of Defense submitted after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report assessing the national security consequences of United States military cooperation programs. The report shall be organized into separate sections for each region of the world (as defined by the Secretary) in which there is a significant degree of internal political instability or possibility of changes in the external policies of countries with which the United States has significant military cooperation relationships.

(b) **MATTERS TO BE INCLUDED.**—Each regional section of the report required under subsection (a) shall include the following:

(1) A description of cooperative military relationships in effect between the United States and the countries of the region.

(2) A description of how these activities are intended to improve regional security.

(3) An assessment of the risks associated with engaging in military cooperation programs with countries in the region should the government of any of such country change its political orientation in a manner hostile to United States interests.

(4) An analysis of the effect on regional security of possible multilateral actions to reduce the military capability of governments

and military forces in the region that could pose a future threat to United States interests.

(c) **CLASSIFIED AND UNCLASSIFIED FORM OF REPORT.**—The report under subsection (a) shall be submitted in unclassified form and, to the extent necessary, in classified form.

AMENDMENT, AS MODIFIED, OFFERED BY MR. MENENDEZ

At the end of title XI (page 308, after line 24), insert the following new section:

SEC. 1152. PLAN FOR DEPLOYMENT OF DEFENSE ENVIRONMENTAL TECHNOLOGIES FOR DREDGING OF DUAL-USE PORTS.

(a) **ESTABLISHMENT.**—The Secretary of Defense shall establish a plan for the Department of Defense to encourage the further development and deployment of existing defense environmental technologies in support of the dredging requirements of dual-use ports, including—

(1) the environmentally secure containment and management of contaminated dredged materials; and

(2) the decontamination of dredged materials.

(b) **MATTERS TO BE INCLUDED.**—The plan to be established pursuant to subsection (a) shall include the following:

(1) A description of defense reinvestment and defense conversion programs under chapter 148 of title 10, United States Code, that are available to facilitate the deployment of defense environmental technologies in support of the dredging requirements of dual-use ports.

(2) A description of existing defense environmental technologies and processes that are available to support the objectives of the plan to be established pursuant to subsection (a).

(3) Recommendations for strategies to deploy such technologies and processes to ports of various sizes, including—

(A) ports with projects requiring more than 5,000,000 cubic yards of sediment to be dredged annually;

(B) ports with projects requiring more than 1,000,000 cubic yards of sediment to be dredged annually;

(C) ports that have been affected by, or are likely to be affected by, the closure of one or more major military installations and that, as a result thereof, require substantial environmental remediation; and

(D) military port installations that have experienced significant delays in advancing dredging projects because of environmental compliance or dredged material disposal problems.

(4) After consultation with the heads of other appropriate Federal agencies, an assessment of other available technologies and processes that may be used in support of the plan to be established pursuant to subsection (a).

(5) An assessment of the potential benefits and methods of transfer of technologies and processes for use in connection with dredging processes in commercial ports and waterways.

(c) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall transmit to Congress a report containing the plan to be established pursuant to subsection (a).

At the end of subtitle D of title XXVIII (page 366, after line 24), insert the following new section:

AMENDMENT OFFERED BY MR. MILLER OF CALIFORNIA

SEC. 2839. LAND CONVEYANCE, NAVAL SHIPYARD, VALLEJO, CALIFORNIA.

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Navy may convey, without consideration, to the City of Vallejo, California (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 (including improvements thereon) described in subsection (b), which is located on Mare Island in Vallejo, California, and is currently under the control of Mare Island Naval Shipyard Command.

(b) **DESCRIPTION OF PROPERTY.**—The parcel of real property to be conveyed under subsection (a) shall consist of all existing active dredge ponds and nontidal areas on Mare Island under the jurisdiction of the Navy, except that the parcel shall not include the nontidal areas identified in figure 3 of the Memorandum of Understanding between the United States Fish and Wildlife Service and Mare Island Naval Shipyard, dated July 28, 1988. The exact acreage and legal description of the real property to be conveyed shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the City.

(c) **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 appropriate to protect the interests of the United States.

AMENDMENT, AS MODIFIED, OFFERED BY MR. OBERSTAR

At the end of subtitle A of title II (page 27, after line 5), insert the following new section:

SEC. 203. TACONITE PROCESSING TECHNOLOGY.

Of the amount provided in section 201 for the Navy, the sum of \$500,000 shall be available for the purpose of initiating and carrying out a manufacturing technology program for taconite processing technology.

AMENDMENT OFFERED BY MR. STARK

At the end of title X (page 277, after line 2), insert the following new section:

SEC. 1038. STUDY ON USE OF LOW-ENRICHED URANIUM TO FUEL NAVAL REACTORS.

Not later than June 1, 1995, the Secretary of Defense and the Secretary of Energy shall jointly submit to the Congress a report on the costs, advantages, and disadvantages of using low-enriched uranium to fuel naval reactors. The report shall include the following:

(1) An examination of the implications of using low-enriched uranium to fuel naval reactors for current and future United States nuclear-powered naval vessels.

(2) An assessment of the effects of such use on—

(A) the factors of operating performance, ship displacement, and reactor core life, including the full range of plausible trade-offs between such factors;

(B) construction and operating costs; and

(C) naval fuel cycle impacts.

(3) An assessment of the effect on United States nuclear nonproliferation policies if such use were established, under the leadership of the United States, as the future global norm.

(4) An assessment of the relative complexity, effectiveness, and risks of safeguards as applied to low-enriched uranium and highly-enriched uranium naval fuel cycles under the President's proposal for a global cutoff in the production of fissile material or outside of safeguards.

(5) An assessment of the potential Federal budget savings that would result from such use.

AMENDMENT, AS MODIFIED, OFFERED BY MR. KENNEDY

At the end of title X (page 277, after line 2), insert the following new section:

SEC. . SENSE OF CONGRESS CONCERNING NUCLEAR NONPROLIFERATION TREATY REVIEW CONFERENCE.

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

(1) The Treaty on the Non-Proliferation of Nuclear Weapons, signed at Washington, D.C., London, and Moscow on July 1, 1968, is the centerpiece of global efforts to prevent the spread of nuclear weapons.

(2) The United States has demonstrated longstanding support for that treaty and related efforts to prevent the spread of nuclear weapons.

(3) President Clinton has declared that preventing the spread of nuclear weapons is one of the highest priorities of his Administration.

(4) In April 1995, the parties to the Treaty on the Non-Proliferation of Nuclear Weapons will convene a Review Conference in New York City to discuss the indefinite extension of the treaty.

(5) The policy of the President is to seek at the Review Conference the indefinite and unconditional extension of that treaty.

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

(1) the President has the full support of Congress in seeking the indefinite and unconditional extension of the Treaty on the Non-Proliferation of Nuclear Weapons;

(2) the President should as soon as possible fill those positions at the United States Arms Control and Disarmament Agency and other departments and agencies with responsibility for nonproliferation and the 1995 Review Conference for the Treaty on the Non-Proliferation of Nuclear Weapons;

(3) the President, when formulating and implementing other elements of nonproliferation policy of the United States (including United States counter proliferation doctrine, the nuclear Posture Review, and nuclear testing policy), should take into account the objectives of the United States at the 1995 Review Conference for the Treaty on the Non-Proliferation of Nuclear Weapons; and

(4) the President and the President's senior national security advisers should dedicate themselves to ensuring the indefinite and unconditional extension of the Treaty on the Non-Proliferation of Nuclear Weapons at the 1995 Review Conference for that treaty.

AMENDMENT, AS MODIFIED, OFFERED BY MR. HAMILTON

In subsection (b) of section 2219 of title 10, United States Code, as proposed to be added by section 1024(a), insert before "Whenever the Secretary of Defense" the following:

The Secretary of Defense shall carry out such foreign disaster assistance as the President may direct the Secretary to provide.

AMENDMENT, OFFERED BY MR. QUILLEN

At the end of title XXVIII (page 374, after line 7), insert the following new section:

SEC. 2858. ADDITIONAL EXCEPTION TO PROHIBITION ON STORAGE AND DISPOSAL OF NONDEFENSE TOXIC AND HAZARDOUS MATERIALS AT MILITARY INSTALLATIONS.

Section 2692(b) of title 10, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (7);

(2) by striking out the period at the end of paragraph (8) and inserting in lieu thereof "and"; and

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

"(9) The treatment and disposal of any material that is not owned by the Department of Defense if the Secretary of the military department concerned determines that the material is required or generated by a private person in connection with the authorized and compatible use by that person of an industrial-type facility of that military department and the Secretary enters into a contract with that person that is consistent with the best interest of national defense and economic and environmental security and is based on mutually agreeable terms."

AMENDMENT, AS MODIFIED, OFFERED BY MR. UNDERWOOD

At the end of title X (page 277, after line 2), insert the following new section:

SEC. 1038. ASSISTANCE FOR PUBLIC PARTICIPATION IN DEFENSE ENVIRONMENTAL RESTORATION ACTIVITIES.

(a) **ESTABLISHMENT OF RESTORATION ADVISORY BOARDS.**—Section 2705 of title 10, United States Code, is amended by adding after subsection (c) the following new subsection:

"(d) **RESTORATION ADVISORY BOARD.**—In lieu of establishing a technical review committee under subsection (c), the Secretary may permit the establishment of a restoration advisory board in connection with any installation (or group of nearby installations) where the Secretary is planning or implementing environmental remediation activities. The Secretary shall prescribe regulations regarding the duties, composition, and establishment of, and the payment of routine administrative expenses of, restoration advisory boards to be established pursuant to this subsection."

(b) **ASSISTANCE FOR CITIZEN PARTICIPATION ON TECHNICAL REVIEW BOARDS AND RESTORATION ADVISORY BOARDS.**—Such section is further amended by adding after subsection (d) (as added by subsection (a)) the following new subsection:

"(e) **ASSISTANCE FOR CITIZEN PARTICIPATION.**—(1) Using such amounts as may be made available under paragraph (3), and pursuant to regulations prescribed by the Secretary for this purpose, the Secretary shall provide funds to facilitate the participation of private individuals on technical review committees and restoration advisory boards for the purpose of ensuring public input into the planning and implementation of environmental remediation activities at installations where such committees and boards are in operation.

"(2) Funds provided under this subsection may be used only—

"(A) to obtain technical assistance in interpreting scientific and engineering issues with regard to the nature of environmental hazards at an installation and the remedial activities proposed or conducted at the installation; and

"(B) to assist such members and affected citizens to more effectively participate in the environmental restoration process at the installation.

"(3) To provide funds under this subsection for a fiscal year, there shall be available an amount up to ¼ of one percent of the appropriated funds (but not to exceed \$7,500,000 for fiscal year 1995) available to the Secretary for that year for environmental restoration through—

"(A) the Defense Environmental Restoration Account; and

"(B) with respect to defense facilities to be closed or realigned, the Department of Defense Base Closure Account 1990."

(c) INVOLVEMENT OF COMMITTEES AND BOARDS IN DEFENSE ENVIRONMENTAL RESTORATION PROGRAM.—Such section is further amended by adding after subsection (e) (as added by subsection (b)) the following new subsection:

“(f) INVOLVEMENT IN DEFENSE ENVIRONMENTAL RESTORATION PROGRAM.—Consistent with regulations prescribed by the Secretary, the Secretary shall consult with, and seek the advice of, the technical review committee or restoration advisory board established for an installation (if any) on the following issues:

“(1) Identifying environmental remediation activities and projects at the installation.

“(2) Tracking progress on these activities and projects.

“(3) Collecting information regarding remediation priorities for the installation.

“(4) Addressing land use, level of remediation, acceptable risk, and waste management and technology development issues related to remediation at the installation.

“(5) Developing remediation strategies.”.

(d) REPORT ON EFFECT OF IMPLEMENTATION.—Not later than December 1, 1994, the Secretary of Defense shall submit a report to Congress describing the manner in which the Secretary will implement the amendments made by this section. The report shall include—

(1) an estimate of the total amount of funds to be provided to technical review committees and restoration advisory boards under subsection (e) of section 2705 of title 10, United States Code (as added by subsection (b)), during the five-fiscal year period beginning on October 1, 1994, and the cost to be incurred by the Secretary during such period to carry out such amendments;

(2) an analysis of whether the establishment of restoration advisory boards under subsection (d) of such section (as added by subsection (a)) could delay or disrupt defense environmental restoration activities; and

(3) an analysis of whether the funding mechanism provided in subsection (e)(3) of such section (as added by subsection (b)) could result in funding shortfalls for defense environmental restoration activities.

(e) CONDITION ON IMPLEMENTATION.—Until the Secretary of Defense submits the report required by subsection (d), the Secretary may not obligate or expend any of the funds made available under subsection (e)(3) of section 2705 of title 10, United States Code (as added by subsection (b)) to provide funds to technical review committees and restoration advisory boards.

(f) TIME FOR REGULATIONS.—Not later than March 1, 1995, the Secretary of Defense shall prescribe the regulations required by the amendments made by this section.

AMENDMENT, AS MODIFIED, OFFERED BY MS. KAPTUR

At the end of subtitle B of title II (page 42, after line 5), insert the following new section:

SEC. 221. RESEARCH AND DEVELOPMENT FOR STRATEGIC METALS.

(a) RESEARCH AND DEVELOPMENT.—The Secretary of Defense, in consultation with the Secretary of Commerce, shall give consideration to acceleration of research and development projects for strategic metals and alloys to support the objectives of section 2501(c) of title 10, United States Code. In carrying out the preceding sentence, the Secretary of Defense shall begin by conducting a project for the acceleration of research in aluminum beryllium alloys to meet military and commercial standards for emerging applications.

(b) FUNDING.—Of the amounts authorized in section 201(4) for materials and electronic technology carried out by the Advanced Research Projects Agency, \$2,000,000 is authorized for the project for acceleration of research in aluminum beryllium alloys described in subsection (a).

AMENDMENT OFFERED BY MR. HALL OF OHIO

At the end of title X (page 277, after line 2), insert the following new section:

SEC. 1038. AUTHORIZATION TO EXCHANGE CERTAIN ITEMS FOR TRANSPORTATION SERVICES.

Paragraph (1) of section 2572(b) of title 10, United States Code, is amended by inserting “transportation,” after “salvage.”.

AMENDMENT OFFERED BY MR. HALL OF OHIO

At the end of subtitle B of title XXVIII (page 351, after line 23), insert the following new section:

SEC. 2816. GOVERNMENT RENTAL OF FACILITIES LOCATED ON CLOSED MILITARY INSTALLATIONS.

(a) AUTHORIZATION TO RENT BASE CLOSURE PROPERTIES.—To promote the rapid conversion of military installations that are closed pursuant to a base closure law, the Administrator of the General Services may give priority consideration, when leasing space in accordance with the Public Buildings Act of 1959 (40 U.S.C. 601 et seq.) and the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.), to facilities of such an installation that have been acquired by a non-Federal entity.

(b) BASE CLOSURE LAW DEFINED.—For purposes of this section, the term “base closure law” means 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) and title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

AMENDMENT, AS MODIFIED, OFFERED BY MR. HAMILTON

At the end of subtitle D of title XI (page 307, after line 19), insert the following new section:

SEC. 1142. LOAN GUARANTEES UNDER ARMAMENT RETOOLING AND MANUFACTURING SUPPORT INITIATIVE.

Section 193 of the Armament Retooling and Manufacturing Support Act of 1992 (subtitle H of title I of Public Law 102-484; 10 U.S.C. 2501 note) is amended by adding at the end the following new subsection:

“(d) LOAN GUARANTEES TO SUPPORT ARMS INITIATIVE.—(1) Subject to the availability of appropriations for this purpose, the Secretary of the Army may support the purposes of the ARMS Initiative by conducting a program to issue guarantees during fiscal year 1995 against the risk of nonpayment arising out of loans provided to businesses establishing commercial activities on inactive and active ammunition manufacturing facilities of the Department of the Army. During fiscal year 1995, the subsidy cost of loan guarantees issued under the loan guarantee program may not exceed \$43,000,000.

“(2) Applications for guarantees under the loan guarantee program shall be submitted to the Secretary of the Army. The maximum amount of loan principal that the Secretary may guarantee under loan guarantee program with respect to any loan may not exceed \$20,000,000. Any such loan shall provide for repayment over a period not to exceed 10 years.

“(3) The Secretary of the Army may enter into a cooperative agreement with an appropriate Federal agency, under which such

agency will process applications submitted under paragraph (2) and otherwise operate the loan guarantee program on behalf of the Secretary of the Army. From funds made available for the loan guarantee program, the Secretary of the Army may transfer to such agency pursuant to the agreement such sums as may be necessary for such agency to carry out its activities under the loan guarantee program.”.

AMENDMENT, AS MODIFIED, OFFERED BY MR. DICKS

At the end of subtitle C of title I (page 19, after line 15), insert the following new section:

SEC. 125. ADVANCED CAPABILITY (ADCAP) MODIFICATION PROGRAM FOR THE MK-48 TORPEDO.

Within the amount provided in section 102(a)(2) for procurement of weapons, including missiles and torpedoes, for the Navy—

(1) the amount provided for the Advanced Capability (ADCAP) modification program for the MK-48 torpedo is hereby increased by \$52,300,000; and

(2) the amount provided for the Fleet Satellite Communications program is hereby reduced by \$52,300,000.

AMENDMENT, AS MODIFIED, OFFERED BY MR. DELLUMS

At the end of subtitle A of title X (page 266, after line 20), insert the following new section:

SEC. 1005. IDENTIFICATION AND REPORTING OF UNAUTHORIZED APPROPRIATIONS.

(a) IN GENERAL.—(1) Chapter 9 of title 10, United States Code, is amended by inserting after section 222 the following new section:

“§ 223. Identification of unauthorized appropriations

“(a) IDENTIFICATION.—(1) Upon the enactment of a law making a defense appropriation, the Secretary of Defense shall determine, with respect to each defense appropriation provided in that law—

“(A) whether any part of such appropriation provides funds for an unauthorized program element (as defined in subsection (c)); and

“(B) if there are funds provided as part of any such appropriation for an unauthorized program element, the total amount of funds provided under that appropriation for all such unauthorized program elements.

“(2) A determination under paragraph (1) shall be made with respect to a defense appropriation for a fiscal year immediately upon enactment of the law making that appropriation. However, if as of the enactment of such law there has not been enacted a law specifically authorizing appropriations for that fiscal year for the purposes named in section 114(a) of this title, such determination shall be made immediately after enactment of such an authorization law.

“(3) Not later than 30 days after the enactment of such an appropriation or authorization law (whichever is enacted later), the Secretary shall submit to Congress a report identifying—

“(A) any unauthorized program element; and

“(B) any amount determined under paragraph (1)(B).

(b) COMPTROLLER GENERAL REVIEW AND REPORT.—(1) The Comptroller General shall promptly review each report of the Secretary under subsection (a). The Comptroller General shall submit a report to Congress if the Comptroller General determines—

“(A) that the law with respect to which the Secretary submitted a report provides appropriations for an unauthorized program element in addition to those identified in the report of the Secretary; or

"(B) that a program element identified in that report as an unauthorized program element is not unauthorized.

"(2) A report under paragraph (1)—

"(A) shall identify those defense appropriations, and program elements under appropriations, with respect to which the Comptroller General made determinations under subparagraphs (A) and (B), respectively, of such paragraph; and

"(B) shall include such comments and recommendations as the Comptroller General considers appropriate.

"(3) Such a report shall be submitted not later than 30 days after the date on which the report of the Secretary under subsection (a) is received by Congress.

"(c) DEFINITIONS.—In this section:

"(1) The term 'defense appropriation' means an amount appropriated or otherwise made available by Congress in an appropriation law for one of the purposes stated in section 114(a) of this title.

"(2) The term 'unauthorized program element' means a program element of a program, project, or activity of the Department of Defense (as identified in budget documents of the Department of Defense or in congressional budget documents) for which an amount is provided under a defense appropriation (whether or not specified in the appropriation Act concerned) in an amount greater than the amount authorized by law to be appropriated for such program element (whether or not such authorized amount is specified by law), determined by taking into consideration statutory language, legislative history, and budget documents submitted to Congress by the Department of Defense."

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"223. Identification of unauthorized appropriations."

(b) EFFECTIVE DATE.—Section 223 of title 10, United States Code, as added by subsection (a), shall with respect to amounts appropriated for fiscal years after fiscal year 1994.

AMENDMENT, AS MODIFIED, OFFERED BY MR. FAZIO

At the end of title X (page 277, after line 2), insert the following new section:

SEC. . AUTHORIZATION FOR INDUSTRIAL FACILITIES OF THE ARMED FORCES TO SELL ARTICLES AND SERVICES TO PERSONS OUTSIDE DEPARTMENT OF DEFENSE.

(a) ARMY SALES AUTHORITY.—(1) Section 4543 of title 10, United States Code, is amended to read as follows:

"§ 4543. Army industrial facilities: sales of manufactured articles or services outside Department of Defense

"(a) AUTHORITY TO SELL OUTSIDE DOD.—(1) Subject to paragraph (2), the Secretary of the Army may sell to eligible persons outside the Department of Defense articles and services produced by a working-capital funded Army industrial facility, including a Department of the Army arsenal.

"(2) The Secretary may not exercise the authority provided by this section until after the Secretary certifies to Congress that a cost accounting system has been developed—

"(A) to keep track of the costs associated with making sales of articles and services under this section; and

"(B) to ensure that expenditures made and revenues generated in such sales are not intermingled with funds authorized and appropriated for the military mission of the industrial facilities involved.

"(b) ELIGIBLE PURCHASERS.—Under such regulations as the Secretary may prescribe, the following persons shall be eligible to purchase articles and services under this section:

"(1) State and local governments.

"(2) Citizens of the United States and persons lawfully admitted for permanent residence in the United States.

"(3) Business entities that conduct a significant level of their research, development, engineering, and manufacturing activities in the United States and the majority ownership or control of which is by United States citizens.

"(c) CONDITIONS ON SALES.—The Secretary may make a sale under this section only if—

"(1) the purchaser agrees to hold harmless and indemnify the United States, except in cases of willful conduct or extreme negligence, from any claim for damages or injury to any person or property arising out of the articles or services purchased;

"(2) the Secretary determines that the requested articles or services can be substantially performed by the Army industrial facility concerned with only incidental subcontracting and that performance is in the public interest;

"(3) the Secretary determines that the sale of the requested articles or services will not interfere with the military mission of the Army industrial facility concerned; and

"(4) the sale of the goods and services is made on the basis that it will not interfere with performance of work by the Army industrial facility concerned for the Department of Defense.

"(d) METHODS OF SALE.—(1) The Secretary shall permit a purchaser of articles or services under this section to use advance incremental funding to pay for the articles or services.

"(2) In the sale of articles and services under this section, the Secretary shall—

"(A) charge the purchaser, at a minimum, the variable costs, capital improvement costs, and equipment depreciation costs that are associated with the articles or services sold;

"(B) enter into a firm, fixed-price contract or, if agreed by the purchaser, a cost reimbursement contract for the sale; and

"(C) 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 articles or services sold.

"(e) DEPOSIT OF PROCEEDS.—Proceeds from sales of articles and services under this section shall be deposited into the Defense Business Operations Fund.

"(f) 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.

"(g) DEFINITIONS.—In this section:

"(1) 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.

"(2) 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) Section 2208(i) of such title is amended by striking out "that manufactures large caliber cannons, gun mounts, recoil mechanisms, ammunition, munitions, or components thereof".

(b) NAVY SALES AUTHORITY.—(1) Chapter 645 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 7525. Navy industrial facilities: sales of manufactured articles or services outside Department of Defense

"(a) AUTHORITY TO SELL OUTSIDE DOD.—Subject to paragraph (2), the Secretary of the Navy may sell to eligible persons outside the Department of Defense articles and services produced by a working-capital funded Navy industrial facility.

"(2) The Secretary may not exercise the authority provided by this section until after the Secretary certifies to Congress that a cost accounting system has been developed—

"(A) to keep track of the costs associated with making sales of articles and services under this section; and

"(B) to ensure that expenditures made and revenues generated in such sales are not intermingled with funds authorized and appropriated for the military mission of the industrial facilities involved.

"(b) ELIGIBLE PURCHASERS.—Under such regulations as the Secretary may prescribe, the following persons shall be eligible to purchase articles and services under this section:

"(1) State and local governments.

"(2) Citizens of the United States and persons lawfully admitted for permanent residence in the United States.

"(3) Business entities that conduct a significant level of their research, development, engineering, and manufacturing activities in the United States and the majority ownership or control of which is by United States citizens.

"(c) CONDITIONS ON SALES.—The Secretary may make a sale under this section only if—

"(1) the purchaser agrees to hold harmless and indemnify the United States, except in cases of willful conduct or extreme negligence, from any claim for damages or injury to any person or property arising out of the articles or services purchased;

"(2) the Secretary determines that the requested articles or services can be substantially performed by the Navy industrial facility concerned with only incidental subcontracting and that performance is in the public interest;

"(3) the Secretary determines that the sale of the requested articles or services will not interfere with the military mission of the Navy industrial facility concerned; and

"(4) the sale of the goods and services is made on the basis that it will not interfere with performance of work by the Navy industrial facility concerned for the Department of Defense.

"(d) METHODS OF SALE.—(1) The Secretary shall permit a purchaser of articles or services under this section to use advance incremental funding to pay for the articles or services.

"(2) In the sale of articles and services under this section, the Secretary shall—

"(A) charge the purchaser, at a minimum, the variable costs, capital improvement costs, and equipment depreciation costs that are associated with the articles or services sold;

"(B) enter into a firm, fixed-price contract or, if agreed by the purchaser, a cost reimbursement contract for the sale; and

"(C) 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 articles or services sold.

"(e) DEPOSIT OF PROCEEDS.—Proceeds from sales of articles and services under this section shall be deposited into the Defense Business Operations Fund.

"(f) 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.

"(g) DEFINITIONS.—In this section:

"(1) 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.

"(2) 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:

"7525. Navy industrial facilities: sales of manufactured articles or services outside Department of Defense."

(c) AIR FORCE SALES AUTHORITY.—(1) Chapter 933 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 9541. Air Force industrial facilities: sales of manufactured articles or services outside Department of Defense

"(a) AUTHORITY TO SELL OUTSIDE DOD.—Subject to paragraph (2), the Secretary of the Air Force may sell to eligible persons outside the Department of Defense articles and services produced by a working-capital funded Air Force industrial facility.

"(2) The Secretary may not exercise the authority provided by this section until after the Secretary certifies to Congress that a cost accounting system has been developed—

"(A) to keep track of the costs associated with making sales of articles and services under this section; and

"(B) to ensure that expenditures made and revenues generated in such sales are not intermingled with funds authorized and appropriated for the military mission of the industrial facilities involved.

"(b) ELIGIBLE PURCHASERS.—Under such regulations as the Secretary may prescribe, the following persons shall be eligible to purchase articles and services under this section:

"(1) State and local governments.

"(2) Citizens of the United States and persons lawfully admitted for permanent residence in the United States.

"(3) Business entities that conduct a significant level of their research, development, engineering, and manufacturing activities in the United States and the majority ownership or control of which is by United States citizens.

"(c) CONDITIONS ON SALES.—The Secretary may make a sale under this section only if—

"(1) the purchaser agrees to hold harmless and indemnify the United States, except in cases of willful conduct or extreme negligence, from any claim for damages or injury to any person or property arising out of the articles or services purchased;

"(2) the Secretary determines that the requested articles or services can be substantially performed by the Air Force industrial facility concerned with only incidental subcontracting and that performance is in the public interest;

"(3) the Secretary determines that the sale of the requested articles or services will not interfere with the military mission of the Air Force industrial facility concerned; and

"(4) the sale of the goods and services is made on the basis that it will not interfere with performance of work by the Air Force industrial facility concerned for the Department of Defense.

"(d) METHODS OF SALE.—(1) The Secretary shall permit a purchaser of articles or services under this section to use advance incremental funding to pay for the articles or services.

"(2) In the sale of articles and services under this section, the Secretary shall—

"(A) charge the purchaser, at a minimum, the variable costs, capital improvement costs, and equipment depreciation costs that are associated with the articles or services sold;

"(B) enter into a firm, fixed-price contract or, if agreed by the purchaser, a cost reimbursement contract for the sale; and

"(C) 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 articles or services sold.

"(e) DEPOSIT OF PROCEEDS.—Proceeds from sales of articles and services under this section shall be deposited into the Defense Business Operations Fund.

"(f) 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.

"(g) DEFINITIONS.—In this section:

"(1) 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.

"(2) 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:

"9541. Air Force industrial facilities: sales of manufactured articles or services outside Department of Defense."

(d) CONTROL EFFECT OF SALES AUTHORITY ON BASE CLOSURE PROCESS.—Section 2903 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 (c)(2)—

(A) by inserting after the first sentence the following new sentence: "The Secretary shall also include a certification that the authorities provided in sections 4543, 7525, and 9541 of title 10, United States Code, for the sale outside the Department of Defense of articles and services produced by working-capital funded industrial facilities (and any sales, workloads, revenues, or other information resulting from the use or availability of such authorities) were not considered in preparing the list of recommendations referred to in paragraph (1)."; and

(B) by striking out "preceding sentence" and inserting in lieu thereof "preceding sentences"; and

(2) in subsection (d)(3), by inserting after the first sentence the following new sentence: "The Commission shall also include in its report a certification that the authorities provided in sections 4543, 7525, and 9541 of title 10, United States Code, for the sale outside the Department of Defense of articles and services produced by working-capital funded industrial facilities (and any sales, workloads, revenues, or other information resulting from the use or availability of such authorities) were not considered in making its recommendations for closures and realignments of military installations."

(e) EFFECTIVE DATE.—The amendments made by subsections (a), (b), and (c) shall take effect on June 1, 1995.

AMENDMENT AS MODIFIED, OFFERED BY MS. BROWN OF FLORIDA

At the end of section 328 (page 66, line 12), insert the following: "The Secretary of Defense should seek to ensure that the military departments maintain depot-level maintenance and repair capabilities necessary to ensure their critical readiness requirements."

AMENDMENT OFFERED BY MS. DELAUR

At the end of subtitle A of title III (page 52, after line 11), insert the following new section:

SEC. 306. SUPPORT FOR THE 1995 SPECIAL OLYMPICS WORLD GAMES.

(a) AUTHORITY TO PROVIDE SUPPORT.—The Secretary of Defense may provide logistical support and personnel services in connection with the 1995 Special Olympics World Games to be held in the State of Connecticut.

(b) PAY AND NONTRAVEL-RELATED ALLOWANCES.—(1) Except as provided in paragraph (2), the costs for pay and nontravel-related allowances of members of the Armed Forces for the support and services referred to in subsection (a) may not be charged to appropriations made pursuant to the authorization in subsection (c).

(2) Paragraph (1) does not apply in the case of members of a reserve component called or ordered to active duty to provide logistical support and personnel services for the 1995 Special Olympics World Games.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for

the Department of Defense for fiscal year 1995 the sum of \$2,000,000 to carry out subsection (a).

AMENDMENT, AS MODIFIED, OFFERED BY MR. FARR OF CALIFORNIA

At the end of title XI (page 308, after line 24), insert the following new section:

SEC. 1152. PILOT PROGRAM TO DEVELOP AND DEMONSTRATE ENVIRONMENTAL REMEDIATION TECHNOLOGIES.

(a) COOPERATIVE AGREEMENT FOR PILOT PROGRAM.—(1) The Secretary of Defense may enter into a cooperative agreement with an institution of higher education for the purpose of facilitating the development and demonstration of new methods and technologies for more effective and expedient environmental remediation at military installations by engaging in a pilot demonstration project as provided in subsection (b).

(2) If the Secretary enters into a cooperative agreement under paragraph (1), the agreement shall authorize the institution of higher education to enter into partnerships or other relationships with private and public entities for purposes of conducting activities under the cooperative agreement.

(b) PILOT PROJECT AT DEFENSE LANDFILL.—(1) If the Secretary enters into a cooperative agreement under subsection (a)(1), the agreement shall authorize the institution of higher education to participate in a cooperative pilot demonstration project at a Government landfill described in paragraph (2) if such demonstration project can be carried out in a manner that is consistent with all other actions at such landfill that the Secretary is legally required to undertake. The institution of higher education may engage in such project on a long-term basis to address the broader issues of environmental remediation and conversion of facilities of the Department of Defense.

(2) The Government landfill referred to in paragraph (1) is a Government landfill that—

(A) is listed on the National Priorities List pursuant to section 105(a)(8)(B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605(a)(8)(B)); and

(B) is located on a military installation to be closed pursuant to a base closure law.

(c) FUNDING.—(1) There is authorized to be appropriated to the Secretary of Defense for fiscal year 1995 \$4,000,000 for the establishment of the cooperative agreement and the activities necessary to conduct the pilot project.

(2) The amount authorized in section 201 for the joint Department of Defense and Department of Energy munitions technology development program for fiscal year 1995 is hereby reduced by \$4,000,000.

□ 1610

The Clerk proceeded to read the modifications.

Mr. MONTGOMERY (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the modifications be dispensed with.

The CHAIRMAN pro tempore (Mr. BACCHUS of Florida). Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 10 minutes, and the gentleman from South Carolina [Mr. SPENCE] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Chairman, I reserve my time.

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

Mr. Chairman, I rise in strong support of the Gingrich amendment sponsored by the Republican leadership, myself, and Mr. GILMAN which will be incorporated in today's en bloc package of amendments. The amendment prohibits the use of Department of Defense funds to pay for the assessed share to the United States of United Nations peacekeeping operations.

First and foremost, this amendment is an important statement of principle on behalf of maintaining the integrity of the defense budget by explicitly rejecting the centerpiece of the Clinton administration's controversial new peacekeeping blueprint—PDD-25. Since the inception of the United Nations and the establishment of the first U.N. peacekeeping operation in the Middle East in 1948, the United States has funded its share of peacekeeping costs through the Department of State. House adoption of the Gingrich amendment simply means we ought to continue paying these costs out of the State Department's budget.

Unfortunately, at the same time that the role of the United Nations in peacekeeping and peace enforcement operations has escalated, the Clinton administration has decided that the Department of Defense's budget—now in its 10th consecutive year of real decline—ought to be used to subsidize the mounting costs of U.N. operations. Between 1948 and 1978, the United Nations undertook 13 peacekeeping operations. Since April 1988, the United Nations has authorized 20 operations. Currently, 18 separate U.N. military and peacekeeping operations are on-going with the United States paying 32 percent of the United Nations bill. In 1988, the total cost of U.N. operations was \$268 million, yet this year, these costs are estimated to be \$4.5 billion. The costs to the United States are growing exponentially. The mounting U.S. assessed costs also exclude the considerable unreimbursed incremental costs borne by DOD in support of U.N. operations—costs that will exceed \$1.2 billion in fiscal year 1994 alone.

The rising costs of these U.N. operations is an issue in and of itself and we need to look at it very closely. Nonetheless, the House today will reject the administration's ill-conceived plan to use the DOD budget as a credit card for U.N. peacekeeping.

The emphasis the Clinton administration places on the central role of the United Nations in the conduct of its foreign policy has apparently led the President to endorse a shared responsibility between the Departments of State and Defense in funding our growing U.N. bills. As part of PDD-25—the

Clinton administration's peacekeeping policy blueprint—the President has proposed that DOD undertake the responsibility of funding our share of the most expensive types of U.N. peacekeeping operations. The administration included \$300 million in fiscal year 1995 defense budget—and \$900 million over the 5-year defense plan—despite the fact that the request grossly underestimates the true DOD costs under the administration's plan by an order of magnitude.

The United States costs for three current U.N. operations—Somalia, Iraq, and the former Yugoslavia—would have been wholly funded this year by DOD under the President's proposal. The most recent estimate of the cost to the United States for those peacekeeping operations is roughly \$770 million—significantly more than the \$300 million they requested for this purpose. Within the last month we have even heard rumors that the White House has directed that DOD increase the currently budgeted \$900 million for U.N. peacekeeping costs over the next 5 years to \$2.7 billion. No matter how you look at it, under the administration's proposal, DOD will be forced to fund the growing costs of U.N. peacekeeping out of hide, stretching an already underfunded defense budget, and putting further pressure on the military service's already constrained training and readiness accounts.

The Armed Services Committee considered this issue and expressly rejected the administration proposal during markup of this bill—H.R. 4301. On a strong bipartisan vote of 42 to 11, the Committee adopted a provision that rejected the administration's plan to use the defense budget to pay for U.N. peacekeeping—a provision which is the genesis of the Gingrich amendment in the en bloc package today.

In the negotiations over House Resolution 431, the second rule governing consideration of H.R. 4301, the Democratic Leadership agreed to make the Gingrich amendment in order if we would agree not to seek a record vote and instead, have it adopted en bloc. We reluctantly agreed to the Democratic leadership's request not to record vote this important amendment in order to put the House on record in opposition to the administration's proposal.

As the bipartisan record vote in the Armed Services Committee made clear, there is broad agreement that DOD funds should not be used to pay U.N. assessments of any kind. Today's adoption of the Gingrich amendment further codifies the widespread objections to the Clinton peacekeeping blueprint.

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

Mr. MONTGOMERY. Mr. Chairman, I yield 2 minutes to the gentleman from Guam [Mr. UNDERWOOD].

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

Mr. Chairman, included in today's en bloc amendments is a provision I introduced. This amendment will take citizens who live near contaminated bases, put them at the table with base commanders, and help them participate in the base cleanup decisionmaking process.

Thousands of military installations throughout the 50 States and the territories have environmentally contaminated sites. Too often, citizens who live near those facilities are not informed about the problem, do not trust the personnel in charge of clean-up, and fear for their health and well-being. The result, at best, is strained civilian/military relations. At worst, we get costly lawsuits between the community and the military.

The Department of Defense has taken steps to address this problem. It has established restoration advisory boards, or RAB's: citizen advisory boards that advise base commanders on the community's needs and concerns. This program was recommended by the Key-stone Commission, which was formed during the Bush administration and was comprised of environmental advocates and Federal agencies, including DOD. However, the advisory boards now in place are missing a very important ingredient: technical assistance.

What good does it do to bring citizens to the table if they are not informed on the issue? We cannot expect a homeowner near a base, for example, to understand complex environmental impact statements and advise base commanders accordingly. Therefore, my amendment does what EPA, DOD, and every other member of the commission recommended: it gives citizens technical assistance funding. With this amendment, we won't have just token representation * * * we'll have real participation.

How is it funded? This amendment takes a fixed percentage of existing clean-up accounts—one-fourth of 1 percent—and requires DOD to provide technical assistance for restoration advisory boards. Total spending does not increase.

This amendment is supported by physicians for social responsibility, friends of the Earth, and the military toxics project. I worked closely with the Department of Defense in formulating this approach, along with Chairman DELLUMS and Mr. SPENCE. We have devised a solid approach here * * * making community participation more meaningful without breaking the bank.

I thank the chairman and the ranking member for its inclusion in the en bloc and urge my colleagues to support this amendment.

Mr. MONTGOMERY. Mr. Chairman, I yield 1 minute to the gentleman from Oregon [Mr. KOPETSKI].

□ 1620

Mr. KOPETSKI. Mr. Chairman, I rise to associate myself with the Berman amendment to require assistance for dislocated defense workers under the Job Training and Partnership Act be made available for workers whose jobs are affected by Federal policy banning the sale abroad of certain U.S.-made weapons.

Across our Nation, and particularly throughout California and the Pacific Northwest, many of the best, brightest and most productive U.S. workers are employed by defense contractors. As U.S. defense spending has leveled off, defense contractors have increased exports around the globe. Today, the United States is the world's leading exporter in armaments.

Recent history, the Persian Gulf war for example, tells us that U.S. arms exports may be profitable job creators in the short term, yet deadly weaponry when turned against American military personnel on the battlefield. I support legislation to scrutinize, and in some cases forbid, U.S. arms sales. In my opinion, this closer scrutiny of U.S. arms sales is warranted and in our national security interests.

The Berman amendment is an important component to increased scrutiny and inevitable reductions of U.S. arms sales. I am pleased to support it as part of this en bloc package. And I urge the adoption of the en bloc amendment as offered by Chairman DELLUMS.

Mr. MONTGOMERY. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Chairman, I rise in strong support of the en bloc amendment to the Defense authorization bill. I am especially pleased that my amendment to make workers impacted by reduced arms sales abroad eligible for defense conversion programs was included.

Defense workers who are dislocated because of the Government's decision not to allow the sale of certain weapons abroad, should have the same rights as those workers who are dislocated because of U.S. Government's decision to reduce its own purchases of a particular weapon system.

Creating this parity not only brings equity to workers dislocated by U.S. policy, it sends a strong message regarding conventional arms restraint. Each step taken to alleviate the negative economic consequences of reduced arms exports helps neutralize the economic hardship arguments used by those who do not believe in arms restraint. This amendment will help policy makers focus on proliferation and security issues which must be paramount when considering whether to approve arms sales. Arms are different than other exports because making the wrong sale can have truly dire consequences.

I thank the gentleman from California [Mr. DELLUMS], members of the

committee, and members of other committees of jurisdiction for working with me to include this amendment en bloc. And, I'd like to thank Greg Bishack, Lara Lumpe, Sima Osdoby, Caleb Rossiter, and the other members of the arms control community who worked with me to make this amendment possible.

Again, I urge all members to support this en bloc amendment.

Mr. MONTGOMERY. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. FARR].

Mr. FARR of California. Mr. Chairman, I rise to enter into a colloquy with the distinguished chairman, the gentleman from Mississippi [Mr. MONTGOMERY], standing in for the chairman of the Committee on Armed Services, the gentleman from California [Mr. DELLUMS].

Mr. Chairman, I appreciate this opportunity to clarify the purpose for which my amendment seeks to authorize \$4,000,000 for the establishment of a cooperative pilot program for remediation of a landfill at a closing base on the Superfund list. I refer to proposed section 1152—Amendment No. 10 in part 1 of the report of the Committee on Rules—of H.R. 4301.

Mr. Chairman, this amendment would authorize the Secretary of Defense to enter into a cooperative agreement with a public research institution of higher education to facilitate the development and demonstration of new methods and technologies for more effective and expedient environmental remediation at military installations, with the agreement structured to include public education and policy considerations.

For example, ground water contamination in coastal environments is a serious problem. In one instance, a landfill is leaking low levels of volatile organic compounds into the drinking water source of an adjacent community. This site, at a closing base, is listed as a Superfund site. It is characterized by highly permeable sand dunes and a deep vadose zone, making it ideal for field testing of emerging, or optimization of conventional, remediation technologies, although prior to testing, the site's hydrogeology would need more thorough characterization. My amendment provides a structure that would allow this to occur.

Mr. Chairman, am I correct when I state that the committee concurs with my objectives?

Mr. MONTGOMERY. If the gentleman will yield on behalf of Chairman DELLUMS, the distinguished Member is correct in his understanding.

Mr. FARR of California. Mr. Chairman, I commend the distinguished chairman of the Armed Services Committee for his outstanding work on this legislation, and thank him for participating in this colloquy.

Mr. MONTGOMERY. Mr. Chairman, I yield 30 seconds to the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Mr. Chairman, I rise in support of one of the amendments in the en bloc amendments authored by the gentleman from California [Mr. FAZIO], the gentleman from Maryland [Mr. HOYER], and myself, that allows industrial facilities, of which I represent one, to actually sell their services and manufacturing techniques in the private sector, so long as there is not a displacement of private workers in the process, and so long as this is a unique activity.

Mr. Chairman, I wish to thank the gentleman for including that in the en bloc amendments, and I rise in behalf of the en bloc amendments.

Mr. STARK. Mr. Chairman, I rise in support of the en bloc amendment which includes my amendment requiring a study on the costs, advantages, and disadvantages of using low-enriched uranium [LEU] to fuel naval reactors for current and future U.S. nuclear powered naval vessels. The study would be done jointly by the Department of Defense and Department of Energy.

It is important for the future of U.S. nuclear nonproliferation policy to eliminate all rationales for nonnuclear weapon states to acquire stockpiles of highly enriched uranium [HEU], which can be used to make nuclear weapons. Aside from nuclear war heads, HEU is used for two purposes: to fuel naval propulsion reactors and to power research reactors. The United States already has a well-established program, RERTR, for phasing out use of weapons-usable uranium in civil research and test reactors worldwide. To head off future use of HEU in foreign naval fuel cycles, such as in Brazil and India, it would be desirable to place the United States in the position of being able to phase out its own use of this material in naval reactors.

The United States and the United Kingdom rely on HEU fuel for their naval reactors, but France and Russia do not, using less than 20 percent enriched fuel, indicating that HEU is not an irreducible requirement for naval reactors. Weapon-usable material in naval fuel cycles also represents a complicating factor for the safeguards regime needed to verify President Clinton's proposed worldwide fissile material production cut-off for weapons. Under current arrangements for the Non-Proliferation Treaty, a country can withdraw material from safeguards for use in the naval fuel cycle, and the safeguards regime won't see it again for decades. The potential for diversion to weapons use in this scenario is obvious.

The success of the RERTR program indicates that conversion of naval reactors from HEU to LEU is highly feasible on a technical basis. This amendment requires DOE and DOD to assess how such conversion would affect U.S. naval strategy and nonproliferation policy. With this information, we can then determine the advisability of converting naval reactors to LEU.

Ms. MCKINNEY. Mr. Chairman, I rise in support of the en bloc amendment and particularly the McKinney "Boomerang" amendment.

Mr. Chairman, my amendment simply requires that the Pentagon assess and issue a report on the potential threat to U.S. Armed

Forces stationed abroad by U.S. activities to strengthen foreign armed forces in a region.

I suggest we must learn from our mistakes. United States soldiers faced United States trained and armed opponents in Panama, in Somalia and most recently, the good ship Harlan County was turned away from Haiti because of defiance by a military whose officers were trained by the United States.

I do not want any young American to lose his or her life because a weapon we trade today boomerangs, tomorrow. I don't want any young American facing an enemy with an American-made gun and American skill and training in how to use it.

Are our military cooperation efforts making it more dangerous for future peacekeeping efforts or humanitarian relief efforts? Will weapons we give way to allies today, come back at our men and women in uniform, tomorrow? Aren't there alternatives for promoting security for our allies?

The McKinney amendment requires the Pentagon to ask itself these questions and provide some answers to the Congress.

The McKinney amendment is based on the following assumptions: (1) The potential threat posed to the United States, its allies, and its deployed forces by foreign armed forces is a matter of both the capability of those forces and the will and capabilities of their governments; (2) arms sales, joint training exercises, and various military cooperation programs conducted by the United States increase the military potential of other countries around the world and increase the proliferation of advanced conventional weaponry; (3) it has happened in the past that, through various processes of political change, nations that are friendly to the United States become hostile at a later time; (4) nevertheless, it is generally accepted that military operations in the future will be based on coalitions as was Operation Desert Storm, suggesting that regional and global security may be enhanced by continued military cooperation relationships between the United States and other countries; (5) American policy should be to work unilaterally and cooperatively with other military powers to limit the transfers of weapons, military technology and training to countries that may: pose a threat to our deployed forces; pose a risk to American interests; or escalate regional tensions; (6) as the administration is currently conducting an interagency review of many of these issues, information and assessments developed for this review could appropriately form the basis for the report to Congress required by the McKinney amendment. However, this report may require additional inquiries.

The report should focus on the identification and assessment of military cooperation activities, including: assignment of U.S. military personnel to advise personnel of a foreign country; joint exercises or deployments of foreign armed forces with U.S. military personnel; and the transfer of weaponry involving planning or assistance by U.S. military personnel. The report should also describe how military cooperation activities will enhance U.S. security and reduce security tensions in the region. Alternative strategies should be assessed, especially the possibilities of reductions in the militarization levels of regions such as: limitations

in the size, spending, and capability of foreign armed forces. The report should suggest alternative means to satisfy the goals presently used to justify military cooperation activities, transfer, and training.

Military policy must be a function of foreign policy and change subject to changes in the international geopolitical situation. This report can help Congress assess the relative benefits of military cooperation activities in the context of the end of the cold war.

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

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

The CHAIRMAN pro tempore (Mr. BACCHUS of Florida). The question is on the amendments en bloc, as modified, offered by the gentleman from Mississippi [Mr. MONTGOMERY].

The amendments en bloc, as modified, were agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 5 printed in part 1 of House Report 103-520.

AMENDMENT OFFERED BY MS. PELOSI

Ms. PELOSI. Mr. Chairman, I offer an amendment printed in the report.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. PELOSI: At the end of title VIII (page 246, after line 23), insert the following new section:

SEC. 873. PREFERENCE FOR LOCAL RESIDENTS.

(a) PREFERENCE REQUIRED.—In entering into contracts with private entities as part of the closure or realignment of a military installation under a base closure law, the Secretary of Defense shall give preference, to the maximum extent practicable and consistent with Federal, State, and local laws and regulations, to entities that plan to hire residents of the vicinity of the military installation. Contracts for which the preference shall be given shall include contracts to carry out environmental restoration activities at such military installations.

(b) DEFINITION.—In this section, the term 'base closure law' means the following:

(1) The provisions of title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

(2) 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).

MODIFICATION TO AMENDMENT OFFERED BY MS. PELOSI

Ms. PELOSI. Mr. Chairman, I offer a modification to the amendment just offered, and ask unanimous consent for its acceptance.

The CHAIRMAN pro tempore. The Clerk will report the amendment, as modified.

The Clerk read as follows:

Amendment, as modified, offered by Ms. PELOSI. At the end of title VIII (page 246, after line 23), insert the following new section:

SEC. 873. PREFERENCE FOR LOCAL RESIDENTS.

(a) PREFERENCE ALLOWED.—In entering into contracts with private entities for services to be performed at a military installation that is affected by closure or realignment under a base closure law, the Secretary of Defense may give preference, consistent with Federal, State, and local laws and regulations, to entities that plan to hire, to the maximum extent practicable, residents of the vicinity of such military installation. Contracts for which the preference may be given include contracts to carry out environmental restoration activities or construction work at such military installations.

(b) DEFINITION.—In this section, the term "base closure law" means the following:

(1) The provisions of title II of the Defense Authorization Amendment and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

(2) The Defense Base Closure and Realignment Act of 1990 (part of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

(c) APPLICABILITY.—Any preference given under subsection (a) shall apply only with respect to contracts entered into after the date of the enactment of this Act.

(d) TERMINATION.—This section shall cease to be effective on September 30, 1997.

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

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

There was no objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from California that the amendment be modified?

There was no objection.

Pursuant to the rule, the gentlewoman from California [Ms. PELOSI] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentlewoman from California [Ms. PELOSI].

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

Mr. Chairman, my amendment would create a hiring preference for local residents who are affected by base closures in their communities. Under existing law, the Department of Defense is unable to provide preference to companies with a strong record of hiring local residents, or companies which seek to hire local residents most impacted by base closures.

This is what people in my community are saying: Enough is enough. For years we have asked for jobs and contracts on projects that are funded with our tax dollars; we will no longer tolerate someone else, from outside our community, taking all the contracts and jobs; our demands are reasonable, peaceful and lawful; is anybody listening?

The Congress has acted to emphasize the importance of revitalizing local communities in the area of a base closure by directing programs and resources to provide economic benefit to

minimize the impact of base closures. Because of the way current contracts are structured, and because of the current bidding regulations governing Federal contract awards, there is no provision for bids to currently favor hiring locals most affected by a base closure.

Instead, there are many reported situations where an out-of-State company, brings in out-of-State workers to do cleanup work at a base while unemployed workers stand outside the gate and watch. At Hunters Point Naval Shipyard in my district, over \$30 million has been spent on environmental remediation—with not one local resident being hired, despite the presence of qualified workers in the vicinity.

My amendment would change this by providing a preference in contract awards to companies which plan to hire local residents. It would encourage bidding companies to compete for having the best local hiring plan to score higher in the bid award process.

Mr. Chairman, I would like to recognize the excellent work of the chairman, Mr. DELLUMS, and the ranking member, Mr. SPENCE, for their cooperation in this effort. I would also like to acknowledge the work of my colleague, Mr. HAMBURG, who has been very active and helpful on my amendment.

With the gentleman's permission, I would like to engage the chairman of the committee in a colloquy to clarify his understanding of the last paragraph of my amendment.

That paragraph states that this provision will only be effective until September 30, 1997. I recognize the value of a so-called sunset. However, there are a number of local base contracts, with the concurrent need for a local hiring preference, that will extend far beyond this time limit. For example, Hunters Point in my district is a Superfund site where cleanup activities will certainly continue for an extended period. How will this short-term authorization affect situations that will require much longer attention and the continuing need for local hiring preference?

Mr. MONTGOMERY. Mr. Chairman, if the gentlewoman will yield, let me assure the gentlewoman that this sunset should not have a negative impact on the local hiring preference authorized by her amendment. A sunset is a useful tool to ensure Congress has the opportunity to conduct the necessary oversight—and make any appropriate changes in the legislation—and to ensure that the provision is properly implemented by the Defense Department. For that reason, sunsets have been very effective in a number of programs such as the DOD minority contracting goal program or the Small Business Innovation Research program.

Ms. PELOSI. I thank the gentleman for offering that clarification, and I appreciate his support.

I urge my colleagues to support my amendment and vote "yes".

□ 1630

Ms. PELOSI. Mr. Chairman, I yield the balance of my time to my colleague, the gentleman from California [Mr. HAMBURG].

The CHAIRMAN pro tempore (Mr. MAZZOLI). The gentleman from California [Mr. HAMBURG] is recognized for 1½ minutes.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. HAMBURG].

The CHAIRMAN pro tempore. Without objection, the gentleman from South Carolina [Mr. SPENCE] may claim 5 minutes.

There was no objection.

The CHAIRMAN pro tempore. The gentleman from California [Mr. HAMBURG] is recognized for 3½ minutes.

Mr. HAMBURG. Mr. Chairman, I would like to engage the distinguished chairman of the Armed Services Committee in a colloquy to clarify the interpretation of the Pelosi-Hamburg amendment.

I yield to the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Chairman, I would be happy to discuss the amendment with the gentleman from California.

Mr. HAMBURG. Mr. Chairman, first let me thank the gentleman for all the assistance he and his staff have provided in working through this process. I appreciate his willingness to help resolve problems that affect a great many people.

As a result of the many military installations being closed in California and around the country, significant environmental and construction work is being undertaken as part of the process. In addition, significant military construction is occurring at open bases such as Travis Air Force Base as a result of the relocation of personnel and material from closing bases. This amendment would authorize the use of a preference to contractors who plan to hire locally, ensuring that the multiplying effect of Federal dollars benefits the local community.

I would like to clarify with the gentleman that this amendment applies not only to bases being closed or realigned, but also to those bases receiving personnel or material as a result of the closures and realignments.

Mr. MONTGOMERY. Mr. Chairman, the gentleman is correct. In awarding contracts at both closing and receiving bases, a preference may be given to entities that plan to hire locally.

Mr. HAMBURG. Mr. Chairman, it is my understanding that this provision is intended to require that a bidding entity's plan to hire locally shall be a significant factor to be weighed in awarding affected contracts. Furthermore, any base declining to use the local hire preference must demonstrate the compelling circumstances to justify its decision.

Mr. MONTGOMERY. The gentleman is correct. The contracting officers at the affected bases are expected to be vigilant in ensuring that an entity's plan to hire locally is a serious, well conceived plan with a reasonable probability of actual implementation.

Mr. HAMBURG. Mr. Chairman, I appreciate the gentleman's clarification of this amendment.

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

Mr. Chairman, I would like to just rise in opposition only for the purpose of commenting briefly on the amendment.

I want to thank the gentlewoman from California for her cooperation in working with me and other Republicans in crafting a compromise on her amendment that all sides can support.

I do not expect any opposition as a modified amendment and would look forward to working with the gentlewoman on this issue and other issues in the future. I would like to support the amendment.

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

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the amendment as modified, offered by the gentlewoman from California [Ms. PELOSI].

The amendment, as modified, was agreed to.

The SPEAKER pro tempore. It is now in order to consider amendment No. 6, printed in part 1 of House Report 103-520.

It is now in order to consider amendment No. 7 printed in part 1 of House Report 103-520.

AMENDMENT OFFERED BY MR. SOLOMON

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

The CHAIRMAN pro tempore (Mr. MAZZOLI). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SOLOMON: At the end of title X (page 277, after line 2), add the following new section:

SEC. 1038. SENSE OF THE CONGRESS CONCERNING THE NORTH KOREAN NUCLEAR WEAPONS DEVELOPMENT PROGRAM.

(a) FINDINGS.—The Congress finds that—

(1) the United Nations General Assembly adopted a resolution on December 12, 1948, that declared the Republic of Korea to be the only lawful government on the Korean peninsula;

(2) between 1950 and 1953, the United States led a military coalition that successfully repelled an invasion of the Republic of Korea by the illegal Communist regime in North Korea, at a cost of more than 54,000 American lives;

(3) the United States and the Republic of Korea ratified a Mutual Security Treaty in 1954 that commits the United States to helping the Republic of Korea defend itself against external aggression;

(4) more than 37,000 American military personnel are presently stationed in the Republic of Korea pursuant to the terms of the Mutual Security Treaty of 1954;

(5) the United States and the Republic of Korea have conducted annual joint military exercises, code named "Team Spirit", since 1976;

(6) the Communist regime of North Korea has built up an armed force nearly twice the size of that in the Republic of Korea and has never renounced the active and ongoing use of force, terrorism, and subversion in its attempts to subdue and subjugate the Republic of Korea;

(7) the North Korean regime signed the Treaty on the Non-Proliferation of Nuclear Weapons in 1985, but refused until 1992 to sign the safeguard agreement that is required of all treaty signatories and eventually announced in 1993 its intention to withdraw from the treaty altogether;

(8) the North Korean regime has never permitted the unfettered international inspection of its nuclear facilities that is required of all signatories of the Treaty on the Non-Proliferation of Nuclear Weapons;

(9) the Secretary of Defense has stated publicly that efforts by the North Korean regime to develop enough plutonium to permit the manufacture of 10 to 12 nuclear weapons per year, and to develop the ballistic missile capability of delivering these and other weapons over a wide area, represent a grave threat to the security of the Korean peninsula and the entire world;

(10) the North Korean regime continues to repudiate all efforts by the United States to reduce tensions on the Korean peninsula;

(11) these efforts by the United States to reduce tensions and provide incentives for the North Korean regime to cooperate with the international nonproliferation regime include the withdrawal of all nuclear weapons from the territory of the Republic of Korea and a reduction in the number of American military personnel stationed there, the establishment of direct diplomatic contacts with the North Korean regime, and the offer of expanded diplomatic and economic contacts with North Korea;

(12) on April 20, 1994, the United States and the Republic of Korea announced the postponement of this year's "Team Spirit" exercises as a further gesture of goodwill and confidence-building toward North Korea;

(13) the North Korean regime responded to this latest initiative by declaring that international inspectors will not be permitted to examine the spent fuel rods that are being removed from North Korea's principal nuclear reactor at Yongbyon, nor will inspectors be permitted to see where the rods will be taken;

(14) weapons-grade plutonium can be extracted from the fuel rods in the type of nuclear facilities North Korea is known to possess; and

(15) the ongoing diplomatic impasse concerning the North Korean nuclear program has clearly reached a critical juncture, the unsatisfactory resolution of which would place the international non-proliferation regime in jeopardy and threaten the peace and security of the Korean peninsula, the North-east Asia region, and, by extension, the rest of the world.

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

(1) the North Korean regime should take an initial step toward cooperation with the international nonproliferation regime by permitting the unfettered international inspection of the removal and eventual disposal of all spent fuel rods from the Yongbyon nuclear facility, followed by a regular inspection process as required by the Treaty on the Non-Proliferation of Nuclear Weapons;

(2) an unsatisfactory resolution of the inspection controversy at Yongbyon that allows for anything less than unfettered international inspection of that facility should prompt the Government of the United States to take such action as would indicate the severity with which it views this provocation against international norms; and

(3) such action should include, but not necessarily be limited to, the seeking of international sanctions against the North Korean regime and the immediate resumption of the "Team Spirit" exercises.

MODIFICATION OF AMENDMENT OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Chairman, I ask unanimous consent that the amendment be modified under a prior agreement with the Majority.

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

There was no objection.

The CHAIRMAN pro tempore. The Clerk will report the amendment, as modified

The Clerk read as follows:

Amendment, as modified, offered by Mr. SOLOMON: At the end of title X (page 277, after line 2), add the following new section:

SEC. 1038. SENSE OF THE CONGRESS CONCERNING THE NORTH KOREAN NUCLEAR WEAPONS DEVELOPMENT PROGRAM.

(a) FINDINGS.—The Congress finds that—

(1) between 1950 and 1953, the United States led a military coalition that successfully repelled an invasion of the Republic of Korea by the Communist regime in North Korea, at a cost of more than 54,000 American lives;

(2) the United States and the Republic of Korea ratified a Mutual Security Treaty in 1954 that commits the United States to helping the Republic of Korea defend itself against external aggression;

(3) approximately 37,000 United States military personnel are presently stationed in the Republic of Korea;

(4) the United States and the Republic of Korea have conducted joint military exercises, code named "Team Spirit", regularly since 1976;

(5) the Communist regime in North Korea has built up an armed force nearly twice the size of that in the Republic of Korea and has never renounced the active and ongoing use of force, terrorism, and subversion in its attempts to subdue and subjugate the Republic of Korea;

(6) although the North Korean regime signed the Treaty on the Non-Proliferation of Nuclear Weapons in 1985, it has never permitted the unfettered international inspection of its nuclear facilities that is required of all signatories of that Treaty;

(7) the Secretary of Defense has stated publicly that efforts by the North Korean regime to develop enough plutonium to permit the manufacture of 10 to 12 nuclear weapons per year, and to develop the ballistic missile capacity of delivering these and other weapons over a wide area, represent a grave threat to the security of the Korean peninsula and the entire world;

(8) the North Korean regime continues to resist efforts by the United States to reduce tensions on the Korean peninsula;

(9) efforts in recent years by the United States to reduce tensions on the Korean peninsula have included the withdrawal of all nuclear weapons from the territory of the Republic of Korea and a reduction in the

number of United States military personnel stationed there, the postponement of the 1994 "Team Spirit" exercises, the establishment of direct diplomatic contacts with the North Korean regime, and the offer of expanded diplomatic and economic contacts with North Korea;

(10) weapons-grade plutonium can be extracted from the fuel rods in the type of nuclear facilities North Korea is known to possess;

(11) international inspectors must be permitted to examine all spent fuel rods removed from North Korea's principal nuclear reactor at Yongbyon and to carry out tests necessary to ensure compliance with the 1992 safeguards agreement; and

(12) the diplomatic impasse concerning the North Korean nuclear program has clearly reached a critical juncture, the unsatisfactory resolution of which would place the international nonproliferation regime in jeopardy and threaten the peace and security of the Korean peninsula, the Northeast Asia region, and, by extension, the rest of the world.

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

(1) the North Korean regime should take an initial step toward cooperation with the international nonproliferation regime by permitting the unfettered international inspection of the removal and eventual disposal of all spent fuel rods from the Yongbyon nuclear complex, followed by a comprehensive inspection process as required by the Treaty on the Non-Proliferation of Nuclear Weapons;

(2) an unsatisfactory resolution of the inspection controversy at Yongbyon that allows for anything less than unfettered international inspection of facilities in that complex should prompt the Government of the United States to take such action as would indicate the severity with which it views this provocation against international norms; and

(3) such action should include, but not necessarily be limited to, the seeking of international sanctions against the North Korean regime and the rescheduling of the "Team Spirit" exercises for 1994.

Mr. SOLOMON. Mr. Chairman, I ask unanimous consent that the amendment, as modified, be considered as read and printed in the RECORD.

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

There was no objection.

The CHAIRMAN pro tempore. Under the rule, the gentleman from New York [Mr. SOLOMON] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from New York [Mr. SOLOMON].

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

Mr. Chairman, I offer this amendment for a separate vote because I believe the gravity of the situation with regard to the North Korean nuclear program demands that Congress make its voice heard—this week.

Mr. Chairman, North Korea may already have at least one or two nuclear bombs, according to our own CIA. And, just yesterday, North Korea announced that the I.A.E.A. will never—repeat, never—be given access to the nuclear

waste sites the I.A.E.A. wants to examine.

Mr. Chairman, what I am about to say is very important: Several hours ago President Kim Young Sam of the Republic of Korea declared publicly that the time for negotiations is over, and the time for sanctions has begun. He said North Korea cannot be trusted with half a nuclear bomb, much less one or two, or five, or six, or seven.

Mr. Chairman, only just yesterday, the Clinton administration said that North Korea could have four or even five nuclear weapons by the end of the year, based on the amount of plutonium that could be derived from the spent fuel rods that have been removed from the Yongbyon reactor over the past several weeks.

On Friday—only 2 days from now—the Board of Governors of the International Atomic Energy Agency will be issuing its definitive report on the status of inspections at the Yongbyon complex, North Korea's principal nuclear facility. If reports in the press are accurate—and there is every reason to believe they are—the I.A.E.A. is going to rule that North Korea is in substantial noncompliance with the terms of the Nuclear Nonproliferation Treaty, and its attendant safeguards agreement.

Moreover, the I.A.E.A. is evidently prepared to declare that destruction of evidence and other secret activities at Yongbyon make it impossible for independent inspectors to account for the removal and eventual disposal of spent fuel rods from the Yongbyon nuclear reactor.

So, Mr. Chairman, the moment of truth has come. The ongoing, yearlong controversy concerning inspection of North Korea's nuclear program has reached the critical turning point.

Every member knows what is at stake: peace on the Korean Peninsula, the security of South Korea, Japan, and the entire Northeast Asia region; and the future of the International Nonproliferation Regime are in the balance.

Mr. Chairman, the I.A.E.A. report will be delivered to the U.N. Security Council before the end of this week—and the issue of placing international sanctions on North Korea will be put on the Security Council's agenda.

Indeed, Ambassador Albright has confirmed to the press that initial consultations and discussions on sanctions are already underway.

So now is the time for Congress to be heard in a united and unanimous voice. This amendment, the language of which was agreed to in bipartisan consultation, expresses the sense of Congress that the administration should seek international sanctions against North Korea and reschedule the Team Spirit military exercises with South Korea, if the inspection controversy at Yongbyon is not resolved satisfactorily.

This amendment does not tie the hands of the administration in any way. As a matter of fact, the management of this impending crisis should be taken over at the Presidential level immediately. It has been handled for too long at the sub-cabinet level. Now is the time for the President to be President—and along with the Congress, spell out to the American people the stakes involved.

Mr. Chairman, no Member doubts the gravity of this issue. Secretary of Defense Perry has already called it a "substantial near-term crisis." But America is always most effective when it speaks with one voice. I urge a unanimous vote for this amendment.

□ 1640

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

Mr. SOLOMON. I yield to the gentleman from South Carolina [Mr. SPENCE], the ranking member of the Committee on Armed Services.

Mr. SPENCE. Mr. Chairman, I rise in support of the amendment offered by the gentleman from New York [Mr. SOLOMON].

Mr. Chairman, I rise in support of the Solomon amendment expressing the sense of Congress that the United States should take action against North Korea including seeking international sanctions and resuming the Team Spirit military exercises if the controversy over the North's nuclear program is not satisfactorily resolved. In addition, I urge support of the Kasich amendment on Korea to be offered later today which draws much needed attention to our security relationship with the Republic of Korea [ROK]. These two amendments provide the House with at least a brief opportunity to discuss the North Korean crisis.

Over the past 18 months, administration policy seems to have been predicated on the belief that North Korea is pursuing nuclear weapons solely for bargaining purposes. But North Korea has demonstrated little interest in bargaining on any terms except their own—which are unacceptable on many fronts. Instead, the North has been testing United States resolve and using the time to expand its nuclear bombmaking program—and doing so successfully.

Last November, President Clinton declared that "North Korea cannot be allowed to develop a nuclear bomb. We have to be very firm about it." This statement of U.S. policy entailed certain risks, but it was firm and unequivocal. Over time, however, the President has vacillated and backtracked to the point that the current objective of United States policy is to prevent North Korea from becoming a so-called nuclear power—whatever that means.

Mr. Chairman, the implications of this shift in United States policy towards North Korea are enormous and disturbing. The administration now seems willing to tolerate the possession of a small number of nuclear weapons in the hands of Kim Il-Sung. In light of North Korea's record, it is not hard to envision these weapons being used to threaten United States

forces and allies in the region or being sold to rogue regimes in the Middle East or elsewhere. If the administration is willing to tolerate a nuclear-armed North Korea, is the same true for Libya? Or Iran? What is the administration's real policy on nuclear proliferation and where will the President draw the line?

In light of continued North Korean intransigence over inspections of their nuclear facilities and the growing likelihood of economic sanctions, we would all do well to heed Secretary of Defense William Perry's admonition that:

The North Koreans have stated that they would consider the imposition of sanctions to be equivalent to a declaration of war. * * * We may believe, and I do believe, that this is rhetoric on their part, but we cannot act on that belief. We have to act on the prudent assumption that there will be some increase in the risk of war if we go to a sanction regime.

Based on this prudent assumption, one would hope that the United States is taking numerous steps to increase the readiness of United States and South Korean military forces necessary to hopefully defeat any potential military attack by the North. While North Korea is likely to protest such actions, the United States can no longer continue to ignore the very real threats posed by the North's escalation of this crisis.

I urge the President to take firm steps to ensure that no one—friend or foe—misinterpret U.S. resolve to stand up for our allies and to protect our geopolitical interests.

Mr. Chairman, my colleagues should unanimously support both the Solomon and Kasich amendments as a way of bringing focus to the many pressing security issues we confront on the Korean Peninsula.

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

Mr. SOLOMON. I am glad to yield to the gentleman from Nevada.

Mr. BILBRAY. Mr. Chairman, I would like to compliment the author of this amendment, because as a member of the Permanent Select Committee on Intelligence and a member of the Committee on Armed Services, I know the threats the gentleman speaks of are real.

I think it is a good resolution, Mr. Chairman. I think we should enforce the embargo. We should support the embargo and get Team Spirit back on line.

Mr. Chairman, I compliment the author of the amendment.

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

The CHAIRMAN pro tempore. Is there a Member in opposition to the amendment offered by the gentleman from New York [Mr. SOLOMON]?

Mr. MONTGOMERY. Mr. Chairman, I am not in opposition, but I would request the 5 minutes to address the amendment.

The CHAIRMAN pro tempore. The gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 5 minutes.

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

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

Mr. MONTGOMERY. I yield to the gentleman from Oregon.

Mr. KOPETSKI. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from New York [Mr. SOLOMON]. I may not agree with some of the wording of the findings of the amendment, but I clearly support the sense of the Congress language and the spirit and thrust of the gentleman's efforts here. Clearly this is the most important issue facing the world and the security of the world today. I want to point out that I think the gentleman would agree that the legal right that we have to ask to intrude, to interfere into the nation State of North Korea, is the fact that they are a signatory of the non-proliferation treaty. This gives us the legal authority and foundation to ask and to seek and to go in and inspect. This is a legal document that they have signed, they have agreed to, and if they want to be a member of the world community, then they ought to abide by that contract.

That is what the Solomon amendment is getting at, and that is what I fully support. I thank the gentleman for yielding to me.

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

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

Mr. Chairman, the gentleman from Oregon [Mr. KOPETSKI] has spelled it out exactly as it is. They are signatories to the treaty. If they do not follow through, then we should not be trading with them, and neither should any of our allies who seek democracy and peace and freedom throughout the world. I urge support of the amendment.

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

The CHAIRMAN pro tempore. The question is on the amendment, as modified, offered by the gentleman from New York [Mr. SOLOMON].

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

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

The CHAIRMAN pro tempore. Pursuant to House Resolution 431, further proceedings on the amendment as modified, offered by the gentleman from New York [Mr. SOLOMON] will be postponed.

It is now in order to consider amendment No. 29 printed in House Report 103-520.

AMENDMENT OFFERED BY MR. KOPETSKI

Mr. KOPETSKI. 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 Mr. KOPETSKI: At the end of title X (page 277, after line 2), insert the following new section:

SEC. . CONGRESSIONAL ACTION ON NEGOTIATION OF LIMITATIONS ON NUCLEAR WEAPONS TESTING.

(a) FINDINGS.—The Congress finds the following:

(1) On January 25, 1994, the United States joined with 37 other nations to begin negotiations for a comprehensive treaty to ban permanently all nuclear weapons testing.

(2) On March 14, 1994, the President decided to extend the current United States nuclear testing moratorium at least through September 1995.

(3) The United States is seeking to extend indefinitely the Non-Proliferation Treaty at the April 1995 NPT Extension Conference.

(4) Conclusion of a comprehensive test ban treaty could contribute toward successful negotiations to extend the Non-Proliferation Treaty.

(5) Agreements to eliminate nuclear testing and control the spread of nuclear weapons could contribute to the national security of the United States, its allies, and other nations around the world.

(b) CONGRESSIONAL ACTION.—In view of the findings set forth in subsection (a), the Congress—

(1) applauds the President for maintaining the United States nuclear testing moratorium and for taking a leadership role toward negotiation of a comprehensive test ban treaty;

(2) encourages all nuclear powers to refrain from conducting nuclear explosions, prior to conclusion of a comprehensive test ban treaty; and

(3) urges the Conference on Disarmament to make all possible progress toward a comprehensive test ban treaty by the end of 1994.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Oregon [Mr. KOPETSKI] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from Oregon [Mr. KOPETSKI].

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

Mr. Chairman, I rise for the third straight year during consideration of the Defense authorization legislation to address the issue of nuclear weapons testing.

Today, the international community is negotiating earnestly a complete cessation of all nuclear weapons testing through the Conference on Disarmament. With the strong support and active leadership of the Clinton administration, a comprehensive test ban treaty is close at hand. In his message to the opening session of the Conference on Disarmament in January, President Clinton stated, " * * * the U.S. delegation will join you in making bold steps toward a world made safer through the negotiation at the earliest possible time of a comprehensive test ban treaty that will strengthen the security of all nations."

The international community and the Clinton administration are fully

engaged on the issue of nuclear weapons testing. My amendment, the ongoing work in the House Arms Control Observers Group and the continued activism of Representatives like MARTIN SABO, DAVID SKAGGS, CONNIE MORELLA, and JIM LEACH demonstrate the Congress' continued interest in this issue.

Simply put, my amendment: Applauds the President for maintaining the U.S. nuclear testing moratorium and for taking a leadership role toward negotiation of a comprehensive test ban treaty; encourages all nuclear powers to refrain from conducting nuclear explosions prior to conclusion of a comprehensive test ban treaty; and urges the Conference on Disarmament to make all possible progress toward a comprehensive test ban treaty by the end of 1994.

Passage of the Kopetski amendment will send a strong message of congressional support for a comprehensive test ban treaty to the international negotiators at the Conference on Disarmament.

Mr. Chairman, in my short time in Congress, I do believe this issue is as important as any I have worked on. With the conclusion of a successful comprehensive test ban treaty, the world will have taken an historic step in the name of peace. An historic step away from the madness of nuclear war, particularly to those of us like myself who grew up in the shadow of America's nuclear facilities. Mr. Chairman, I am reminded of the passage in the bible which states, "Blessed are the peacemakers, for they shall be called the children of God." I ask my colleagues, once again, please be a peacemaker and support the Kopetski amendment.

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

The CHAIRMAN pro tempore. Is the gentleman from South Carolina [Mr. SPENCE] in opposition to the amendment?

Mr. SPENCE. I am, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman from South Carolina [Mr. SPENCE] is recognized for 5 minutes.

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

Mr. Chairman, I rise in opposition to the amendment offered by Mr. KOPETSKI, which would have the House express its support for the continued moratorium on U.S. nuclear weapons testing and which urges the prompt conclusion of a Comprehensive Nuclear Test Ban agreement.

Mr. Chairman, despite the proponents rhetoric, there is still no evidence to support the assertion that a comprehensive nuclear test ban or a nuclear testing moratorium by the United States will affect or stop the spread of nuclear weapons. Iran, Iraq, North Korea, and Libya have not abandoned and will not abandon their nuclear weapons development programs

simply because the United States has adopted a moratorium on testing or because of the possibility of an international agreement banning nuclear tests in the future.

President Clinton announced last summer that he was extending his unilateral moratorium on U.S. underground nuclear testing. This past March, the President informed Congress that he was again extending the moratorium, this time through September 1995. Since the President's first announcement, the People's Republic of China has conducted one nuclear test and, according to a May 26, 1994, New York Times article, may be preparing to conduct an additional test or tests in the months ahead. Furthermore, North Korea is in violation of the Nuclear Nonproliferation Treaty by refusing to permit international inspections of its nuclear facilities and is likely to have already developed one or two nuclear weapons. Meanwhile, Saddam Hussein continues to rebuild Iraq's nuclear weapons program.

Nuclear weapons testing is needed to ensure the safety, reliability and effectiveness of U.S. nuclear weapons that will remain in the U.S. arsenal for the foreseeable future. Nuclear weapons are a vital component of our national security posture and must be effectively maintained if they are to retain their deterrent value.

Mr. Chairman, in my judgment, the Administration's policy of extending the moratorium on U.S. nuclear testing is misguided. The Administration's policy will reduce, not enhance, U.S. national security in the increasingly dangerous post-Cold War era as well as undermine our critical nuclear weapons infrastructure.

I have attached to my statement a September, 1993, report on these nuclear weapons complex issues written by the Armed Services Committee Republican Staff which I would ask be submitted for the record immediately following my statement.

Mr. Chairman, for these reasons, I oppose the Kopetski amendment and urge a "No" vote.

The statement referred to is as follows:

THE CLINTON ADMINISTRATION AND NUCLEAR WEAPONS POLICY: BENIGN NEGLECT OR EROSION BY DESIGN?

EXECUTIVE SUMMARY

In a span of a few short months, the Clinton administration has dramatically shifted U.S. nuclear policy in a direction that will lead to the atrophy of the critical capability to develop, produce and maintain the weapons necessary to retain a credible nuclear deterrent.

One of the more enduring canards of arms control is the belief that the path to reduced global nuclear weapons stockpiles must lead to a Comprehensive Nuclear Test Ban Treaty (CTBT). Notwithstanding that the dramatic reductions in nuclear arsenals realized over the past few years occurred in the absence of a CTBT, this relic of Cold War thinking continues to dominate the agenda of yesterday's

arms controllers. Faced with the end of the cold-war rationale, CTBT proponents have deftly managed to transform the *raison d'être* for a CTBT from yesterday's principal weapon against nuclear weapons to today's essential instrument in the struggle against nuclear proliferation.

While tentative at first, the Clinton Administration recently embraced a nuclear testing moratorium and a CTBT as central to its arms control policy. Stating that the current U.S. nuclear inventory is safe and reliable and that nuclear testing is incompatible with an assertive non-proliferation policy, President Clinton has declared that the U.S. will forgo further nuclear testing unless "this moratorium is broken by another nation." However, even this commitment to resume testing if another nation does is open to question given the evident posturing within the Administration in response to recent reports that China is finalizing preparations to conduct a nuclear test.

By adopting the anti-nuclear agenda of the old arms control movement, the Clinton Administration seemingly has ignored the compelling arguments against a CTBT:

There is no evidence to support the assertion that a CTBT or nuclear testing moratorium will affect or stop the spread of nuclear weapons;

Nuclear testing is an unavoidable and necessary component of maintaining a credible nuclear deterrent;

There are no alternatives to nuclear testing that can provide the requisite level of confidence in the safety and reliability of the nuclear stockpile.

In addition, the Clinton Administration is taking preliminary steps to mothball the nuclear weapons production complex as the Department of Energy struggles to define a long-term infrastructure strategy. Those issues of paramount concern are:

DOE has suspended all production of tritium, a critical element not only for new nuclear warheads, but also for the replenishment of the active inventory.

For all practical purposes, the U.S. has lost the ability to produce critical plutonium weapon components.

The Pantex facility in Texas is projected to be so overloaded with the task of dismantling warheads for disposal that it risks not being able to continue the random selection of warheads in the active inventory to be disassembled and inspected for safety and reliability purposes.

The future of the National Laboratories is highly uncertain due to severe budget cuts and calls for a shift away from the historic nuclear support mission they provide.

On top of seven years of steady cutbacks, the Clinton budget calls for a reduction next year of over 20 percent of the highly skilled, difficult-to-replace nuclear workforce.

Faced with the incompatible choices of either maintaining an adequate nuclear support infrastructure or embracing an anti-nuclear arms control agenda, the Clinton Administration claims to have adopted both. However, even the most basic of analysis of this Administration's policies illustrates that it has apparently chosen to sacrifice nuclear preparedness in the name of political expediency and an arms control strategy of dubious merit.

INTRODUCTION

The Clinton Administration appears to be pursuing a policy of nuclear atrophy. The most recent manifestation of this policy was President Clinton's July 3, 1993 announcement to extend the moratorium on nuclear testing—first imposed by Congress last year

in the form of the "Hatfield amendment"—through September 1994 unless another nation conducts a nuclear test first. When combined with other recent decisions taken by the Clinton Administration that further weaken the nuclear weapons development and production infrastructure, it is clear that the U.S. risks losing the competency and capabilities necessary to field and maintain a credible nuclear deterrent.

If current plans are implemented, within four years the U.S. confidence in the safety and reliability of nuclear weapons already in the stockpile and the ability to remanufacture retired warheads will have diminished. In effect, the Clinton Administration is eroding the U.S. ability to maintain with high confidence the safety and reliability of the U.S. nuclear weapons stockpile, as well as the stewardship of the U.S. nuclear weapons complex and infrastructure.

The purpose of this paper is to identify a number of critical issues with respect to the Clinton Administration's approach to nuclear testing and the maintenance of the U.S. nuclear weapons complex. It will highlight the current status of U.S. nuclear testing, problems associated with the Clinton Administration's policy on nuclear testing—including a Comprehensive Nuclear Test Ban Treaty (CTBT)—and decisions being made by the Administration which will continue to contribute to the rapid erosion of the U.S. Government's nuclear weapons development and production capability.

NUCLEAR TESTING: THE CURRENT MORATORIUM

Background

Arguing that testing was needed to develop new weapons, maintain the reliability of the stockpile and understand weapons effects, President Reagan suspended on-going negotiations with the Soviet Union on nuclear testing in July, 1982. In August, 1985, Soviet President Gorbachev announced a Soviet test moratorium that lasted through February, 1987. In July, 1986, following negotiations with Congressional leaders, President Reagan agreed to make ratification of the Threshold Test Ban Treaty (TTBT) and the Peaceful Nuclear Explosions Treaty (PNET) a priority in the ensuing Congress. Upon ratification, the President committed to pursue bilateral negotiations on the step-by-step reduction in nuclear testing as steps towards an eventual CTBT. In exchange for this commitment, Congressional leaders agreed not to impose a legislated testing moratorium.

U.S.-Soviet Nuclear Testing Talks began in November 1987. The TTBT and PNET verification protocols were completed in May 1990. Presidents Bush and Gorbachev signed the treaties with the new protocols in June 1990; the Senate ratified the agreements in September 1990, and the treaties entered into force in December that same year.

At this point, the Bush Administration suspended negotiations to further limit nuclear testing in order to first consider the effects of the verification provisions contained in the TTBT and PNET. U.S. Arms Control and Disarmament Agency (ACDA) Director Ronald Lehman testified before the Senate Armed Services Committee in September, 1990, that negotiations were to resume in several months and that the Administration was studying a limit on the number or yield of permitted tests. However, others in the Bush Administration expressed strong reservations about further limits on testing. Robert Barker, Assistant to the Secretary of Defense for Atomic Energy, stated in September that the Department of State, Defense and Energy "have not succeeded in

finding a next step which does not have adverse national security implications."

The Nuclear Testing Talks have not resumed to date, though the Clinton Administration recently sent a senior official abroad to discuss the outlines of further testing limitations.

The "Hatfield Amendment"

The Bush Administration's Fiscal Year 1993 budget request for the Department of Energy, submitted in February 1992, included \$429.5 million to conduct nine underground nuclear tests at the Nevada Test Site. The testing plan included a mix of new design, reliability and weapon-effects tests. Subsequently, in July, 1992, the Administration modified U.S. testing policy and announced it would conduct no more than six tests for safety and reliability purposes in Fiscal Year 1993 and for each of the following five fiscal years, and no more than three tests per year in excess of 35 kilotons.

Concurrently, on September 24, 1992, the House adopted H.R. 5373, the Fiscal Year 1993 Energy and Water Development Appropriations Act which included the so-called "Hatfield Amendment" on nuclear testing. The bill provided \$375 million for nuclear weapon testing in Fiscal Year 1993, but rejected the Administration's revised nuclear weapon testing plans and instead, imposed a nine-month interim moratorium on testing. Following the interim moratorium, a limited number of tests were to be permitted, to be followed by a cessation of all testing after September, 1996, unless another nation tested. This marked the first time that a cessation of nuclear testing had been imposed by the Congress. President Bush signed the measure into law (Public Law 102-377) on October 2, 1992.

Proponents of the "Hatfield Amendment" offered several arguments in support of the moratorium, and an eventual ban on all testing. These arguments included:

Continued nuclear testing was a "vestige of the Cold War;"

A cessation of U.S. nuclear testing would help to stem the proliferation of nuclear weapons;

Continued U.S. nuclear testing would jeopardize efforts to extend indefinitely the Nuclear Nonproliferation Treaty (NPT) during the up-coming 1995 Treaty review conference.

Opponents of the "Hatfield Amendment" countered that nuclear testing was still needed to:

Ensure the proper functioning and reliability of the stockpile;

Modernize the existing stockpile for enhanced safety, security and effectiveness;

Measure the effects of nuclear weapons on other weapon systems and components which are continually changing as technology advances.

They also noted that test ban advocates were in error because:

A U.S. test ban would have no effect on the motivations or capabilities of proliferant nations to acquire nuclear weapons;

The association of a test ban with renewal of the Nuclear Nonproliferation Treaty is artificial; the treaty does not call for a test ban and its renewal does not depend in any way on a test ban. (See footnote 3)

Upon assuming office, President Clinton made negotiation of a CTBT a priority of his Administration. On April 23, 1993, in his meetings with Russian President Boris Yeltsin in Vancouver, President Clinton announced that the U.S. would consult with Russia, our allies and other states, about commencing CTBT negotiations at an early date. Consistent with this goal, President

Clinton announced on July 3, 1993, that he was extending the moratorium on U.S. nuclear testing through at least September 1994, calling on the other nuclear powers to do the same. In furtherance of this policy, Undersecretary of State for International Security Affairs Lynn Davis recently visited Britain, France, China, Russia, and other capitals to urge restraint on testing and to discuss the modalities and parameters associated with possible CTBT negotiations.

In extending the testing moratorium, the President stated that a "test ban can strengthen our efforts worldwide to halt the spread of nuclear technology in weapons," and, if joined by the other nuclear powers, would put U.S. "in the strongest possible position to negotiate a comprehensive test ban and to discourage other nations from developing their own nuclear arsenals." He also directed the Department of Energy to be ready to resume testing, stating that "If, however, this moratorium is broken by another nation, I will direct the Department of Energy to prepare to conduct additional tests while seeking approval to do so from Congress."

Finally, the President also stated that "To assure that our nuclear deterrent remains unquestioned under a test ban, we will explore other means of maintaining our confidence in the safety, the reliability and the performance of our own weapons. We will also refocus much of the talent and resources of our nation's nuclear labs on new technologies to curb the spread of nuclear weapons and verify arms control treaties."

THE CLINTON NUCLEAR POLICY: ON THE ROAD TO ATROPHY

A principal underpinning of the Clinton Administration's "no first test" policy is the assertion that continued testing is inconsistent with U.S. non-proliferation goals. In arriving at its policy, the Clinton Administration also determined and declared that U.S. nuclear weapons were already safe and reliable, and concluded that while additional nuclear testing could help provide some additional improvements in safety and reliability, such benefits were of marginal value when balanced against the priority of nuclear nonproliferation.

CTBT and Nuclear Non-proliferation

There is no evidence to support the assertion that a Comprehensive Test Ban Treaty will strengthen efforts to halt the spread of nuclear weapons. Efforts to negotiate a comprehensive nuclear test ban treaty have been on-going since the mid-1940s. In the early 1960s, U.S., Soviet and British negotiations on a CTBT floundered when the Soviets broke out the existing (1958-1961) test moratorium. Further, the Limited Test Ban Treaty (LTBT), which banned nuclear weapons tests in the atmosphere, in outer space and under water, addressed a key public concern of time, namely, the elimination of the environmental effects of testing, thereby diminishing the enthusiasm for a CTBT. Nuclear testing negotiations remained largely moribund until President Carter re-initiated efforts to achieve a CTBT with the Soviet Union in 1977. These discussions also failed to produce an accord, however, due to opposition within the Executive branch, as well as several international crises, including the Iran hostage crisis and the Soviet invasion of Afghanistan.

Underlying President Clinton's desire to once again have the U.S. resume negotiations on a CTBT are two proliferation-related assumptions: (1) without such an agreement, nations will be unwilling to indefinitely extend the NPT at the Treaty review

conference in 1995; and (2) a CTBT would discourage or preclude other non-nuclear states from developing or obtaining nuclear weapons. Both of these underlying assumptions are highly questionable.

On the first point, supporters of a test ban claim that a U.S. failure to achieve an indefinite extension of the NPT would represent a serious blow to U.S. nonproliferation objectives. However, there is no evidence that the NPT is dependent on the conclusion of a CTBT. This argument is often posited by anti-nuclear activists and is not supported by pronouncements of NPT party governments. Lack of support for a CTBT by representatives to the 1990 NPT review conference is evidence of the low salience of this issue for most NPT parties.

Further, a 1991 National Academy of Sciences report stated that, "most countries will make their decisions about the utility of the NPT (Nuclear Nonproliferation Treaty) regime or their maintenance of a nuclear option on the basis of their perceptions of their own security interests, not on the actions of the United States and Soviet Union or other nuclear weapons state on testing." That this is true was evidenced at the July G-7 Summit in Tokyo when Japan refused to commit itself to an indefinite extension of the NPT because of its worries over North Korea's development of nuclear weapons and long-range missile delivery systems. While Japan has more recently expressed its support for an indefinite extension of the NPT (noting also that the NPT contains a withdrawal provision), Foreign Minister, Kabun Muto has also stated that Japan must have the will to build nuclear weapons if it is deemed necessary to deter and defend against a North Korea nuclear threat.

Japan's expressed concerns point to an ironic consequence of a CTBT, namely, the potential for an increased risk of proliferation of nuclear weapons among nations that once relied upon the U.S. nuclear umbrella for their security but may in fact lose confidence in U.S. security guarantees under an extended regime of no U.S. nuclear testing. Columnist Charles Krauthammer stated in July 16 op-ed in *The Washington Post* that, "There are two kinds of countries with the potential to acquire nuclear weapons. First, advanced and generally friendly countries—like Germany, Japan and South Korea—that refrain from acquiring nuclear weapons in part because they trust the American nuclear umbrella to protect them. If they see us denuclearizing, their temptation to acquire their own nuclear weapons will only increase. The other category of nations comprises the pariah states * * *

With respect to the second concern—the ability of a CTBT to discourage the spread of nuclear weapons—there is no evidence that nuclear testing has any direct bearing on either the proliferation of nuclear weapons technology or future arms control efforts.

First, what we have learned about the Iraqi nuclear program since Operation Desert Storm demonstrates that nuclear testing is not necessarily required to develop nuclear weapons. The likely existence of Pakistani and South African nuclear programs also prove this point. Several Third World nations that either presently have a nuclear capability or may be capable of assembling a nuclear weapon(s) on short notice have reached this level of development despite never having conducted a nuclear test of which the West is aware. Indeed, North Korea's threat to withdraw from the NPT, and latest progress on its long-running covert nuclear program, have occurred at a time

when the U.S. was observing its self-imposed moratorium on nuclear testing.

Second, nations such as Libya, North Korea, Iran and Iraq, might well contend that a CTBT is only a tool for global powers like the United States and Russia to deny them their "sovereign right" to develop such weapons.

Third, even if countries such as Iraq and North Korea were to sign a CTBT, their willingness to observe the spirit and letter of such an agreement would always be in question, and may never be adequately verifiable. Being a signatory would have a minimal impact on the nuclear weapons development programs of such countries since the relatively crude weapons they are most likely to assemble and/or deploy may not require any nuclear testing. It is doubtful whether all countries that were to sign a CTBT would refrain from testing if they concluded it was in their national interest to test.

Fourth, U.S. experts have also noted that a CTBT is unlikely to ever be effectively verifiable; according to Kathleen Bailey, an expert on nuclear proliferation issues, a test ban cannot be verified below approximately one kiloton, a level of explosive testing that is still highly useful to nuclear weapons design or improvement. With efforts by the testing nation to seismically decouple or hide the signal in other seismic signals, the size weapon to be tested could be increased substantially without fear of discovery. Countries intent on cheating could identify and implement evasive measures that would make it virtually impossible for U.S. sensors to detect low-yield tests.

Fifth, CTBT would actually cripple the development of certain counterproliferation technologies. There are many nuclear threats that the U.S. or its allies could face in the future that do not conform to the classic military scenario. A nuclear weapon might be stolen or sold to a terrorist from the stockpile of the former Soviet Union or a proliferant state, and targeted for use in the U.S. Even if the U.S. were able to locate such a weapon before it detonated, it may not have the technical capability to disarm or render the weapon harmless. The U.S. nuclear weapons laboratories are only now beginning to address this serious issue. Once technologies are developed, it will be imperative that they be tested. To know whether they will work is likely to require testing against a real nuclear device.

Finally, as demonstrated by the progress in U.S.-Soviet and, more recently, U.S.-Russian arms control agreements, a cessation of nuclear testing is not a prerequisite for limiting or reducing nuclear arms. START I and START II, if fully implemented, will dramatically reduce the number of nuclear weapons in each nation's arsenal, yet were negotiated in an era of regular nuclear testing.

Nuclear Stockpile Safety and Reliability

Nuclear testing is needed to assure the safety and reliability of U.S. nuclear weapons. Implicit in President Clinton's July 3, 1993 announcement is the belief that the U.S. can afford to stop testing because its nuclear weapons are already safe and reliable. This view ignores the fact that U.S. nuclear weapons are currently safe due, in part, to years of nuclear testing. Furthermore, it is only through some level of continued explosive testing that the U.S. will be able to monitor and improve the stockpile's safety and reliability in the future.

The Administration's view that U.S. nuclear weapons are already safe and reliable enough demonstrates a cavalier attitude to-

ward the complexity of nuclear weapons and fails to take into account past safety and reliability problems with the stockpile. Nuclear weapons are probably the most complex weapons the U.S. deploys, yet they are tested only a fraction of the amount that other U.S. weapons are tested. Since 1958, the U.S. has deployed 41 different nuclear weapon systems, of which 14 have required corrective modifications due to reliability deficiencies discovered or evaluated after nuclear testing.

The majority of U.S. nuclear tests over the past few years have been primarily concerned with testing modern safety features for nuclear weapons. Safety improvements to the U.S. nuclear arsenal—designed to make it nearly impossible for nuclear weapons to give off a nuclear yield unintentionally—include the use of insensitive high explosives (IHE—explosives which are virtually impossible to detonate in violent accidents), enhanced nuclear detonation safety (ENDS—an electrical system which protects a weapon from the effects of spurious electric signals such as lightning) and fire resistant pits (FRP—a shell of metal around the pit with a high melting point to contain the plutonium in a fire). The development of all these safety features required nuclear testing.

In summary, it was only through nuclear testing that the U.S. discovered significant problems in certain nuclear weapons and was consequently able to implement and validate appropriate fixes. Without an active program of weapons testing, the U.S. will reduce its ability to determine with confidence and even improve the safety and reliability of its nuclear weapons in the future.

Alternatives to Nuclear Testing

Simply stated, as compared to nuclear testing, there are no "other means" sufficient to maintain confidence in the safety and reliability of the U.S. nuclear stockpile.

There are three primary technical reasons for the testing of nuclear weapons:

To enhance and ensure the safety of nuclear weapons by testing modern safety features to be added to various weapon designs

To ensure the reliability of the nuclear stockpile by testing for problems during the development process and those identified after deployment

To understand and improve the survivability of U.S. military systems in a nuclear environment.

Sophisticated computer modeling and simulation, conventional testing, and other non-nuclear testing regimes can provide useful data on each of the above, but none of these methods provide a high confidence alternative to ensure the safety, reliability and effectiveness of U.S. nuclear weapons.

With respect to the design of nuclear warheads, history has demonstrated that computer calculations are not a viable substitute for testing to validate warhead design. In fact, several nuclear weapons designed and produced during the 1958-61 nuclear testing moratorium were found to be seriously flawed when tested after the moratorium ended.

With respect to survivability, potentially fatal design flaws were discovered in a number of critical components on the Minuteman II and III, Poseidon, Peacekeeper and Trident I and II systems through nuclear testing. Even after extensive non-nuclear testing and analysis, in every warhead/re-entry vehicle system except one, detection of such flaws did not occur until a fully integrated system has been subjected to an underground nuclear test.

With respect to the survivability of non-nuclear weapons systems, any future ballistic missile defense system deployed by the

U.S., for example, may someday have to operate in a nuclear environment produced by incoming warheads. At a minimum, any such defensive system will have to be hardened against the effects of a nuclear detonation. System-level X-ray hardness testing cannot now be simulated, nor is any such credible threat-level simulation capability expected in the next 10-20 years. While lower-level simulation is both feasible and useful, it is not an alternative to nuclear testing.

There is a final irony of any plan which relies on means other than nuclear testing to maintain confidence in the safety and reliability of the U.S. nuclear stockpile. Despite progress in non-nuclear testing technology and applications, nuclear testing will ultimately be required to refine and validate these "non-testing" technologies if the U.S. hopes to have confidence in them as viable alternatives to actual testing.

Despite President Clinton's interest in exploring other means to maintain U.S. confidence in the nuclear stockpile, his direction to the DOE to be prepared to resume testing should the testing moratorium be broken by another nation seemingly reflects the importance of testing. Yet, in ordering the DOE to be prepared to resume nuclear testing, the President has ignored the importance of actually conducting tests in order to maintain the critical skills needed by those who are charged with stewardship of the nuclear stockpile.

If experienced scientists and engineers affiliated with the U.S. nuclear test program are denied the ability to maintain the critical skills needed to do their job, they will eventually leave to pursue other endeavors. Such a development could put this country in a position where it will not be able to resume nuclear testing in a timely fashion when and if the Clinton (or some future) Administration decides that it has become necessary to do so. Should this occur, at the most fundamental level the U.S. will have put at risk its core nuclear competency, of which testing is an essential element.

INFRASTRUCTURE POLICY: BENIGN NEGLECT OR EROSION BY DESIGN?

Nuclear testing is only one of the various elements necessary to maintain a safe and reliable nuclear weapons capability. Other elements include the processing and production of critical nuclear materials used in the weapons, fabrication of plutonium components, and the assembly and disassembly of warheads.

The DOE is currently reviewing the future of the nuclear production complex—calling the review Complex 21—with the ultimate goal of consolidating nuclear weapons production capabilities at a single site. Although DOE has stated its plans to maintain the weapons production capabilities through Complex 21, there are concerns that the Clinton Administration may be reluctant to adopt the recommendations of its own review, resulting in an acceleration of the erosion of the nuclear weapons infrastructure. Key components of those issues under review are discussed below.

Tritium Production

To date, one of the most troubling decisions made by the Clinton Administration has been to place the K reactor at Savannah River, South Carolina in "cold standby" while simultaneously postponing until at least next year selection of a New Production Reactor (NPR) technology. The K reactor and NPR technologies are designed to produce tritium which is used to enhance the explosive power of a nuclear warhead. Importantly,

tritium has a half life of only 12 years and must be replenished continually. The K reactor at Savannah River was scheduled to proceed with a production run in 1993 in order to demonstrate its continued viability as a source of tritium until such time as a new technology could be brought on-line. That demonstration program has now been canceled by the Clinton Administration. The Administration's plan to mothball the K reactor will apparently leave the U.S. without any capability to produce tritium for the foreseeable future.

The K reactor was ultimately to have been to be replaced by the NPR. Unfortunately, the decision on a future NPR technology has already been delayed twice in the last three years, with indications that the Clinton Administration will again delay the decision beyond the current 1994 date. This is important because once a decision on the NPR is made, it will take at least 15 years before the new technology will generate tritium. Based on current stockpile projections, a new tritium production source ought to begin operations in 2008, so new tritium would be available to enter the stockpile in 2010. To meet this schedule, preconstruction activities associated with NPR must begin in 1995. Even on this ambitious schedule, the U.S. will have to reach deeply into its tritium reserves.

The most prudent approach to meeting future tritium requirements would be to run the demonstration phase of the K reactor and to keep the reactor in "warm standby" status in the event it is needed to resupply tritium reserves. The Clinton Administration, however, has rejected this approach, contending instead that a civilian light-water reactor loaded with special target elements could be used in a national emergency to produce tritium. However, the target development program was terminated at the pre-prototype stage and would require several years to complete if it were to be reinitiated. Furthermore, the proposal to use a civilian reactor fails to acknowledge the likely legal and political obstacles to utilizing a civilian reactor for military purposes in the future. The Clinton Administration ought to promptly identify a means for tritium production and commit to a plan that will provide a new tritium supply by 2010.

Plutonium Component Fabrication

Another impending crisis for the U.S. nuclear weapons infrastructure is the shutdown of production capabilities at Building 707 at the Rocky Flats plant in Colorado. For all practical purposes, the United States has terminated its ability to fabricate plutonium components for new or redesigned weapons in the future. Plutonium components comprise an essential element of the "pit" of a nuclear warhead. With the closure of Building 707, if U.S. decision-makers decide at some point in the future to produce a new nuclear weapon or redesign an existing weapon to enhance its safety, the U.S. will have to rely on reusing old pits. The idea of reusing old pits is relatively new and much still remains to be learned. Although reusing old pits may work in some situations, ironically, validating a new or modified weapon design that relies on a reused pit would still require nuclear tests. In fact, such weapon designs incorporating reused pits have required extensive underground testing in recent years.

The U.S. has never incorporated a reused pit into the stockpile. Furthermore, reusing old pits fails to acknowledge that the U.S. does not today know what its requirements

for future nuclear weapons will be or how pits will age over time, an issue which didn't exist in the past because pits were not expected to be reused. In other words, new warheads were built with new pits. Further, most older pits are not designed to work with insensitive high explosives (IHB), a key safety feature in more modern strategic nuclear warheads. The National Laboratories could produce a limited number of pits, but their current capability is insufficient if a decision is made to proceed with new warhead development and production. Unless the capabilities of the National Laboratories are significantly enhanced, or a new plutonium fabrication facility is constructed (as tentatively planned under DoE's nuclear consolidation review), the United States will lose the capability to fabricate more than a small number of plutonium pits for new, redesigned, or remanufactured warheads each year.

The National Laboratories

Although the national laboratories might be capable of producing small quantities of nuclear warheads in an emergency, even this may change if proposals pending in Congress to reshape the laboratory infrastructure are adopted. Some of these legislative proposals, such as H.R. 1432, would downgrade the priority currently assigned by the labs to the design and maintenance of the nuclear stockpile in favor of developing more civilian oriented technologies.

Additionally, the FY 1994 DOE Defense Programs budget, which funds all defense nuclear activities, has decreased 19% over FY 1993 spending levels. The National Labs are funded from the DOE Weapons Activities account which has received the largest spending reductions in both terms of dollars and as a percent of the budget. Further, there are indications that the Weapons Activities account will receive another significant cut in the FY 1995 Defense Programs budget request. Substantial cuts to the research and development budget of the laboratories will cause irreparable long-term damage and could prevent the laboratories from carrying out what ought to be their priority mission of designing and developing nuclear weapons.

Warhead Assembly and Maintenance

Another concern with the nuclear weapons infrastructure is the rate of warhead dismantlement at the Pantex Plant in Texas. Pantex is responsible for the dismantlement of nuclear warheads for reliability checks as well as for disposal, and for the interim storage of plutonium pits. DOE anticipates that Pantex will soon reach its capacity of dismantling 2000 warheads per year. Achieving and maintaining this rate could affect the ability of the dismantlement facility to carry out another of its key missions—the routine disassembly of warheads to ensure their reliability. In an effort to reach an optimum rate of dismantlement at Pantex, DOE is apparently ignoring the requirement to randomly select warheads from the stockpile to disassemble and inspect. Neglecting this process, in the context of a moratorium on nuclear testing, will further undermine U.S. confidence in the integrity of warheads in the stockpile.

One alternative, which DOE has not seriously explored, is to expand the mission of the Device Assembly Facility (DAF) at the Nevada Test Site from exclusively supporting the testing agenda to supporting stockpile confidence efforts. DAF was designed to assist in nuclear tests. Under the testing moratorium, DAF could be reassigned the mission to regularly conduct safety and reliability inspections on stockpile warheads.

Workforce

A final, but critical, element of the Nation's nuclear complex that is in jeopardy is the unique and highly skilled workforce. In many respects, the "cutting edge" of U.S. nuclear capability is a workforce that remains dedicated to ensuring the safety and reliability of U.S. nuclear weapons.

Less than ten years ago, the U.S. nuclear complex employed approximately 11,000 workers. In the 1985-1993 period, however, this number has been reduced by almost 2,000 people. DOE now anticipates that an additional 2,000 employees will likely be laid off in 1994 alone, taking the nuclear workforce down to a level of 7,000 employees. Furthermore, the number of personnel involved in critical warhead design, development, fabrication and testing activities in 1994 is expected to be one-half the number of just eight years ago.

That the U.S. nuclear weapons complex is only as good as the people who work within it is an obvious, but seemingly overlooked, truth. Highly skilled, highly motivated scientists and engineers in sufficient numbers are critical to maintaining the safety and reliability of the U.S. nuclear stockpile in the future. The Clinton Administration has yet to establish new, "baseline" requirements for the nuclear weapons complex, including personnel levels. In the absence of these requirements, the potential Clinton reductions once again raise serious questions about the direction of the Administrations's policies and its level of commitment to preserving core levels of competency in nuclear matters.

CONCLUSION

The end of the Cold War has provided the U.S. with an opportunity to reduce defense spending. In taking advantage of this opportunity, the President and Congress should be careful to drawdown U.S. defenses in a manner consistent with a clear and concise national defense strategy reflecting the changed international environment. First and foremost, however, there should be recognition that the world is still a dangerous place. The proliferation of nuclear weapons technology is an increasing threat. There are 35,000 nuclear weapons of the former Soviet Union now spread across four newly independent states.

As long as other nations covet or control nuclear weapons, the U.S. and its allies must continue to depend on nuclear weapons for their security. Furthermore, our friends and allies alike must continue to have confidence in the security provided by the U.S. nuclear umbrella.

Whether supporting a force of 20,000 or 3,500 warheads, there are unavoidable responsibilities associated with maintaining a credible nuclear stockpile. Both the Congress and the Administration have an obligation to ensure that those responsibilities are met.

However, recent actions taken by the Clinton Administration that follow on the heels of cutbacks already made by the Bush Administration call into serious question this Administration's willingness to step up to those responsibilities.

Optimists will argue that the consequences of the decisions discussed above can be easily and quickly rectified with the rapid commitment of additional financial resources when and if necessary in the future. But this view raises several important questions:

Will there remain the national commitment to invest large sums of money in the nuclear weapons complex to reinvigorate the U.S. deterrent in the future?

Will there be legal or environmental obstacles to reinitiating production of critical nuclear materials?

Will there be sufficient public support to rebuild plutonium fabrication facilities if necessary?

Will there be sufficient time to reconstitute necessary materials production and weapons fabrication capabilities?

Will the U.S. be able to hire sufficient numbers of skilled and experienced scientists, engineers, and technicians required to work in the nuclear weapons complex of the future once today's experts have left to pursue other endeavors?

At present, no one can definitively answer these questions. Accordingly, the prudent approach to maintaining a credible nuclear stockpile is to slow the decommissioning of DOE defense facilities, slow the rush to methodically dismantle the DOE nuclear infrastructure, slow or reverse the U.S. nuclear weapon complex "brain drain," and continue to perform nuclear tests to ensure the safety and reliability of the U.S. nuclear weapons stockpile and other critical military systems.

Over the last half century, U.S. nuclear weapons have evolved into complex, highly sophisticated systems developed, produced, and maintained to meet U.S. national security challenges. These weapons require maintenance, logistical support, and testing—both nuclear and non-nuclear—commensurate with their complexity and sophistication if they are to continue to serve as reliable and effective components of U.S. national security.

Without nuclear testing, new, safe, secure, reliable, less complex nuclear weapons cannot be developed and produced, and new survivable systems, technologies and processes cannot be validated. Without nuclear testing, the U.S. can neither maintain existing nuclear weapons nor develop new weapons with a high degree of confidence in the future. This is the dilemma that President Clinton currently confronts.

APPENDIX A

PUBLIC LAW 102-377 102D CONGRESS

SEC. 507. (a) Hereafter, funds made available by this Act or any other Act for fiscal year 1993 or for any other fiscal year may be available for conducting a test of a nuclear explosive device only if the conduct of that test is permitted in accordance with the provisions of this section.

(b) No underground test of a nuclear weapon may be conducted by the United States after September 30, 1992, and before July 1, 1993.

(c) On and after July 1, 1993, and before January 1, 1997, an underground test of a nuclear weapon may be conducted by the United States—

(1) only if—

(A) the President has submitted the annual report required under subsection (d);

(B) 90 days have elapsed after the submission of that report in accordance with that subsection; and

(C) Congress has not agreed to a joint resolution described in subsection (d)(3) within the 90-day period; and

(2) only if the test is conducted during the period covered by the report.

(d)(1) Not later than March 1, of each year beginning after 1992, the President shall submit to the Committees on Armed Services and Appropriations of the Senate and the House of Representatives, in classified and unclassified forms, a report containing the following matters:

(A) A schedule for resumption of the Nuclear Testing Talks with Russia.

(B) A plan for achieving a multilateral comprehensive ban on the testing of nuclear weapons on or before September 30, 1996.

(C) An assessment of the number and type of nuclear warheads that will remain in the United States stockpile of active nuclear weapons on September 30, 1996.

(D) For each fiscal year after fiscal year 1992, an assessment of the number and type of nuclear warheads that will remain in the United States stockpile of nuclear weapons and that—

(i) will not be in the United States stockpile of active nuclear weapons;

(ii) will remain under the control of the Department of Defense; and

(iii) will not be transferred to the Department of Energy for dismantlement.

(E) A description of the safety features of each warhead that is covered by an assessment referred to in subparagraph (C) or (D).

(F) A plan for installing one or more modern safety features in each warhead identified in the assessment referred to in subparagraph (C), as determined after an analysis of the costs and benefits of installing such feature or features in the warhead, should have one or more of such features.

(G) An assessment of the number and type of nuclear weapons tests, not to exceed 5 tests in any period covered by an annual report under this paragraph and a total of 15 tests in the 4-fiscal year period beginning with fiscal year 1993, that are necessary in order to ensure the safety of each nuclear warhead in which one or more modern safety features are installed pursuant to the plan referred to in subparagraph (F).

(H) A schedule, in accordance with subparagraph (G), for conducting at the Nevada test site, each of the tests enumerated in the assessment pursuant to subparagraph (G).

(2) The first annual report shall cover the period beginning on the date on which a resumption of testing of nuclear weapons is permitted under subsection (c) and ending on September 30, 1994. Each annual report thereafter shall cover the fiscal year following the fiscal year in which the report is submitted.

(3) For the purposes of paragraph (1), "joint resolution" means only a joint resolution introduced after the date on which the Committees referred to in that paragraph receive the report required by that paragraph the matter after the resolving clause of which is as follows: "The Congress disapproves the report of the President on nuclear weapons testing, dated _____" (the blank space being appropriately filled in).

(4) No report is required under this subsection after 1996.

(e)(1) Except as provided in paragraphs (2) and (3), during a period covered by an annual report submitted pursuant to subsection (d), nuclear weapons may be tested only as follows:

(A) Only those nuclear explosive devices in which modern safety features have been installed pursuant to the plan referred to in subsection (d)(1)(F) may be tested.

(B) Only the number and types of tests specified in the report pursuant to subsection (d)(1)(G) may be conducted.

(2)(A) One test of the reliability of a nuclear weapon other than one referred to in paragraph (1)(A) may be conducted during any period covered by an annual report, but only if—

(i) within the first 60 days after the beginning of that period, the President certifies to Congress that it is vital to the national security interests of the United States to test the reliability of such a nuclear weapon; and

(ii) within the 60-day period beginning on the date that Congress receives the certification, Congress does not agree to a joint resolution described in subparagraph (B).

(B) For the purposes of subparagraph (A), "joint resolution" means only a joint resolution introduced after the date on which the Congress receives the certification referred to in that subparagraph the matter after the resolving clause of which is as follows: "The Congress disapproves the testing of a nuclear weapon covered by the certification of the President dated . . ." (the blank space being appropriately filled in).

(3) The President may authorize the United Kingdom to conduct in the United States, within a period covered by an annual report, one test of a nuclear weapon if the President determines that it is in the national interests of the United States to do so. Such a test shall be considered as one of the tests within the maximum number of tests that the United States is permitted to conduct during that period under paragraph (1)(B).

(f) No underground test of nuclear weapons may be conducted by the United States after September 30, 1996, unless a foreign state conducts a nuclear test after this date, at which time the prohibition on United States nuclear testing is lifted.

(g) In the computation of the 90-day period referred to in subsection (c)(1) and the 60-day period referred to in subsection (e)(2)(A)(ii), the days on which either House is not in session because of an adjournment of more than 3 days to a day certain shall be excluded.

(h) In this section, the term "modern safety feature" means any of the following features:

- (1) An insensitive high explosive (IHE).
- (2) Fire resistant pits (FRP).
- (3) An enhanced detonation safety (ENDS) system.

Sec. 508. Notwithstanding any other provision of this Act, \$5,000,000 of the funds appropriated in title I shall be available for the Central Maine Water Supply Project, to remain available until September 30, 1993, and to become available only upon enactment into law of authorizing legislation.

This Act may be cited as the "Energy and Water Development Appropriations Act, 1993".

Approved October 2, 1992.

APPENDIX B

RADIO ADDRESS BY THE PRESIDENT, JULY 2, 1993

THE PRESIDENT: I'd like to talk to you about that for a few minutes. Because of the vigilance, the democratic values, the military strength of the United States and our allies, we won the Cold War. Our inheritance, our victory is a new chance to rebuild our economies and solve our problems in each of our countries while we reduce military spending. But our profound responsibility remains to redefine what it means to preserve security in this post-Cold War era. We must be strong. We must be resolute. And we must be safe.

This great task has certainly changed with the passage of the Cold War. The technologies of mass destruction in the hands of Russia and the United States are being reduced. But technologies of mass destruction that just a few years ago were possessed only by a handful of nations, and still are possessed only by a few, are becoming more widely available. It is now theoretically possible for many countries to build missiles, to have nuclear weapons and other weapons of mass destruction. This is a new and different challenge that requires new approaches and new thinking.

During my campaign for President, I promised a wholehearted commitment to achieving a comprehensive nuclear test ban treaty.

A test ban can strengthen our efforts worldwide to halt the spread of nuclear technology in weapons. Last year, the Congress directed that a test ban be negotiated by 1996. And it established an interim moratorium on nuclear testing while we reviewed our requirements for further tests. That moratorium on testing expires soon.

Congress said that after the moratorium expires, but before a test ban was achieved, the United States could carry out up to 15 nuclear tests to ensure the safety and reliability of our weapons. After a thorough review, my administration has determined that the nuclear weapons in the United States arsenal are safe and reliable.

Additional nuclear tests could help us prepare for a test ban and provide for some additional improvements in safety and reliability. However, the price we would pay in conducting those tests now by undercutting our own nonproliferation goals and ensuring that other nations would resume testing outweighs these benefits.

I have, therefore, decided to extend the current moratorium on United States nuclear testing at least through September of next year, as long as no other nation tests.

And I call on the other nuclear powers to do the same. If these nations will join us in observing this moratorium, we will be in the strongest possible position to negotiate a comprehensive test ban and to discourage other nations from developing their own nuclear arsenals.

If, however, this moratorium is broken by another nation, I will direct the Department of Energy to prepare to conduct additional tests while seeking approval to do so from Congress. I therefore expect the Department to maintain a capability to resume testing.

To assure that our nuclear deterrent remains unquestioned under a test ban, we will explore other means of maintaining our confidence in the safety, the reliability and the performance of our own weapons. We will also refocus much of the talent and resources of our nation's nuclear labs on new technologies to curb the spread of nuclear weapons and verify arms control treaties.

Beyond these significant actions, I am also taking steps to revitalize the Arms Control and Disarmament Agency, so that it can play an active role in meeting the arms control and nonproliferation challenges of this new era. I am committed to protecting our people, deterring aggression and combatting terrorism. The work of combatting proliferation of weapons of mass destruction is difficult and unending, but it is an essential part of this task. It must be done.

Americans have earned the right on this Fourth of July weekend to enjoy life, liberty and the pursuit of happiness in the new era America did so much to create. This moment of opportunity is the reward for our vigilance and sacrifice during the long years of the Cold War.

We now have the freedom to concern ourselves, not merely with survival but with prosperity for ourselves and our children. We have the strength and the stature to lead the world into a future of greater security and global growth.

Because of the changes we have made, America can now fulfill the dreams and aspirations of the patriots who made our freedom possible more than 200 years ago. We can do them no greater honor than to make the most of what these times have to offer. Working together, we will.

Have a happy and safe holiday, and thanks for listening.

APPENDIX C

[From the Washington Post, July 16, 1993]

TEST-BAN TRAP

(By Charles Krauthammer)

On July 3, President Clinton announced that the United States would no longer test nuclear weapons unless some other nation went first. The president acknowledged that "additional nuclear tests could . . . provide for some additional improvements in safety and reliability" of our nuclear stockpile. But, he argued, safety and reliability improvements are less important than getting nonnuclear nations to stay nonnuclear. And that would be jeopardized if we went ahead with testing.

In the 50-year history of the nuclear debate, this argument—a test ban in the name of nonproliferation—is quite possibly the most whimsical. Does North Korea pursue the bomb because the United States occasionally tests the safety and reliability of its arsenal underground in Nevada? In fact, as former assistant secretary of defense Frank Gaffney points out, the North Korean nuclear program reached its frantic climactic stage precisely during the current American moratorium on nuclear testing.

Is a cessation of American nuclear testing going to induce Saddam to give up his pursuit of the bomb? How exactly is this logic supposed to work? The New York Times explains. A nuclear test ban "will not assure an end to the peril of proliferation," it boldly concedes. "But it will help stigmatize nuclear weapons and mobilize support for curbing their spread."

Stigmatize nuclear weapons. What does that mean? Make nuclear weapons appear evil? First of all, nuclear weapons, when used (as ours are) for deterrence, are not evil. Second, even if they were evil, the evil nature of a weapon may dissuade some Americans from acquiring it, but it will not dissuade Saddam. In fact, as we have seen with his use of chemical weapons, for the likes of Saddam evil is an inducement.

Perhaps stigmatize means to devalue the currency of a weapon. That seems to be the idea of Bob Musil, spokesman for Physicians for Social Responsibility, a major test-ban advocate. Testing, he explains, "makes nuclear weapons look too valuable, and I think we should make nuclear weapons look as little valuable as possible. That's what is at issue."

This is nonsense on stilts. The value of nuclear weapons is inherent in their power. It has nothing to do with how the United States makes them look. No nation that covets the power conferred by nukes is going to respond to an American test ban with: "Hey, the Americans stopped testing. That must mean that nukes are not that important anymore. No need for us to have them then. Let's make plowshares."

Nonproliferation is a very good idea. But there is a problem. It is not very fair. It essentially says: Those countries that have nuclear weapons can keep them, but no one else can join the club.

Unfortunately, there is no cure for this problem. It is absurd to believe that we cure it by pretending nuclear weapons don't matter and letting ours get rusty and unreliable. Whom do we think we are fooling? Neglecting the maintenance of the arsenal either has no effect, in which case it is a sham. Or it has an effect—degrading the reliability and safety of the arsenal—in which case it is a menace. Then we don't have nonproliferation. We have denuclearization.

After all, if the safety and reliability of these weapons are allowed to degrade—how

safe and reliable is any complex piece of machinery if left untested for years?—then eventually they cannot be used. This is denuclearization by other means. No need for some dramatic act of Congress. When we get to a point where we simply cannot count on our arsenal, we are effectively disarmed.

For some anti-testers, of course, that is the whole point of a test ban. For these descendants of the old Ban the Bomb and Nuclear Freeze movements, a test ban is not an end but a means. It is a beginning on the road to full nuclear disarmament. They are not so much interested in abolishing the tests as in abolishing the weapons. And the former is a means to the latter.

There are two kinds of countries with the potential to acquire nuclear weapons. First, advanced and generally friendly countries—like Germany, Japan and South Korea—that refrain from acquiring nuclear weapons in part because they trust the American nuclear umbrella to protect them. If they see us denuclearizing, their temptation to acquire their own nuclear weapons will only increase. So much for nonproliferation.

The other category of nations comprises the pariah states like North Korea—hostile, aggressive, sometimes unstable. There is something lunatic about saying that if we devalue and degrade our arsenal, nukes will then have less value for the North Koreans of the world. On the contrary. The most elementary principle of economics is that the value of a commodity increases with its scarcity. The fewer nuclear weapons reliably held by the great powers, the greater the premium—the power—conferred upon the have-not who acquires them. Imagine, for example, that our nuclear arsenal suddenly vanished. That would infinitely multiply the value of any weapon falling into the hands of Kim Jong Il.

On July 10 Bill Clinton warned North Korea that if it developed and used a nuclear weapon, North Korea would cease to exist. This is what is known as deterrence. But deterrence only works if we have a safe and reliable deterrent.

The test ban is a trap. It is advertised as a means to nonproliferation. It is not. It is, however, a means to denuclearization. And while nonproliferation is a vital American goal, denuclearization is a simple folly.

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

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

Mrs. VUCANOVICH. Mr. Chairman, I opposed Mr. Clinton's nuclear testing moratorium last year and his continued "no testing policy" concerns me greatly. I say this with extreme concern because as American foreign policy under the Clinton administration continues like a rudderless ship, countries like North Korea simply ignore American ideals and are becoming greater and greater threats to the free world.

Does anyone really believe that this sense of the Congress language is going to stop some despot from acquiring nuclear weapons? I don't. Has it stopped countries from testing nuclear weapons? It has not. China saw fit to conduct a test just last Fall and daily we see the belligerence of North Korea in their headlong pursuit of nuclear weapons.

Will we stand by while North Korea develops nuclear weapons to threaten

South Korea or Japan? What about them selling nuclear weapons and technology to Iran, Libya, Iraq or Syria? Who will ultimately pay the price of North Korea's adventurism? The 36,000 American troops in Korea come to mind first and foremost.

A weak national defense did not win the cold war for the United States and disarmament policies are not going to prevent countries from threatening peaceful nations. The Kopetski amendment is ill advised and I urge its defeat.

□ 1650

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from Nevada [Mr. BILBRAY].

Mr. BILBRAY. Mr. Chairman, I rise against the amendment, also.

The President of the United States in deciding that he would have a moratorium in testing also required the Department of Energy to retain the infrastructure to resume testing if necessary upon 6 months' notice. I think this is adequate in the present conditions of the world.

As was stated by the previous amendment, the gentleman from New York [Mr. SOLOMON], who authored that amendment, stated the fact that the world is a very dangerous place, that the North Koreans have the capacity of making four to five nuclear weapons, probably have one or two presently already constructed, and the fact is we have the Chinese that even after the President gave the notice of the moratorium exploded a device and are capable of exploding more devices.

Mr. Chairman, I think the present moratorium as announced by the President is adequate, it certainly is keeping everything in place in case of imminent national emergency, and I think that the gentleman from Oregon should support what the President of the United States has done in his stand on this moratorium and withdraw his amendment. The gentleman will not do it, but I urge my colleagues to vote no on it.

Mr. KOPETSKI. Mr. Chairman, may I inquire how much time each side has remaining?

The CHAIRMAN pro tempore (Mr. MAZZOLI). The gentleman from Oregon [Mr. KOPETSKI] has 2½ minutes remaining, and the gentleman from South Carolina [Mr. SPENCE] has 2½ minutes remaining.

The Chair advises that the gentleman from South Carolina [Mr. SPENCE] as a member of the committee has the right to close.

Mr. KOPETSKI. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, let me address a couple of the issues raised. It is the nonproliferation treaty and future agreements like the comprehensive test ban treaty that gives the United States and the international community the legal

authority as we discussed under the Solomon amendment to pursue such nations as North Korea who first agree to an international agreement and then try to back out of it. These are the very kinds of agreements and legal contracts that we want nations to enter into so that we can police the world against further development of nuclear weapons.

Second, in terms of the Chinese testing, yes, they have tested. It is regrettable. The world community rose up in protest against it and as a result of that protest, the Chinese are actively participating in the conference on disarmament and have come out and publicly stated that they will support a comprehensive test ban treaty if negotiated by 1996.

Also, the fact is the United States has conducted 1,000 nuclear weapons tests through the years. Our weapons program and technological superiority is unequaled anywhere in the world. There is no second place. If we take the sophistication level of a North Korea or an India or some other emerging nuclear weapons state, they are at the 1-yard line and we are at the other end of the football field about to score.

It is that much of a gap of superiority both in numbers of weapons and sophistication level. Of course we ought to encourage the adoption of a comprehensive test ban treaty as soon as possible.

The CHAIRMAN pro tempore. Does the gentleman from South Carolina [Mr. SPENCE] have further requests for time? The gentleman has the right to close.

Mr. SPENCE. Mr. Chairman, I have only one speaker and I would like to close.

The CHAIRMAN pro tempore. The gentleman from Oregon [Mr. KOPETSKI] is recognized for the balance of his time. The gentleman from South Carolina [Mr. SPENCE] elects to close.

Mr. KOPETSKI. Mr. Chairman, let me share with my colleagues a quote from a recent speech by the Arms Control and Disarmament Agency Director, Mr. Holum:

"From the very first atomic blast at Alamogordo, mankind has been struggling to recapture the ferocious beast unleashed there. Since then thousands of women and men of good will and intellect have pursued—passionately, painstakingly—the compelling mission of our age. Working together, let us rededicate ourselves to that mission: to shepherd this beast back into its cage—to bring what was unleashed in a blinding blast of heat in the New Mexico desert to a fitting end in the cool atmosphere of reason in Geneva—to ensure that the first half-century of nuclear explosions is the last."

Mr. Chairman, I beg my colleagues, this is the sense of the Congress urging our negotiators in Geneva to work with deliberate and passionate speed to adopt the comprehensive test ban treaty. I urge my colleagues to support the Kopetski amendment.

Mr. SPENCE. Mr. Chairman, I yield the balance of my time to the gentleman from Arizona [Mr. KYL].

The CHAIRMAN pro tempore. The gentleman from Arizona [Mr. KYL] is recognized for 2½ minutes.

Mr. KYL. Mr. Chairman, the Kopetski amendment congratulates President Clinton for his stance on nuclear testing and for extending the U.S. moratorium on nuclear testing through September 1995.

Although it is simply a sense of Congress resolution, I do not think the President should be congratulated for breaking his word.

When he initially declared it President Clinton said:

If this moratorium is broken by another nation, I will direct the DOE to prepare to conduct additional tests.

Of course, as we now know, another nation did carry out a nuclear test, China, and yet, the President did not so instruct the Department of Energy.

Mr. Chairman, it is important that the United States carry out the President's promise to ensure the safety, reliability and integrity of our nuclear force. Reliable nuclear deterrence requires nuclear testing. There are three reasons:

One, contrary to another Clinton assumption, nuclear testing is needed to assure the safety and reliability of U.S. nuclear weapons. The administration's apparent view that U.S. nuclear weapons are safe enough for now demonstrates, I believe, a cavalier attitude toward the complexity of nuclear weapons and fails to take into account past safety and reliability problems with the stockpile.

Second, contrary to an assumption by the Clinton administration, there are no other means sufficient to maintain confidence in the safety and reliability of the U.S. nuclear stockpile. Sophisticated computer modeling and simulation, conventional testing and other non-nuclear testing regimes can provide useful data but none provide a high confidence alternative to ensure the safety, reliability and effectiveness of U.S. nuclear weapons.

Finally, Mr. Chairman, contrary to the President's assumption, a comprehensive test ban treaty will not, I repeat, not strengthen efforts to halt the spread of nuclear weapons. There is no evidence that a testing moratorium or a CTBT will promote nonproliferation. The most recent affirmation of this point is another planned nuclear test by China, the second within a year, as documented by the New York Times, and discussions in France to resume nuclear testing in the near future.

Mr. Chairman, other nations will make their decisions about the utility of a nuclear option on the basis of their perceptions of their own security interests, not on the actions of the United States with respect to moratoriums on

nuclear testing. I urge a no vote on the Kopetski amendment.

Mr. SABO. Mr. Chairman, I rise to express my support for the Kopetski amendment on nuclear testing. The amendment essentially duplicates the language of House Concurrent Resolution 235, a resolution I introduced earlier this year with support from Mr. KOPETSKI, the distinguished majority leader, and the distinguished chairman of the Committee on Armed Services.

Since late January, the United States has been engaged in negotiations for a comprehensive nuclear test ban [CTB] treaty. By all accounts, those talks are going very well. There is real reason to hope that the essential framework of a CTB treaty will be in place by the end of the year.

None of this would have taken place, however, without the clear and consistent support for a CTB treaty expressed by the House of Representatives over the last decade. During the last two administrations, when various objections were being placed in the way of CTB talks, this body again and again emphasized the simple fact that limits on nuclear weapons testing were in the U.S. national security interest.

That is truer today than ever before. It has become increasingly clear that the spread of nuclear weapons would constitute a major threat to our security. A comprehensive nuclear test ban treaty, along with indefinite extension of the Non-Proliferation Treaty, would establish an international framework for controlling this technology.

These treaties won't be the complete answer to nuclear proliferation. Countries such as Iraq and Korea, and indeed, other states, could develop nuclear technology on their own given enough time and money. However, it is important to note that the NPT has given us the framework which is being used to slow and perhaps stop the North Korean bomb. The NPT also provided the legal justification for the nuclear inspections in Iraq after the conclusion of the Gulf war.

Thus, the Non-Proliferation Treaty has been an essential tool for controlling the spread of nuclear weapons, and its extension next year will be a crucial factor in the future success of that effort.

To forge an international consensus for indefinite extension of the NPT, however, the United States needs to demonstrate its commitment to ending the arms race. Every U.S. President from Eisenhower to Carter supported negotiation of a CTB Treaty as evidence of that commitment. I am very pleased President Clinton has once again made a nuclear testing treaty a major goal of U.S. foreign policy.

The President is to be commended for his policy, and other countries must be encouraged to both abide by the existing informal moratorium on nuclear testing, and to complete a CTB treaty as soon as possible. Mr. KOPETSKI's amendment speaks to these issues, and should be supported. I urge adoption of the amendment.

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

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

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

The CHAIRMAN pro tempore. Pursuant to House Resolution 431, further proceedings on the amendment offered by the gentleman from Oregon [Mr. KOPETSKI] will be postponed.

The Chair notes that amendments numbered 8 and 11 will not be offered.

It is now in order to consider amendment No. 47 printed in part 1 of House Report 103-520.

AMENDMENT OFFERED BY MR. REED

Mr. REED. 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 Mr. REED: At the end of title VIII (page 246, after line 23), insert the following new section:

SEC. 873. GAO STUDY ON SALARIES PAID TO EXECUTIVES OF DEFENSE CONTRACTORS.

(a) **STUDY REQUIRED.**—The Comptroller General shall conduct a study of the top 20 executive salaries among companies with at least 75 percent of their revenues derived from contracts with the Department of Defense.

(b) **MATTERS TO BE STUDIED.**—The study required by subsection (a) shall address the following matters:

(1) The reasons for high executive salaries at companies that derive the majority of their revenues from government contracts and not from commercial market competition.

(2) A description of salaries of chief executive officers of the companies being studied and the amount expended by those companies for defense conversion.

(3) A comparison of the compensation for production workers under defense contracts with compensation for executives.

(4) An analysis of the types of workers under defense contracts, (i.e., production workers or executives) that are losing their jobs because of reductions in defense expenditures.

(5) An analysis of how executive pay conforms or does not conform with other cost cutting techniques used by defense contractors, such as lay-offs, mergers and acquisitions, and defense conversion.

(6) An analysis of the correlation, if any, between executive pay and defense conversion activities.

(7) A comparison of the executive salaries being studied with the salaries of top executives in other companies of similar size that do not derive at least 75 percent of their revenues from contracts with the Department of Defense.

(c) **DEADLINE.**—The Comptroller General shall complete the study and submit to Congress a report on the study not later than 12 months after the date of the enactment of this Act.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Rhode Island [Mr. REED] will be recognized for 5 minutes and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from Rhode Island [Mr. REED].

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

Mr. Chairman, I rise today to offer an amendment to direct the General Accounting Office to conduct a study of

CEO compensation for defense firms that have 75 percent of their business or more with the Department of Defense. The impetus of such an amendment is what I find in my district and I think what I find throughout this country, which is that in the face of downsizing of defense contracting, there are thousands of production workers who are being laid off, there are companies which are sometimes halfheartedly trying to embrace conversion attempts, and in contrast to these dire circumstances, there are many senior executives who are receiving extraordinary compensation.

Mr. Chairman, before we go ahead and draw conclusions one way or the other, I think it is appropriate, indeed necessary, to have a report done objectively by the General Accounting Office, to look at compensation, to correlate it with complementary civilian-type companies, to look at efforts in these companies for conversion activities, to look at the effect on production workers versus the effect on the executive officers.

□ 1700

I think it is appropriate to have such a study, to do it now, and then to draw whatever appropriate conclusions are necessary.

I understand that this is an important issue, but there are many others before the Committee of the Whole today, and in the interest of expediting consideration of this issue and moving to other issues, I yield such time as he may consume to the chairman of the committee for purposes of a colloquy.

Mr. Chairman, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Rhode Island.

Mr. REED. I thank the gentleman for yielding.

Mr. Chairman, while my preference is to statutorily require a GAO study, I also recognize your desire to speed up consideration of this bill.

Therefore, I will withdraw my amendment pending your continued willingness to write the General Accounting Office to request a study on defense CEO compensation as outlined in my amendment.

May I have the chairman's assurance that you will request this GAO study on my behalf?

Mr. MONTGOMERY. We will be glad to, yes.

Mr. REED. I thank the gentleman.

Mr. Chairman, my amendment is a straightforward amendment that all Members can fully support.

Simply stated, the Reed amendment would require the General Accounting Office to study the salaries paid to defense company executives.

The study would concentrate on defense firms which derive 75 percent of their revenue from Defense Department contracts.

In particular, the study would examine the following: What the salaries are, the reason for

these salaries, how CEO pay relates to blue-collar wages, any correlation between CEO pay and defense conversion efforts, which defense workers are losing their jobs, and a comparison nondefense and defense CEO pay.

The reason for the Reed amendment is also straightforward: Making sure the taxpayer gets the most bang for their buck.

In an era of decreasing defense budgets, Congress is attempting to reorder its spending priorities while maintaining essential elements of our Nation's defense industrial base.

Regrettably, these policies have led to enormous lay-offs in many regions of the country already struggling with the recession.

However, top-level executives of these defense contractors often receive enormous salaries, while production workers fear each day may be their last day on the job.

Although executive compensation is traditionally higher than production worker salaries, defense executive pay is derived from taxpayer funded contracts, not the commercial marketplace.

Congress needs a GAO study to provide in-depth information on this issue so that we can ensure that our defense acquisition policy is cost-effective and in the Nation's best interest.

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

Mr. SPENCE. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore (Mr. MAZZOLI). The gentleman from South Carolina [Mr. SPENCE] is recognized for 5 minutes in opposition to the amendment.

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

Mr. KYL. I thank the gentleman for yielding to me, and I simply rise to engage in a colloquy with the distinguished chairman on another matter.

Mr. Chairman, I see that funding was added to the Army missile/air defense product improvement line; however, there seems to be an omission regarding Stinger missile improvements. Is it true that the intent of the committee is that additional funding should be made available for accelerating the Stinger missile improvements and testing the Starstreak missile? It is also my understanding that it will be our intent to address these initiatives, at the appropriate funding levels, during conference with the Senate.

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

Mr. KYL. I yield to the chairman.

Mr. MONTGOMERY. I thank the gentleman for yielding.

Mr. Chairman, the gentleman is correct.

Mr. KYL. I thank the gentleman from Mississippi.

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

Mr. REED. Mr. Chairman, given the assurances of Chairman MONTGOMERY with respect to the letter that will provide for a study, I ask unanimous con-

sent that I be permitted to withdraw my amendment.

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

There was no objection.

The CHAIRMAN pro tempore. Pursuant to the rule, it is now in order to consider amendment No. 58, printed in part 1 of House Report 103-520.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. 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 Mr. TRAFICANT:

In Title V, add a new section after section 534 as follows:

SEC. 535. DETAIL OF DEPARTMENT OF DEFENSE PERSONNEL TO ASSIST IMMIGRATION AND NATURALIZATION SERVICE, BORDER PATROL AND CUSTOMS SERVICE.

(a) AUTHORITY OF SECRETARY OF DEFENSE.—Section 374 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(d)(1) During each fiscal year, the Secretary of Defense may make Department of Defense personnel currently stationed in Europe available to assist—

"(A) at the request of the Attorney General, the Immigration and Naturalization Service and the United States Border Patrol in preventing the entry of terrorists, drug traffickers, and illegal aliens into the United States; and

"(B) at the request of the Secretary of the Treasury, the United States Customs Service in the inspection of cargo, vehicles, and aircraft at points of entry into the United States."

(c) EFFECTIVE DATE.—This section shall take effect on October 1, 1994.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Ohio [Mr. TRAFICANT] will be recognized for 5 minutes in support of his amendment, and a Member in opposition will be recognized for 5 minutes.

The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. I thank the gentleman for yielding.

Mr. Chairman, I want to compliment the gentleman on the amendment. It is a very important amendment, very much needed. I think it solves a couple of problems. It allows the administration to take some of the 1,700 young people who are being cashiered each week out of the military, specifically those coming back from Europe, and using them in complementary services and supporting roles with the border patrol at the United States border. Right now, we have 4,100 border patrol agents. We need at least 10,000 to regain control of our borders.

Mr. Chairman, we have a fairly large list of criminal aliens who come across regularly to rob, rape, and murder. Allowing our military people to come in

and work in logistical and other supportive services for the border patrol will free up more border patrolmen for the border itself. This is a force multiplier. I think it is an excellent amendment, and I commend my friend for offering it.

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

Mr. SISISKY. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from Virginia [Mr. SISISKY] is recognized for 5 minutes in opposition to the amendment.

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

Mr. Chairman, I remind the gentleman from California that with regard to these 1,700 troops discharged each week, the amendment calls for them to be taken out of Europe.

Mr. Chairman, I think this is an ill-advised amendment for essentially five reasons. First, under this amendment, only troops stationed in Europe could be assigned to work on our borders. Why should we pay to fly troops to Europe only to fly them back again? This is wasteful.

Second, this amendment erroneously assumes troops just sit around doing nothing, that they are some kind of free good. Peacetime troops, however, are in constant training. Assign them to another mission and their skills quickly erode. They are no longer qualified military forces. Enacting this amendment is the same thing as a troop cut. But on top of that, it would waste all the money spent to give these men and women military skills.

Third, if INS, Customs, and the Border Patrol lack staff, the appropriate solution is to increase their staffs, not to raid the armed forces. This should be an amendment to another bill.

Fourth, INS, Customs, and the Border Patrol all are staffed with people trained in the skills those agencies need. And those are not the skills we give our military. Tank gunnery will not be much help at JFK Airport. Except for menial chores, the military will not be of much help. And for menial chores, like inspecting boxes of cargo, these troops would be overpaid. Another waste of money.

Fifth and finally, military personnel do not have and cannot be given the power of arrest. Therefore, even if they were trained in law enforcement skills, they would not be able to contribute much. There is yet another waste of money.

In sum, Mr. Chairman, this amendment undermines military readiness, wastes the immense sums we spend to train people as soldiers, fails to give understaffed agencies the skills they need, and provides labor for menial chores at exorbitant wage rates.

Yes, we have a problem on our borders. But this amendment will not make even a dent in the problem. It

will merely cost us a lot of money. I urge my colleagues to defeat this amendment.

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

Mr. TRAFICANT. Mr. Chairman, I yield 1 minute to the gentleman from Nevada [Mr. BILBRAY].

Mr. BILBRAY. I thank the gentleman from Ohio for yielding this time to me.

Mr. Chairman, as the author of the Immigration Stabilization Act of 1993, I commend the gentleman from Ohio [Mr. TRAFICANT] for offering this amendment.

I recognize, as the gentleman from Virginia said, that this is not the ultimate answer, 1,700 military along the border. We need more immigration officers, well-trained; but in the meantime, unfortunately, there is no other fund to go get more people into the field to protect these borders. We are not talking here of mainly around Kennedy Airport; we are talking about around the area adjacent to San Diego, where they are coming across the border like there was no border existing. I have flown over the area by helicopter, and I have looked down at them, and they have waved back to me. And I have said to the pilot, "Do they wave all the time?" He said, "Yes, they are a very friendly group."

But the fact is that they keep coming. I have never seen so many people. I have seen more of them coming across than you do at a Rams game up at Anaheim. The fact is they come across, we need some help. Certainly the young people who are being ripped out of the military could be sent back and be of aid and help. I know the gentleman from Virginia is against reduction of any size in the military, but I cannot see any better use for our military than assigning them to help with this serious, serious problem.

Mr. TRAFICANT. Mr. Chairman, I yield 1 additional minute to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. I thank the gentleman for yielding.

I wanted to clear up some of the problems that my friend from Virginia has with this amendment. First, there are a number of areas where personnel who have military MOS's can be very helpful on the border; specifically, in transport, in radar, in sensor capability, and in a number of other areas where you have people who have an MOS of MP's—that is, military police—who do have a lot of talent and are being paid for by the taxpayers, who would be very supportive and allow people to be freed up.

With respect to the people being in Europe being sent back here, my understanding from the author of the amendment, in talking with the folks who drafted the language, these are service people currently stationed in Europe and as the gentleman knows,

thousands of them are coming back to the States and being cashiered every month. So, specifically, the people in Europe who are coming back to the United States, they are not going to be flown back to Europe, therefore involving a transport problem; they are coming back to the States anyway, and when they come home and instead of being stationed out of the base in a casualty company, they are sent to the border and provide service to their country after they come back.

Mr. TRAFICANT. Mr. Chairman, might I inquire how many more speakers the gentleman has?

Mr. SISISKY. I am it.

The CHAIRMAN pro tempore. The gentleman from Virginia has the right to close. The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. I yield myself such time as I may consume.

Mr. Chairman, there are over 2 million illegal entries into the United States each year.

□ 1710

The estimated total illegal population in the United States of America: 3.2 million people. After all the intervention we have, 400,000 adds illegal immigrants to our population each year. We are talking about a security issue. America's greatest and most important front is our border right now. We cannot go out and hire, and do not have the money to hire, all these Border Patrol agents; I want the Congress to understand this. There is officially now one Border Patrol agent for every 2½ miles of border. This amendment does not force the Secretary of Defense to do anything but to confer and, if necessary for national security reasons, to deploy those troops.

I say to my colleagues, Now, if you don't like it all from Europe, change it in conference. Talk about training? My God, what's more needed from our military than a secure America? And, yes, I believe we have some troops falling out of chairs without arm rests, cashing their checks from Uncle Sam, going to dinner in Frankfurt, going to the opera in Italy, and we are in an economic development program over there.

"The Cold War is over," I heard everybody say it.

Here is what the amendment says:

The Secretary of Defense, after consultation with the Attorney General, Customs, INS, Border Patrol, has, as an option, the opportunity to provide some troops. Yes, it says from Europe, and again I say to my colleagues, If you want to change that, change it, but, ladies and gentlemen, we don't have the money, and border States are going to sue us. They are laughing at us, and people are running across the border with backpacks filled with heroin and cocaine, and we have some fancy military hardware program of air interdiction.

Mr. Chairman, we need some more eyes on the border. They do not have to make arrests. They could be additional eyes helping to inspect those cargoes that come in. The posse comitatus is not violated, and this would be an act of ignorance for Congress to defeat an amendment like this, and we would have mandated it if we thought we could have got a little bit more consideration. But it starts the process of thinking what to do with our borders.

Mr. Chairman, I want an aye vote.

The CHAIRMAN pro tempore (Mr. MAZZOLI). The gentleman from Virginia [Mr. SISISKY] is recognized to close debate.

Mr. SISISKY. Mr. Chairman, I am delighted that the gentleman from Ohio [Mr. TRAFICANT] has stated that he would be willing to change it in conference. The troops are from Europe.

I think we have to understand something really. The United States troops in Europe are not there for the Europeans' convenience. They are there for our convenience.

Somebody made the statement, and I do not know who, that they would just be used on the border. I say to my colleagues, "If you read the bill, the amendment, at the request of the Secretary of the Treasury the United States Customs Service and the inspection of cargo, vehicles and aircraft at points of entry into the United States."

Mr. Chairman and Members of the House, the reason that I am opposing this is not that we do not need more people on the border. The gentleman is absolutely right. We send the wrong message to Europe every time we do some of these.

The gentleman is also correct that it is just permissible. The Secretary of Defense has to prove it. That is the safety valve on it. But with that let us not send the wrong message, Mr. Chairman.

I would ask for a "no" vote on the amendment.

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

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

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 62 printed in part 1 of House Report 103-520.

AMENDMENT OFFERED BY MS. HARMAN

Ms. HARMAN. 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 Ms. HARMAN: Page 169, line 22, strike out "A member of the" and all that follows through "be separated." on page 169, line 25, and insert in lieu thereof the following:

A member of the armed forces who is classified as permanently nonworldwide assignable due to a medical condition shall (except as provided in subsection (c)) be separated unless the Secretary concerned determines that the retention of permanently nonworldwide assignable service members would not adversely affect the ability of the service to carry out its mission.

The CHAIRMAN pro tempore. Under the rule, the gentlewoman from California [Ms. HARMAN] will be recognized for 5 minutes, and a Member in opposition to the amendment will be recognized for 5 minutes.

The Chair recognizes the gentlewoman from California [Ms. HARMAN].

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

Mr. Chairman, my amendment to section 534 of this bill makes clear that personnel decisions on who is fit to serve should be made by the Army, the Navy, the Air Force, and the Marine Corps—not micromanaged by the U.S. Congress.

It revises language added to the bill in full committee which 10 of us, including our committee chairman, the distinguished gentleman from California [Mr. DELLUMS] believe is punitive and unfair.

Under current law, members of the armed services who have medical limitations or disabilities are retained with assignment limitations as long as they are determined to be "fit for duty."

This includes people who develop cancer, heart disease, asthma, and other progressive diseases. Ongoing retention is discretionary, based on continued "fitness for duty."

The Committee language would change current policy and build a bureaucracy to handle each specific discharge. My language would allow each service to decide whether a new policy is necessary and defer its implementation if no need exists.

My amendment is strongly supported by the Defense Department and a range of medical groups, including the American Cancer Society, the American Heart Association, the American Diabetes Association, and the Epilepsy Foundation. I think soldiers who get sick and serve well should have a chance to get well, and I urge a "yes" vote on the Harman amendment.

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

Mr. DORNAN. Mr. Chairman, I rise in opposition to the amendment offered by the gentlewoman from California [Ms. HARMAN].

The CHAIRMAN pro tempore. The gentleman from California [Mr. DORNAN] is recognized for 5 minutes.

Mr. DORNAN. Mr. Chairman, I have just returned with the gentleman from Mississippi [Mr. MONTGOMERY] from a superb and very moving week-long trip through England, Italy, and the beaches of Normandy, and I had occasion on that trip to speak to four Air Force four-star generals, four Army four-star

generals, three retired four-star generals and another three-star active duty general, three Navy admirals and finally the four-star Commandant of the Marine Corps. They all want the language that is in the bill to stay.

This issue has become severely politicized. When people say the Defense Department supports the language being offered by the gentlewoman from California, Mr. Chairman, they are talking about civilians at the Defense Department. The uniformed personnel, particularly the individual service chiefs, do not want hundreds of people who stuck a dirty needle in their arm against the laws of the State where they were serving, the country's national laws, and the Universal Code of Military Justice, to be jerked off an airplane, a helicopter, a ship, a sub or any armored fighting vehicle, or any gunnery range in this country, and then kick out a healthy young man or woman who is combat trainable and worldwide (permanently) assignable, and replace them with this individual who has broken the law. This to me is absolutely insane, and that is the way some of the generals expressed it to me, that political correctness in this case has gone crazy.

Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Chairman, I thank the gentleman from California [Mr. DORNAN] for yielding this time to me.

As chairman of the Subcommittee on Military Forces and Personnel, I am concerned about the need to ensure adequate flexibility to DOD and the Services in managing the complex personnel assignment system. With 1.6 million young men and women in uniform, this is always a daunting task, as we know.

As a result, during full committee markup, I offered a substitute amendment to the Dornan amendment which was designed to provide greater flexibility to Service manpower managers. The Dornan amendment requires the separation of servicemembers who are permanently nonworldwide assignable because of a medical condition but permits Service Secretary waiver if the condition is combat-incurred or if the servicemember has unique skills vital to national security.

My substitute amendment permits the Service Secretary to waive the required separation for any other circumstance that the Secretary considers to be for the good of the service.

□ 1720

With this third waiver criterion, each service secretary will have considerable discretionary authority to manage personnel with assignment limitations in the best interests of that service. I believe my substitute represents a very reasonable compromise on this issue.

That is why I offered it and speak in favor of it today.

Ms. HARMAN. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Massachusetts [Mr. MEEHAN].

Mr. MEEHAN. Mr. Chairman, since coming to this body, I have learned that some Members are relentless in their efforts to submit AIDS victims to unnecessary scrutiny, but I never thought anyone would go so far as to penalize victims of diabetes, cancer, and other illnesses in order to evict HIV-positive personnel from the military.

If allowed to prevail, that is just what the Dornan language will do—require automatic discharges for anyone whose medical condition prevents their deployment worldwide.

I have joined Ms. HARMAN in offering this amendment because I do not think members of the military who are diagnosed with diabetes should be thrown out of the service even though they are still perfectly capable of doing their jobs. I also don't think cancer victims who require medical treatment but are in remission should be kicked out. Yet that is exactly what will happen if we fail to pass the Harman Amendment.

Keep in mind that unless we pass this amendment, members of the military who are diagnosed with health problems that require regulation treatment at modern medical facilities will be thrown out, even if their condition has no effect on their ability to perform their jobs. Unless the committee language is amended members of the Armed Forces whose children are physically handicapped can't be deployed worldwide. Are we going to tell those people they can't serve their country because their kids are disabled? That would be crazy, but it would be the next logical step if we allow the Dornan language to remain intact. If someone is not medically fit to serve in Iceland, they will get kicked out of the military, even if they work in a clerical job in San Diego.

The Dornan language will end the careers of about 3,500 people who have done nothing wrong and are capable of continuing to serve their country effectively.

This provision was inserted in a last-minute maneuver during the committee markup despite the fact that the military services already have the power to discharge anyone they judge medically unfit for duty and the fact that the services have not asked for any additional authority in this area.

The current language in the bill discriminates against people with disabilities.

Mr. DORNAN. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. HUNTER], a combat infantry officer from Vietnam and a senior member of the Committee on Armed Services.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for the wonderful introduction, but I just showed up. I did not do anything special in Vietnam. I wanted to recognize for a second a gentleman who did, the gentleman from California [Mr. CUNNINGHAM], our Navy top gun.

Mr. Chairman, this is an argument that has a compelling force on the side of military families. Let me tell you, we are cashiering 1,700 young people a week out of uniform. What that means, if you have a HIV positive person who cannot be deployed worldwide, that means that another person is forced into that worldwide deployment and has what is known as a higher operating tempo. That may mean nothing to us, but to a military family, to the wife of a Navy pilot who talked to me about 5 days ago in my district when she said, Congressman, we are stretched so thin, that my husband is away from the family for longer and longer periods of time, it is a very important thing.

This is what one active duty Marine company commander said. In terms of readiness, the idea that HIV positive members are a tiny fraction of the force and therefore don't affect the whole, is preposterous. By not being able to rotate from our nondeploying company, my one HIV Marine kept another Marine from leaving a deploying unit.

This is a family issue, and the amendment that the gentleman from Missouri [Mr. SKELTON] put together, along with the gentleman from California [Mr. DORNAN], is an excellent amendment.

Ms. HARMAN. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. TORKILDSEN].

Mr. TORKILDSEN. Mr. Chairman, I rise in support of the amendment offered by my colleague from California, Ms. HARMAN. This amendment has the strong support of the Department of Defense and I believe it is the right thing to do.

While I understand the concerns of my colleague from California, I would note that only two-tenths of one percent of U.S. troops have permanent medical conditions that limit their assignability. I am concerned that the current provision in the committee bill is punitive in nature and proposes a policy based less in medical reasoning than political calculation.

Each service has long-established procedures for dealing with medical disabilities. Many members of the armed services that are not eligible for worldwide assignments continue to make substantial contributions to our national security. I believe that these personnel issues are best addressed by the Department itself, and not by congressional micro-management.

I urge my colleagues to support the Harman amendment.

Ms. HARMAN. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I would say this first to my colleague, the gentleman from California. In the Subcommittee on Military Forces and Personnel on which I and several of us who have testified for my amendment serve, four service personnel chiefs, commissioned officers, testified that they do not need a change in current law. In addition to that, the Undersecretary of Defense for personnel and readiness, Edwin Dorn, has sent a letter in support of my amendment, and I would just like to quote from part of it.

The number of Service members with permanent medical conditions that restrict their assignments is small—typically around two-tenths of a percent of the active force. Although these members cannot serve at certain locations, they are experienced, qualified and able to perform their required duties. They represent a considerable investment in training and an invaluable experienced resource. We developed our personnel and assignment policies to support our national objectives while providing fair treatment to the men and women who serve our nation. Your amendment provides Service Secretaries with the needed flexibility that allows us to get the greatest contribution from each of our Service members and to continue our long and proud tradition of taking care of our own.

Mr. Chairman, once again, I urge support and passage of my amendment.

Mr. DORNAN. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I will yield my last 30 seconds to a company commander and squadron commander who had to deal with this.

Mr. Chairman, let me very briefly say that two of those four three-stars quoted by the gentlewoman have contradicted their very testimony to me personally. One of them has since retired. They were going against their uniformed bosses. They were responding to civilian political leadership in the Pentagon.

The language of the gentleman from Missouri [Mr. SKELTON] gives the service secretaries the ability in each individual case to do just what the gentlewoman wants. Instead, she wants a blanket vote by the service secretaries to do the bidding of a very politicized situation of the Pentagon.

Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. CUNNINGHAM], a distinguished Navy ace.

Mr. CUNNINGHAM. Mr. Chairman, I was in command of the F-126 Adversary Squadron, and we were forced to take HIV positive sailors. I had two of them. Under the law, I could only report to my executive officer and the flight surgeon. I could not even let my troops know of the potential danger of that individual within the squadron.

What I did personally was to restrict that person from any deployments to like El Centro, and so on, to protect me, because I also had females in that squadron.

I also let the individual know that if he had any contact with any female, and that female was not knowledgeable, that I would press full court martial.

We do not need HIV positive in our military, Mr. Chairman.

The CHAIRMAN. Under the rule, all time for debate on this amendment has expired.

The question is on the amendment offered by the gentlewoman from California [Ms. HARMAN].

The question was taken; and the Chairman announced that the noes appeared to have it.

Ms. HARMAN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 431, further proceedings on the amendment offered by the gentlewoman from California [Ms. HARMAN] will be postponed.

It is now in order to consider amendment No. 63 printed in part 1 of House Report No. 103-520.

AMENDMENT OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Chairman, I offer an amendment under the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MARKEY: At the end of title X (page 277, after line 2), insert the following new section:

SEC. . NUCLEAR COOPERATION.

(a) IN GENERAL.—Notwithstanding any other provision of law, the United States shall suspend any programmatic consent given under a nuclear cooperation agreement for the use of special nuclear material subject to such agreement at any facility at which accounting discrepancies and uncertainties do not permit the International Atomic Energy Agency to determine with its required level of confidence that a significant quantity of special nuclear material has not been diverted from the facility. Such suspension shall remain in effect until such time as the President determines that such discrepancies and uncertainties have been resolved and operational problems at the facility have been corrected to permit the Agency to detect a diversion of a significant quantity of special nuclear material from the facility with the required level of confidence.

(b) LIMITATION.—The suspension provided for in subsection (a) shall not be required if operation of the facility in question is voluntarily suspended until such time as the Agency is able to detect a diversion as specified in that subsection.

MODIFICATION TO AMENDMENT OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Chairman, I ask unanimous consent that the text of my modified amendment be considered in place of my original amendment, so it is a sense of Congress resolution instead of a binding resolution.

The CHAIRMAN. The Clerk will report the amendment, as modified.

The Clerk read as follows:

Amendment, as modified, offered by Mr. MARKEY: At the end of Title X (page 277, after line 2), insert the following new section:

SEC. . NUCLEAR COOPERATION.

(a) IN GENERAL.—It is the sense of the Congress that the President should suspend any programmatic consent given under a nuclear cooperation agreement for the use of special nuclear material subject to such agreement at any facility at which accounting discrepancies do not permit the International Atomic Energy Agency to determine with its required level of confidence that a significant quantity of special nuclear material has not been diverted from the facility. Such suspension should remain in effect until such time as the International Atomic Energy Agency determines that such discrepancies and uncertainties have been resolved and operational problems at the facility have been corrected to permit the Agency to detect a diversion of a significant quantity of special nuclear material from the facility with the required level of confidence.

(b) LIMITATION.—The suspension called for in subsection (a) need not be carried out if operation of the facility in question is voluntarily suspended until such time as the Agency is able to detect a diversion as specified in that subsection.

(c) REPORTING.—Not later than 90 days after enactment of this section, the President shall submit a report to the Congress which (i) describes the actions taken by the President pursuant to this section, (ii) states whether the conditions for lifting the suspension called for in subsection (a) have been met, and (iii) provides an assessment of the risks of both national and subnational diversion of special nuclear material at the facility under circumstances where such conditions have not been met. If, within such period, the conditions for lifting the suspension have not been satisfied, the President shall, every 90 days thereafter, and until such time as the conditions are satisfied, report to the Congress concerning the progress made toward achieving this objective.

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

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts that the amendment be modified?

There was no objection.

The CHAIRMAN. Pursuant to the rule, the gentleman from Massachusetts [Mr. MARKEY] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. MARKEY].

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

Mr. Chairman, the amendment we have at hand is one that deals with as sensitive a subject as this Congress has to consider, and that is that pursuant to an agreement reached by the government of the United States and the Japanese government, we have been sending plutonium to Japan for use in peaceful programs. However, at a facility that began operation in 1988, at this particular point in time the Japanese government is unable to account for

nine nuclear bombs' worth of plutonium, 150 pounds worth, in the facility.

This resolution calls for the President of the United States to report back to Congress as to what progress is being made to identify where that 150 pounds is.

□ 1730

Now, I am not saying that it has been diverted to a nuclear weapons program. What I am saying is, we do not know whether it has or not.

We should be cognizant of the history. Korea was occupied by Japan up through the end of World War II. If a nuclear bomb is ever dropped by the North Koreans, God forbid it will not, the first one would be on Seoul, and the second one would be on Tokyo.

We do not know in this country whether or not the Japanese are responding to this historic threat.

Japan has always said that they saw the Korean Peninsula as a dagger pointed at the heart of Japan. With the end of the cold war, with questions being raised in Japan as to whether or not any longer they can rely upon the United States or the NATO powers to deploy forces if there was any military threat to that country, no one can give assurances that some in Japan are committed to the diversion of plutonium that could develop nuclear weapons.

This very simple sense of Congress resolution just asks that our country, pursuant to an agreement that we would reach, ensure that the International Atomic Energy Agency can verify that the plutonium inside of this facility is there and has not been diverted to bomb-making purposes.

Mr. Chairman, I urge a yes on the Markey amendment to ensure that we have not lost the nine nuclear bombs' worth of material in Japan.

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

The CHAIRMAN. Is there a Member in opposition to the amendment.

Mr. SPRATT. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from South Carolina [Mr. SPRATT] is recognized for 5 minutes.

Mr. SPRATT. Mr. Chairman, I yield myself a minute and a half.

Mr. Chairman, the plutonium that the gentleman speaks about is about 70 kilograms of plutonium. It is plutonium that happens to have been held up inside a plutonium processing fuel plant at Topkai, a facility in Japan built in 1988, through which three tons of plutonium have been processed since 1988. Seventy kilograms are in the interstices of this machine, in the glove box and other places in the machine where the plutonium oxide powder has been processed. This is not plutonium that has been secreted or diverted. It is simply plutonium that is inside of the machine and has not come out of the

machine so that the input is less than the output to the extent of 70 kilograms.

It is accounted for. I have a letter here from Los Alamos National Laboratory, from the Head of Nonproliferation and International Security, Howard O. Menlove.

He says, "The assumed 70 kilograms of plutonium holdup is not unaccounted for. It is accounted for. There is no discrepancy. We know where it is. Furthermore," he said, "this facility has the most effective safeguards of any plutonium facility in the IAEA safeguards."

Now, the North Koreans have said, do not look at us, look at the Japanese. They have a facility there where they have 70 kilograms of plutonium not yet accounted for.

They issued a press release to that effect on May 25.

What we would do, if we adopted this resolution, is give credence to the North Koreans' press release and to the red herring that they are trying to drag across the path of the IAEA.

This amendment should be defeated, Mr. Chairman.

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

Mr. MARKEY. Mr. Chairman, I yield myself one minute.

I support the Administration's efforts to ensure that nuclear materials that have been diverted in Korea are accounted for, under IAEA safeguards, by the way, historically. But I think in order for our policy to have any credibility whatsoever that it cannot apply just to our political foes but has to apply to our political friends as well.

The hypocrisy coefficient gets so high that our political enemies say, why should we abide by any international safeguards? The Japanese cannot account for these materials. The Japanese and Koreans are bitter long-term enemies.

Japan occupied Korea up through the end of World War II. If we want to have a sensible nonproliferation policy, we have to make sure that nine nuclear bombs' worth are not lost and that the Koreans are not able to point to our country and say we are going to turn a blind eye toward it, because we did at the Oserak nuclear plant in Iraq. We did at the Tarapur plant in India. And every time we did, the Pakistanis or Israelis or others who felt threatened would ratchet up their demands, their need to find nuclear materials as well.

Let us not kid ourselves.

Mr. SPRATT. Mr. Chairman, I yield 1½ minutes to the gentleman from Indiana [Mr. HAMILTON].

Mr. HAMILTON. Mr. Chairman, I rise in opposition to the Markey amendment.

Let me make three points very quickly. The Markey amendment focuses nonproliferation attention on exactly the wrong targets. It focuses the attention on Japan.

We have a nuclear cooperation agreement with Japan. Japan has a nuclear safeguard agreement. The resources, the energy ought to be focused on Iraq and Iran and on North Korea and not on Japan.

Second, despite the press reports about diverted plutonium, there is no plutonium missing here. None of it has been diverted from the fuel processing facility. Hans Blix, the Director General of the IAEA, has stated that the "nuclear material in question," and I quote him, "is not missing and remains under full safeguards and is declared."

But their point is that the Markey amendment undercuts the authority of the IAEA. It undercuts the authority of international agreements. It undercuts the authority of the President of the United States.

The President already has authority at any time to suspend the United States/Japan agreement and suspend Japanese use of United States-supplied plutonium, if there is a risk of proliferation in his judgment.

This amendment should be defeated. It is opposed by the National Security Council. It is opposed by the Department of State. It is opposed by the Department of Defense.

Mr. MARKEY. Mr. Chairman, I yield myself one additional minute.

Let me tell my colleagues what this is all about. Whether it be the Carter Administration suspending their judgment on nonproliferation to sell 48 tons of uranium to India in 1980 in order to isolate the Soviet Union, whether it be our turning a blind eye to what went on in Iraq at the Oserak plant all throughout the late 1970's and all throughout the 1980's with other materials going in, whether it be Hans Blix at the IAEA, a paper tiger if there ever was one, we have consistently subordinated the long-term nonproliferation agenda of our country to the short-term diplomatic agenda of the particular Secretary of State that had the office at that time. We are about to do the same thing here again today.

Second, the letter from the Nuclear Industry of America here today, we will lose business if we do not sell plutonium to the Japanese, even if we cannot account for it. If we want to come back here and understand what the issues of the post-cold-war era were, we will know that it was racism, religious resentment and nonproliferation across this planet. If we do not focus on those issues in the post-cold-war era, we are doomed to history, to have been failures in understanding what our agenda as a people should have been.

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, I want to just clarify a point or two that the gentleman made.

It appears to me that the worst fears of the gentleman from Massachusetts

[Mr. MARKEY] will be realized if this House votes in favor of his amendment, because we will have legitimized North Korea's claim that they are at least as compliant as Japan is.

As I understand it, the gentleman from South Carolina [Mr. SPRATT] read a letter that indicates that our experts feel that all of the plutonium in question is accounted for. Is that not accurate?

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

Mr. HUNTER. I yield to the gentleman from South Carolina.

Mr. SPRATT. Mr. Chairman, that is correct. I have a letter here from Howard Menlove at Los Alamos National Lab which not only says it is accounted for but that this facility has the best safeguards.

Mr. HUNTER. Mr. Chairman, is there any way the gentleman can say that North Korea is roughly equivalent, substantively, on the area of nuclear development, or morally with respect to staying within the safeguards in the sanctions that we have developed with respect to nuclear development, or are they in any way equivalent with North Korea?

□ 1740

Mr. SPRATT. Absolutely and obviously not, Mr. Chairman.

The CHAIRMAN. The gentleman from Massachusetts [Mr. MARKEY] has 30 seconds remaining, and the gentleman from South Carolina [Mr. SPRATT] has 1 minute remaining.

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

Mr. Chairman, nothing could be further from the truth. The way the IAEA works is accounting principles. They get to stand at one door and check as it goes in and then the back door to check if it comes out. If it does not come out, which it has not in North Korea, then there is a problem inside.

In Japan, 150 went in, nine bombs' worth; 150 has not come out, nine bombs' worth. It is inside, or it has been diverted.

The IAEA does not know and cannot certify. America loses its credibility with every other country in the world, friend and foe, if we engage in contracts with allies like Japan and then do not certify where nuclear bomb material could go that could threaten China or the Korean political situation in a way that could come back to haunt us 3 and 4 and 5 years down the line.

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

Mr. Chairman, this amendment would strike at a Japanese facility which is one of the most modern in the world, built in 1988, more modern than ours. We have more plutonium missing at the Savannah River site than this facility cannot account for. Basically, three tons of plutonium have gone into

the facility since 1988, and three tons minus 70 kilograms have gone out. Where are the 70 kilograms involved? They are not secreted away. It is in the crevices, cracks, and glove boxes of this particular facility. We have Los Alamos to tell us that. We have the IAEA to tell us that.

Mr. Chairman, there is no violation here, even though there is some uncertainty as to where all of it is. What happens if we adopt this resolution? We are telling the President of the United States, "You should stop the operation of this facility. You should tell the Japanese to return all the special nuclear materials we have given them, all the technology. That is the content, those are the provisions of our nuclear cooperation agreement."

At this point in time do we want to slap an ally like the Japanese in the face with a diplomatic gaffe like this at such a sensitive time? Do we want to lend credence to the North Koreans who say the Japanese cannot account for their plutonium when they very well can?

We do not, Mr. Chairman, and that is why we need to defeat this amendment and defeat it overwhelmingly.

Mr. MINETA. Mr. Chairman, I rise today in strong opposition to the amendment offered by the gentleman from Massachusetts.

Mr. Chairman, passage of this amendment would prove to be harmful to our economy and our international relationships.

Under the current United States-Japan and United States-Euratom agreements, our trade of nuclear materials and technologies with Japan and Europe has flourished. These relationships have resulted in thousands of U.S. jobs and billions of dollars in U.S. exports.

The effect of this amendment will be to harm the United States relationship with Japan and Europe, and to hurt United States business. I urge my colleagues to oppose this amendment.

Mr. BARLOW. Mr. Chairman, I rise in opposition to my colleague Representative MARKEY's amendment to the fiscal year 1995 National Defense Authorization Act (H.R. 4301). This amendment is unnecessary and if adopted, will damage vital foreign trade and foreign policy interests of the United States.

This amendment would require the President to suspend programmatic consent for the use of nuclear material at a foreign facility where the IAEA cannot affirmatively determine whether plutonium has been diverted from a facility. According to the IAEA, the basis for this amendment was an erroneous report that about 70 kilograms of material was missing from the Tokai plutonium fuel production facility in Japan. The IAEA has concluded that the plutonium involved was not lost but was only held up in the process areas within the plant. This plutonium was never lost and in fact, the Japanese have been very diligent in managing their operations.

The true effect of this amendment will be to stifle trade between the United States Enrichment Corporation and the Japanese nuclear power industry. This industry will lose business to tough competitors worldwide if such

an amendment becomes law in the face of a perceived problem that does not exist. Does it not make sense to step back from this and not knee jerk into a bad restriction?

The adoption of this amendment would only serve to muddy the waters and disrupt a quarter of century of mutual trust and cooperation between the United States and Japan on nuclear matters. Vital United States-Japan trade will be impaired, costing thousands of United States jobs and billions of dollars of exports. The proposed amendment would effectively suspend the United States-Japan nuclear cooperation agreement. Consequently, this will diminish the U.S. role in International non-proliferation through undercutting the authority and effectiveness of the International Atomic Energy Agency [IAEA]. Further, this amendment will duplicate and undermine Presidential authority to suspend, at any time, the United States-Japan agreement and the Japanese use of United States-supplied plutonium.

The uranium enrichment business is a vital component of United States trade with Japan. Uranium enrichment services—like the gaseous diffusion plant in Paducah, KY—account for almost 6 percent of United States energy exports and almost 1 percent of all United States exports to Japan. If the amendment is adopted, we could lose a large portion of the U.S. trade balance, an estimated \$600 million per year coming from the uranium enrichment business alone.

The United States has worked too hard to develop nuclear cooperation with Japan. We should not dispose of this relationship or the trust we have developed. Doing so will create a loss of American jobs, a loss we cannot afford.

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from Massachusetts [Mr. MARKEY].

The question was taken; and the Chairman announced that the noes appeared to have it.

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

The CHAIRMAN. Pursuant to Resolution 431, further proceedings on this amendment, as modified, offered by the gentleman from Massachusetts [Mr. MARKEY] will be postponed.

It is now in order to consider amendment No. 67 printed in part 1 of House Report 103-520.

AMENDMENT OFFERED BY MR. KASICH

Mr. KASICH. 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. KASICH: At the end of title X (page 277, after line 2), insert the following new section:

SEC. 1038. SENSE OF CONGRESS AND REPORT ON READINESS OF MILITARY FORCES OF THE REPUBLIC OF KOREA.

(a) FINDINGS.—The Congress finds the following:

(1) Under existing treaties and security arrangements between the United States and the Republic of Korea, responsibility for the defense of the territory of the Republic of Korea is allocated so that the Republic of

Korea has primary responsibility for the ground defense of its territory and the United States has primary responsibility for air and sea defense of the Korean peninsula and for reinforcement.

(2) The Force Improvement Program of the Republic of Korea has not addressed critical shortfalls in its ground force capability which continue to exist even though the Republic of Korea spends approximately \$12,000,000,000 annually on defense while the Democratic People's Republic of Korea spends approximately \$4,000,000,000 annually on defense. The Republic of Korea has diverted substantial defense resources to procuring submarines, destroyers, advanced aircraft, and other military systems that are marginal to its primary ground defense responsibility.

(3) The defense acquisition decisions of the Republic of Korea have had the effect of not allowing the Republic of Korea to attain self-sufficiency in its ground defense responsibility. As a result, there exists an undue burden on the United States for the ground defense of the Korean peninsula.

(4) The lack of intelligence capability to forecast the military intentions of the Democratic People's Republic of Korea represents a major deficiency of the combined United States-Republic of Korea military force.

(5) A short-warning attack by the Democratic People's Republic of Korea would cause major losses to the combined United States-Republic of Korea ground force.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the President should urge the Republic of Korea to improve its military ground forces with emphasis on counterartillery capabilities, defense against ballistic missiles and weapons of mass destruction, combined United States-Republic of Korea logistics capabilities, combined United States-Republic of Korea medical support, and combined United States-Republic of Korea strategic and tactical intelligence capabilities.

(c) REPORT.—Not later than December 1, 1994, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and House of Representatives a report, in classified form, on—

(1) the readiness of the military forces of the Republic of Korea to defeat an attack by the military forces of the Democratic People's Republic of Korea; and

(2) the adequacy of the defense acquisition strategy of the Republic of Korea to meet its primary ground defense mission.

The CHAIRMAN. Pursuant to the rule, the gentleman from Ohio [Mr. KASICH] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from Ohio [Mr. KASICH].

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

Mr. Chairman, the amendment I have at the desk I know is an important amendment. We spent the weekend reading a number of articles about the very serious problems of North Korea. We have already had one debate and one amendment, a sense of the Congress amendment, pass or going to be voted on here shortly that has to do with sanctions for North Korea, and I cannot tell, and neither can anyone else, what the impact is going to be of sanctions on North Korean actions, what the President intends to do.

Those are the kinds of things that clearly we do not know what the result is going to be of those kinds of efforts, and whether we can avoid, ultimately avoid, and we all hope and pray we do, a confrontation with North Korea, hoping that the North Koreans will in fact begin to comply with the international agreements that they are partners to, but there is something that we clearly know ought to be done in regard to the problems with North Korea. That is that the South Koreans themselves have to begin to acquire the kind of facilities that permit them to perform their ground mission for which they have entered into agreement with the United States.

Just so we understand this as Members of the House, the agreement essentially says that the United States will be primarily responsible for the air situation in Korea. All air defense kinds of activities are going to be the role of the United States. The South Koreans are charged with ground defense. That is the primary agreement that the South Koreans entered into with us.

The problem has been that South Korea has not been deploying, acquiring nor deploying, the kinds of systems we need in order for them to do effective ground defense to the degree that we would all be comfortable with. The South Koreans have been acquiring such systems as submarines, destroyers, advanced aircraft that are really marginal to their critical mission of ground defense.

Mr. Chairman, I must tell the Members that Secretary Perry visited with the South Korean Government and expressed many of the concerns that I have in presenting this sense of the Congress resolution. Secretary Perry argued that the South Koreans needed to do things, such as acquire counter-artillery capability, more defenses against ballistic missiles, more defenses against weapons of mass destruction, logistics, medical support, strategic and tactical intelligence. These are the kinds of activities that the South Koreans should be aggressively engaged in today in preparation for any result as a consequence of U.S., U.N., or world action.

This is an opportunity for the United States Congress, the United States House, to go on record urging the South Koreans to perform their ground mission, their ground defense mission, with all due diligence, and to guarantee that all the capabilities that the South Koreans should and must provide are going to be carried out.

Mr. Chairman, I think it is very important that we have a vote on this and send a strong message. Not only has Secretary Perry indicated his concern about this area of South Korean ground defense, but the statements of both Senators NUNN and RICHARD LUGAR on the Korean Peninsula indicated that the South Koreans needed

to accelerate their efforts in carrying out the ground mission, and the Government Accounting Office, in a report to the Subcommittee on Readiness of the Committee on Armed Services, has indicated that they also have the same kind of concerns about the fact that the South Koreans have not acquired the kind of weapons and acquired the kind of equipment that is needed in order to carry out this very critical ground defense mission.

Mr. Chairman, if they do not acquire this kind of equipment, our people sit there, and our people are vulnerable if they do not do the kinds of things they ought to do in terms of this ground defense mission.

This is an effort to try to guarantee success with any mission, force the South Koreans to adhere to the agreements that they made with us, and also to guarantee the best chances for United States Forces.

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

Mr. KASICH. I yield to the gentleman from Florida [Mr. HUTTO], chairman of the Subcommittee on Readiness of the Committee on Armed Services.

Mr. HUTTO. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Ohio. Mr. Chairman, Mr. KASICH and I have long held the view that the Republic of Korea continues to overlook the primary threat to its security by allocating critical funding to defense priorities other than to defend the South from ground attack.

This amendment gets to the heart of this issue by highlighting South Korea's spending on regional defense needs such as advanced aircraft, destroyers, and submarines when the United States has already committed to providing air and sea defense for the Korean Peninsula. The interests of the Republic of Korea would be much better served by investing in weapons that enhance its capability as primary agent for the ground defense mission. For example, the South Korean Army would greatly benefit from additional counterartillery radar, attack helicopters, and advanced antitank munitions.

The amendment also gives the Congress the information base that will be needed to assess future progress by the Republic of Korea to meet its primary responsibility for ground defense by requiring a report on South Korean defense readiness and acquisition strategy.

I ask my colleagues to support this amendment and send a signal that encourages South Korea to get their defense spending on the right track as soon as possible.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. KASICH] has expired.

Is there a Member opposed to the amendment?

If not, the question is on the amendment offered by the gentleman from Ohio [Mr. KASICH].

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

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

The CHAIRMAN. Pursuant to House Resolution 431, further proceedings on the amendment offered by the gentleman from Ohio [Mr. KASICH] will be postponed.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 431, proceedings will resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 7 offered by the gentleman from New York [Mr. SOLOMON]; amendment No. 29 offered by the gentleman from Oregon [Mr. KOPETSKI]; amendment No. 62 offered by the gentleman from California [Ms. HARMAN]; amendment No. 63 offered by the gentleman from Massachusetts [Mr. MARKEY]; and amendment No. 67 offered by the gentleman from Ohio [Mr. KASICH].

AMENDMENT OFFERED BY MR. SOLOMON

The CHAIRMAN. The pending business is the demand of the gentleman from New York [Mr. SOLOMON] for a recorded vote on the amendment, as modified, offered by the gentleman from New York [Mr. SOLOMON] on which further proceedings were postponed and on which the "ayes" prevailed by voice vote.

The Clerk will redesignate the amendment, as modified.

The Clerk redesignated the amendment, as modified.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from New York [Mr. SOLOMON] for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 415, noes 1, not voting 23, as follows:

[Roll No. 217]

AYES—415

Abercrombie	Barton	Browder
Ackerman	Bateman	Brown (CA)
Allard	Bellenson	Brown (FL)
Andrews (ME)	Bentley	Brown (OH)
Andrews (NJ)	Bereuter	Bryant
Andrews (TX)	Berman	Bunning
Applegate	Bevill	Burton
Archer	Bilbray	Buyer
Armye	Bilirakis	Byrne
Bacchus (FL)	Bishop	Callahan
Bacchus (AL)	Blackwell	Camp
Baessler	Bliley	Canady
Baker (CA)	Blute	Cantwell
Baker (LA)	Boehlert	Cardin
Ballenger	Boehner	Castle
Barca	Bonilla	Chapman
Barcia	Bonior	Clay
Barlow	Borski	Clayton
Barrett (NE)	Boucher	Clement
Barrett (WI)	Brewster	Clyburn
Bartlett	Brooks	Coble

Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Coppersmith
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrist
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley

Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Killee
Kim
King
Kingston
Klecza
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Lucas
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-
Mezvinsky
Markey
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez

Meyers
Mfume
Mica
Michel
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Neal (MA)
Neal (NC)
Norton (DC)
Nussle
Obey
Oliver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Romero-Barcelo
(PR)
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs

Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett

Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Townes
Traficant
Underwood (GU)
Unsoeld
Upton
Valentine
Velazquez

Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—1

Dixon
NOT VOTING—23

Becerra
Calvert
Carr
Clinger
Cooper
Coyne
Faleomavaega
(AS)

Foglietta
Grandy
Huffington
Jefferson
Martinez
McCurdy
Miller (CA)
Oberstar

Royce
Scott
Smith (OR)
Thomas (WY)
Tucker
Washington
Whitten
Williams

□ 1811

Mr. EWING, Mr. CONYERS and Mrs. MINK of Hawaii changed their vote from "no" to "aye."

So the amendment, as modified, was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. DIXON, Mr. Chairman, I inadvertently voted "nay" on the Solomon amendment on North Korea. I should have voted "aye."

AMENDMENT OFFERED BY MR. KOPETSKI

The CHAIRMAN. The pending business is the demand of the gentleman from Oregon [Mr. KOPETSKI] for a recorded vote on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. The gentleman from Oregon [Mr. KOPETSKI] has demanded a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. The Chair will announce that this and subsequent votes in this series will be 5 minutes each.

The vote was taken by electronic device, and there were—ayes 263, noes 156, not voting 20, as follows:

[Roll No. 218]

AYES—263

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Barca
Barcia
Barlow

Barrett (WI)
Beilenson
Berman
Bevill
Bishop
Blackwell
Blute
Boehlert
Bonior
Borski

Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin

Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
DeLays
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Engel
English
Eshoo
Evans
Farr
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Ford (MI)
Ford (TN)
Frank (MA)
Franks (NJ)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilchrist
Gilman
Glickman
Gonzalez
Gordon
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Obey
Oliver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri

Inslee
Jacobs
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Klecza
Klein
Klink
Klug
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman
Levin
Lewis (GA)
Lipinski
Long
Lowey
Machtley
Maloney
Mann
Manton
Margolies-
Mezvinsky
Markey
Matsui
Mazzoli
McCloskey
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez

Pickle
Pomeroy
Porter
Poshard
Price (NC)
Quinn
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Romero-Barcelo
(PR)
Rose
Rostenkowski
Roth
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs

NOES—156

Allard
Archer
Army
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter

Bilbray
Bilirakis
Bliley
Boehner
Bonilla
Brooks
Bunning
Burton
Buyer
Callahan
Camp
Canady
Castle
Coble

Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Emerson

Everett
Ewing
Fields (TX)
Powler
Franks (CT)
Gallegly
Gallo
Gekas
Geren
Gillmor
Gingrich
Goodlatte
Goodling
Goss
Grams
Hall (TX)
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hobson
Hoke
Houghton
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Johnson, Sam
Kasich
Kim
King
Kingston
Knollenberg

Kolbe
Kyl
Lazio
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Livingston
Lloyd
Lucas
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Mica
Michel
Miller (FL)
Molinari
Moorhead
Myers
Nussle
Oxley
Packard
Paxon
Pickett
Pombo
Portman
Pryce (OH)
Quillen
Ramstad
Ravenel

Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rowland
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (CA)
Vucanovich
Walker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—20

Becerra
Calvert
Clinger
Cooper
Faleomavaega
(AS)
Foglietta

Grandy
Huffington
Jefferson
Martinez
McCurdy
Miller (CA)
Oberstar

Royce
Scott
Smith (OR)
Thomas (WY)
Tucker
Washington
Whitten

□ 1823

The Clerk announced the following pair:

On this vote:

Mr. Tucker for, with Mr. Smith of Oregon against.

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

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

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MS. HARMAN

The CHAIRMAN. The pending business is the demand of the gentlewoman from California [Ms. HARMAN] for a recorded vote on which further proceedings were postponed and on which the "noes" prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. The gentlewoman from California [Ms. HARMAN] has demanded a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. The Chair will announce that this will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 227, noes 192, not voting 20, as follows:

[Roll No. 219]

AYES—227

Abercrombie
Ackerman
Andrews (ME)
Applegate
Bacchus (FL)
Baesler
Barca
Barlow
Barrett (WI)
Bellenson
Beraman
Bevill
Bilbray
Bishop
Blackwell
Blute
Bonior
Borski
Boucher
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Clay
Clayton
Clyburn
Collins (IL)
Collins (MI)
Condit
Conyers
Coppersmith
Costello
Coyne
Cramer
Danner
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Ford (MI)
Frank (MA)
Franks (NJ)
Furse
Gejdenson
Gephardt
Gillmor
Gilman
Glickman
Gonzalez
Gordon

Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hamburg
Harman
Hastings
Hefner
Hilliard
Hinchev
Hoagland
Hobson
Hochbrueckner
Horn
Houghton
Hoyer
Hughes
Inslee
Jacobs
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Klug
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lantos
LaRocco
Lehman
Levin
Lewis (GA)
Lipinski
Long
Lowe
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Matsui
McCloskey
McDermott
McKinney
Meehan
Meek
Menendez
Mfume
Mineta
Minge
Mink
Moakley
Molinari
Moran
Morella
Nadler
Neal (MA)
Neal (NC)
Norton (DC)
Obey
Oliver
Orton
Owens

Pallone
Pastor
Payne (NJ)
Pelosi
Penny
Peterson (MN)
Pickle
Pomeroy
Poshard
Price (NC)
Quinn
Rahall
Rangel
Ravenel
Reed
Reynolds
Richardson
Ridge
Romero-Barcelo
(PR)
Ros-Lehtinen
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpaluis
Sawyer
Schenk
Schroeder
Schumer
Serrano
Sharp
Shays
Shepherd
Skaggs
Slattery
Slaughter
Smith (IA)
Snowe
Spratt
Stark
Stokes
Strickland
Studs
Stupak
Swift
Synar
Talent
Tanner
Thompson
Torkildsen
Torres
Torrice
Towns
Traficant
Underwood (GU)
Unsold
Upton
Valentine
Velazquez
Vento
Waters
Watt
Waxman
Wheat
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOES—192

Allard
Andrews (NJ)
Andrews (TX)
Archer
Arney
Bacchus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barrett (NE)
Bartlett
Barton

Bateman
Bentley
Bereuter
Billrakis
Bliley
Boehlert
Boehner
Bonilla
Brewster
Bunning
Burton
Buyer
Callahan

Camp
Canady
Carr
Castle
Chapman
Clement
Coble
Coleman
Collins (GA)
Combest
Cox
Crane
Crapo

Cunningham
Darden
DeLay
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Ford (TN)
Fowler
Franks (CT)
Frost
Gallegly
Gallo
Gekas
Geren
Gibbons
Gilchrest
Gingrich
Goodlatte
Goodling
Goss
Grams
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hoekstra
Hoke
Holden
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Johnson, Sam
Kasich

Kim
King
Kingston
Knollenberg
Lambert
Lancaster
Laughlin
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Livingston
Lloyd
Lucas
Manzullo
Mazzoli
McCandless
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McKeon
McMillan
McNulty
Meyers
Mica
Michel
Miller (FL)
Mollohan
Montgomery
Moorhead
Murphy
Murtha
Myers
Nussle
Ortiz
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (FL)
Petri
Pickett
Pombo

Porter
Portman
Pryce (OH)
Quillen
Ramstad
Regula
Roberts
Roemer
Rogers
Rohrabacher
Roth
Roukema
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Swett
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thornton
Thurman
Visclosky
Volkmmer
Vucanovich
Walker
Walsh
Weldon
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—20

Becerra
Calvert
Clinger
Cooper
Faleomavaega
(AS)
Foglietta

Grandy
Huffington
Jefferson
Martinez
McCurdy
Miller (CA)
Oberstar

Royce
Scott
Smith (OR)
Thomas (WY)
Tucker
Washington
Whitten

□ 1831

The Clerk announced the following pair:

On this vote:

Mr. Tucker for, with Mr. Thomas of Wyoming against.

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

Ms. LAMBERT changed her vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT, AS MODIFIED, OFFERED BY MR. MARKEY

The CHAIRMAN. The pending business is the request by the gentleman from Massachusetts [Mr. MARKEY] for a recorded vote on the amendment, as modified, offered by the gentleman from Massachusetts [Mr. MARKEY], on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment, as modified.

The Clerk redesignated the amendment, as modified.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 68, noes 349, not voting 22, as follows:

[Roll No. 220]

AYES—68

Abercrombie	Gejdenson	Owens
Andrews (ME)	Gonzalez	Payne (NJ)
Applegate	Hamburg	Pelosi
Bentley	Hinchey	Rangel
Boniior	Horn	Rush
Brown (OH)	Houghton	Sanders
Bryant	Kasich	Schroeder
Carr	Kennedy	Schumer
Clay	Kildee	Shepherd
Collins (IL)	Lewis (GA)	Slaughter
Collins (MI)	Maloney	Stark
Conyers	Margolies-	Stokes
Coyne	Mezvinsky	Studds
de Lugo (VI)	Markey	Torres
DeFazio	McKinney	Towns
Dellums	Meehan	Underwood (GU)
Edwards (CA)	Minge	Velaquez
Evans	Moakley	Vento
Filner	Moran	Waters
Fish	Nadler	Watt
Flake	Neal (MA)	Woolsey
Frank (MA)	Norton (DC)	Wyden
Furse	Oliver	Yates

NOES—349

Ackerman	Coppersmith	Goodling
Allard	Costello	Gordon
Andrews (NJ)	Cox	Goss
Andrews (TX)	Cramer	Grams
Archer	Crane	Green
Army	Crapo	Greenwood
Bacchus (FL)	Cunningham	Gunderson
Bacchus (AL)	Danner	Gutierrez
Baesler	Darden	Hall (OH)
Baker (CA)	de la Garza	Hall (TX)
Baker (LA)	Deal	Hamilton
Ballenger	DeLauro	Hancock
Barca	DeLay	Hansen
Barcia	Derrick	Harman
Barlow	Deutsch	Hastert
Barrett (NE)	Diaz-Balart	Hastings
Barrett (WI)	Dickey	Hayes
Bartlett	Dicks	Hefley
Barton	Dixon	Hefner
Bateman	Dooley	Heger
Beilenson	Doolittle	Hilliard
Bereuter	Dornan	Hoagland
Bevill	Dreier	Hobson
Bilbray	Duncan	Hochbrueckner
Bilirakis	Dunn	Hoekstra
Bishop	Durbin	Hoke
Blackwell	Edwards (TX)	Holden
Billey	Ehlers	Hoyer
Blute	Emerson	Hughes
Boehlert	Engel	Hunter
Boehner	English	Hutchinson
Bonilla	Eshoo	Hutto
Borski	Everett	Hyde
Boucher	Ewing	Inglis
Brewster	Farr	Inhofe
Brooks	Fawell	Inslee
Browder	Fazio	Istook
Brown (CA)	Fields (LA)	Jacobs
Brown (FL)	Fields (TX)	Johnson (CT)
Bunning	Fingerhut	Johnson (GA)
Burton	Ford (MI)	Johnson (SD)
Buyer	Ford (TN)	Johnson, E.B.
Byrne	Fowler	Johnson, Sam
Callahan	Franks (CT)	Johnston
Camp	Franks (NJ)	Kanjorski
Canady	Frost	Kaptur
Cantwell	Gallely	Kennelly
Cardin	Gallo	Kim
Castle	Gekas	King
Chapman	Gephardt	Kingston
Clayton	Geren	Klecza
Clement	Gibbons	Klein
Clyburn	Gillchrest	Klink
Coble	Gillmor	Klug
Coleman	Gilman	Knollenberg
Collins (GA)	Gingrich	Kolbe
Combest	Glickman	Kopetski
Condit	Goodlatte	Kreidler

Kyl	Nussle	Shaw
LaFalce	Obey	Shays
Lambert	Ortiz	Shuster
Lancaster	Orton	Sisisky
Lantos	Oxley	Skaggs
LaRocco	Packard	Skeen
Laughlin	Pallone	Skelton
Lazio	Parker	Slattery
Leach	Pastor	Smith (IA)
Lehman	Paxon	Smith (MI)
Levin	Payne (VA)	Smith (NJ)
Levy	Penny	Smith (TX)
Lewis (CA)	Peterson (FL)	Snowe
Lewis (FL)	Peterson (MN)	Solomon
Lewis (KY)	Petri	Spence
Lightfoot	Pickett	Spratt
Linder	Pickle	Stearns
Lipinski	Pombo	Stenholm
Livingston	Pomeroy	Strickland
Lloyd	Porter	Stump
Long	Portman	Stupak
Lowe	Poshard	Sundquist
Lucas	Price (NC)	Swett
Machtley	Pryce (OH)	Swift
Mann	Quillen	Synar
Manton	Quinn	Talent
Manzullo	Rahall	Tanner
Matsui	Ramstad	Tauzin
Mazzoli	Ravenel	Taylor (MS)
McCandless	Reed	Taylor (NC)
McCloskey	Regula	Tejeda
McCollum	Reynolds	Thomas (CA)
McCreery	Richardson	Thompson
McDade	Ridge	Thornton
McDermott	Roberts	Thurman
McHale	Roemer	Torkildsen
McHugh	Rogers	Torricelli
McInnis	Rohrabacher	Trafigant
McKeon	Romero-Barcelo	Unsold
McMillan	(PR)	Upton
McNulty	Roc-Lehtinen	Valentine
Meek	Rose	Visclosky
Menendez	Rostenkowski	Volkmer
Meyers	Roth	Vucanovich
Mfume	Roukema	Walker
Mica	Rowland	Walsh
Michel	Roybal-Allard	Waxman
Miller (FL)	Sabo	Weldon
Mineta	Sangmeister	Wheat
Mink	Santorum	Williams
Molinari	Sarpalius	Wilson
Mollohan	Sawyer	Wise
Montgomery	Saxton	Wolf
Moorhead	Schaefer	Wynn
Morella	Schenk	Young (AK)
Murphy	Schiff	Young (FL)
Murtha	Sensenbrenner	Zeliff
Myers	Serrano	Zimmer
Neal (NC)	Sharp	

NOT VOTING—22

Becerra	Foglietta	Royce
Berman	Grandy	Scott
Calvert	Huffington	Smith (OR)
Clinger	Jefferson	Thomas (WY)
Cooper	Martinez	Tucker
Dingell	McCurdy	Washington
Faleomavaega	Miller (CA)	Whitten
(AS)	Oberstar	

□ 1839

The Clerk announced the following pair:

On this vote:

Mr. Tucker for, with Mr. Thomas of Wyoming against.

So the amendment, as modified, was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. KASICH

The CHAIRMAN. The pending business is the demand of the gentleman from Ohio [Mr. KASICH] for a recorded vote on which further proceedings were postponed and on which the "ayes" prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. The gentleman from Ohio [Mr. KASICH] has demanded a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 414, noes 3, not voting 22, as follows:

[Roll No. 221]

AYES—414

Abercrombie	de la Garza	Hefley
Ackerman	de Lugo (VI)	Hefner
Allard	Deal	Heger
Andrews (ME)	DeFazio	Hilliard
Andrews (NJ)	DeLauro	Hinchey
Andrews (TX)	DeLay	Hoagland
Applegate	Dellums	Hobson
Archer	Derrick	Hochbrueckner
Army	Deutsch	Hoekstra
Bacchus (FL)	Diaz-Balart	Hoke
Bacchus (AL)	Dickey	Holden
Baesler	Dicks	Horn
Baker (CA)	Dingell	Houghton
Baker (LA)	Dixon	Hoyer
Ballenger	Dooley	Hughes
Barca	Doolittle	Hunter
Barcia	Dornan	Hutchinson
Barlow	Dreier	Hutto
Barrett (NE)	Duncan	Hyde
Barrett (WI)	Dunn	Inglis
Bartlett	Durbin	Inhofe
Barton	Edwards (CA)	Inslee
Bateman	Edwards (TX)	Istook
Beilenson	Ehlers	Jacobs
Bereuter	Emerson	Johnson (CT)
Bevill	Engel	Johnson (GA)
Bilbray	English	Johnson (SD)
Bilirakis	Eshoo	Johnson, E.B.
Bishop	Evans	Johnson, Sam
Blackwell	Everett	Johnston
Billey	Ewing	Kanjorski
Blute	Farr	Kaptur
Boehlert	Fawell	Kasich
Boehner	Fazio	Kennedy
Bonilla	Fields (LA)	Kennelly
Boniior	Fields (TX)	Kildee
Borski	Filner	Kim
Boucher	Fingerhut	King
Brewster	Fish	Kingston
Brooks	Flake	Klecza
Browder	Ford (MI)	Klein
Brown (CA)	Ford (TN)	Klink
Brown (FL)	Fowler	Klug
Brown (OH)	Frank (MA)	Knollenberg
Bryant	Franks (CT)	Kolbe
Bunning	Franks (NJ)	Kopetski
Burton	Frost	Kreidler
Buyer	Furse	Kyl
Byrne	Gallely	LaFalce
Callahan	Gallo	Lambert
Camp	Gejdenson	Lancaster
Canady	Gekas	Lantos
Cantwell	Gephardt	LaRocco
Cardin	Geren	Laughlin
Castle	Gibbons	Lazio
Chapman	Gilchrest	Leach
Clayton	Gillmor	Lehman
Clement	Gilman	Levin
Clyburn	Gingrich	Levy
Coble	Glickman	Lewis (CA)
Coleman	Goodlatte	Lewis (FL)
Collins (GA)	Gooding	Lewis (GA)
Combest	Gordon	Lewis (KY)
Condit	Goss	Lightfoot
Conyers	Collins (IL)	Grams
Coppersmith	Collins (MI)	Green
Costello	Combust	Greenwood
Cox	Condit	Gunderson
Coyne	Conyers	Gutierrez
Cramer	Coppersmith	Hall (OH)
Crane	Costello	Hall (TX)
Crapo	Cox	Hamburg
Cunningham	Coyne	Hamilton
Danner	Dreier	Hancock
Darden	Duncan	Hansen
	Dunn	Harman
	Durbin	Hastert
	Edwards (CA)	Hastings
	Edwards (TX)	Hayes
	Ehlers	
	Emerson	
	Engel	
	English	
	Eshoo	
	Everett	
	Ewing	
	Farr	
	Fawell	
	Fazio	
	Fields (LA)	
	Fields (TX)	
	Fingerhut	
	Ford (MI)	
	Ford (TN)	
	Fowler	
	Frank (MA)	
	Franks (CT)	
	Franks (NJ)	
	Frost	
	Gallely	
	Gallo	
	Gekas	
	Gephardt	
	Geren	
	Gibbons	
	Gilchrest	
	Gillmor	
	Gilman	
	Gingrich	
	Glickman	
	Goodlatte	
	Gooding	
	Gordon	
	Goss	
	Collins (IL)	
	Collins (MI)	
	Combust	
	Condit	
	Conyers	
	Coppersmith	
	Costello	
	Cox	
	Coyne	
	Dreier	
	Duncan	
	Dunn	
	Durbin	
	Edwards (CA)	
	Edwards (TX)	
	Ehlers	
	Emerson	
	Engel	
	English	
	Eshoo	
	Everett	
	Ewing	
	Farr	
	Fawell	
	Fazio	
	Fields (LA)	
	Fields (TX)	
	Fingerhut	
	Ford (MI)	
	Ford (TN)	
	Fowler	
	Frank (MA)	
	Franks (CT)	
	Franks (NJ)	
	Frost	
	Gallely	
	Gallo	
	Gekas	
	Gephardt	
	Geren	
	Gibbons	
	Gilchrest	
	Gillmor	
	Gilman	
	Gingrich	
	Glickman	
	Goodlatte	
	Gooding	
	Gordon	
	Goss	
	Collins (IL)	
	Collins (MI)	
	Combust	
	Condit	
	Conyers	
	Coppersmith	
	Costello	
	Cox	
	Coyne	
	Dreier	
	Duncan	
	Dunn	
	Durbin	
	Edwards (CA)	
	Edwards (TX)	
	Ehlers	
	Emerson	
	Engel	
	English	
	Eshoo	
	Everett	
	Ewing	
	Farr	
	Fawell	
	Fazio	
	Fields (LA)	
	Fields (TX)	
	Fingerhut	
	Ford (MI)	
	Ford (TN)	
	Fowler	
	Frank (MA)	
	Franks (CT)	
	Franks (NJ)	
	Frost	
	Gallely	
	Gallo	
	Gekas	
	Gephardt	
	Geren	
	Gibbons	
	Gilchrest	
	Gillmor	
	Gilman	
	Gingrich	
	Glickman	
	Goodlatte	
	Gooding	
	Gordon	
	Goss	
	Collins (IL)	
	Collins (MI)	
	Combust	
	Condit	
	Conyers	
	Coppersmith	
	Costello	
	Cox	
	Coyne	
	Dreier	
	Duncan	
	Dunn	
	Durbin	
	Edwards (CA)	
	Edwards (TX)	
	Ehlers	
	Emerson	
	Engel	
	English	
	Eshoo	
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	Fields (LA)	
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	Fowler	
	Frank (MA)	
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	Franks (NJ)	
	Frost	
	Gallely	
	Gallo	
	Gekas	
	Gephardt	
	Geren	
	Gibbons	
	Gilchrest	
	Gillmor	
	Gilman	
	Gingrich	
	Glickman	
	Goodlatte	
	Gooding	
	Gordon	
	Goss	
	Collins (IL)	
	Collins (MI)	
	Combust	
	Condit	
	Conyers	
	Coppersmith	
	Costello	
	Cox	
	Coyne	
	Dreier	
	Duncan	
	Dunn	
	Durbin	
	Edwards (CA)	
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	Conyers	
	Coppersmith	
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	Cox	
	Coyne	

Matsui	Pomeroy	Snowe
Mazzoli	Porter	Solomon
McCandless	Portman	Spence
McCloskey	Poshard	Spratt
McCollum	Price (NC)	Stark
McCrery	Pryce (OH)	Stearns
McDade	Quillen	Stenholm
McDermott	Quinn	Stokes
McHale	Rahall	Strickland
McHugh	Ramstad	Studds
McInnis	Rangel	Stump
McKeon	Ravenel	Stupak
McMillan	Reed	Sundquist
McNulty	Regula	Swett
Meehan	Reynolds	Swift
Meek	Richardson	Synar
Menendez	Ridge	Talent
Meyers	Roberts	Tanner
Mfume	Roemer	Tauzin
Mica	Rogers	Taylor (MS)
Michel	Rohrabacher	Taylor (NC)
Miller (FL)	Romero-Barcelo	Tejeda
Mineta	(PR)	Thomas (CA)
Minge	Ros-Lehtinen	Thompson
Mink	Rose	Thornton
Moakley	Rostenkowski	Thurman
Molinari	Roth	Torkildsen
Mollohan	Roukema	Torres
Montgomery	Rowland	Torricelli
Moorhead	Roybal-Allard	Towns
Moran	Rush	Trafficant
Morella	Sabo	Underwood (GU)
Murphy	Sanders	Unsoeld
Murtha	Sangmeister	Upton
Myers	Santorum	Valentine
Neal (MA)	Sarpaluis	Velazquez
Neal (NC)	Sawyer	Vento
Norton (DC)	Saxton	Visclosky
Nussle	Schaefer	Volkmer
Obey	Schenk	Vucanovich
Oliver	Schiff	Walker
Ortiz	Schroeder	Walsh
Orton	Schumer	Waters
Owens	Sensenbrenner	Watt
Oxley	Serrano	Waxman
Packard	Sharp	Weldon
Pallone	Shaw	Wheat
Parker	Shays	Williams
Pastor	Shepherd	Wilson
Paxon	Shuster	Wise
Payne (NJ)	Sisisky	Wolf
Payne (VA)	Skaggs	Woolsey
Pelosi	Skeen	Wyden
Penny	Skelton	Wynn
Peterson (FL)	Slattery	Yates
Peterson (MN)	Slaughter	Young (AK)
Petri	Smith (IA)	Young (FL)
Pickett	Smith (MI)	Zelliff
Pickle	Smith (NJ)	Zimmer
Pombo	Smith (TX)	

NOES—3

Gonzalez McKinney Nadler

NOT VOTING—22

Bateman	Foglietta	Royce
Becerra	Grandy	Scott
Berman	Huffington	Smith (OR)
Calvert	Jefferson	Thomas (WY)
Clinger	Martinez	Tucker
Cooper	McCurdy	Washington
Faleomavaega	Miller (CA)	Whitten
(AS)	Oberstar	

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Ms. SCHENK changed her vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. ROHRBACHER. Mr. Chairman, I wish to bring attention to the visionary space policy provisions in the fiscal year 1995 Department of Defense authorization bill and its accompanying report.

I am concerned about the Clinton administration's draft space policy recommendations that would diminish the Air Force's role in the development of a new reusable space transportation system. Luckily, this bill keeps Defense in the game.

In spite of past technological achievements, we have failed to provide a cheap, routine method of transporting goods to and from space. There are widely divergent views on what's to be done. However, there seems to be a consensus that reusable Single Stage To Orbit ("SSTO") launch vehicles will provide the cheapest and most reliable form of transportation.

We have reusable vehicles for traveling on land, sea, and air, and we need them for traveling to space. Scientists and engineers all over this great Nation tell me the technology is now available to build and fly a reusable SSTO rocket and that it just needs to be demonstrated.

Our Nation needs this capability, and the Air Force, NASA, and industry need to press ahead on a cooperative program of "X-vehicle" advanced technology flight demonstrators to prove what the scientists and engineers are telling us.

The Defense Department has already flown three successful test flights with the first X-vehicle SSTO demonstrator, the DC-X1, and they will finish the DC-X1 test program at the White Sands, NM, Test Range this summer.

NASA will then convert the DC-X1 to the DC-XA test bed for advanced component flight demonstrations. And the Air Force Phillips Lab at Albuquerque, NM, is ready to proceed with the development of the second, more advanced SSTO test vehicle, the SX-2.

This next major step would finish demonstrating the concept of fully reusable single stage to orbit space transportation, and it should be continued as a model of cooperation between the Air Force, NASA, and industry.

Last year Congress approved the start of the SX-2 program and funded it at \$40 million. There is wide ranging support in Congress for such a common sense program as this—one that will save the country money while at the same time developing a revolutionary technology. That bipartisan support is evident once again this year, funding the SX-2 at \$100 million in the Defense Authorization we are not working on. Let me note that SX-2 will be a \$300 million program.

Mr. Chairman, our ability to use space for national security, civil, and commercial purposes depends on reducing the cost of getting into orbit.

We are on the verge of opening a whole new frontier in the use of space, including the new emerging market for vast constellations of low Earth orbit communications satellites such as Bill Gates is now building that will be an important part of the new information highway. A cheap, reliable, and reusable form of space transportation for the transportation infrastructure is essential to opening this new frontier.

We must continue to move ahead with this cooperative program of advanced technology flight demonstrators—X-vehicles—for fully reusable single stage to orbit space transportation, and I encourage those involved in writing the new administration space policy to maintain a strong role for the Air Force in this critical development effort and to take heed of the actions of the House on this issue as embodied in this bill and in the committee report.

Ms. FURSE. Mr. Chairman, it is a great honor for me to have worked to reauthorize

the Hanford Health Information Network. I express my appreciation to the gentleman from South Carolina [Mr. SPRATT] for including \$2.5 million in his chairman's mark for operation of the Network for another year. I am very hopeful that DOE will include the Network in its request for next year.

This Network was established in the National Defense Authorization Act for fiscal year 1991 to develop programs for persons who may have been exposed to radiation released from the Hanford Nuclear Reservation between 1944 and 1972. It has been extremely important to the people of the Pacific Northwest, and has given them useful information when unfortunately, for so many years, they were unknowingly exposed to dangerous toxins.

This is one of the things we can do to help restore trust in Government, and it is gratifying indeed to have had a role in enabling this vital program to continue.

After 3 years of operation, managers of the Network realized it is necessary to establish in Federal law a prohibition against client information disclosure. This information is not uniformly protected throughout the Network due to the fact that the laws concerning confidentiality of client records are different in each of the participating States.

Many persons seeking information from the Network and/or providing information about their personal or family health histories are concerned about possible disclosure of this information.

Downwinders must have their privacy protected, and they are concerned that disclosure could lead to the termination of health insurance coverage and other types of discrimination. These people and their families deserve to have the peace of mind to know that they are not going to be further victimized after they contact the Network. This legislation protects them.

I am very pleased that my colleagues have agreed to include this legislation in the National Defense Authorization Act for fiscal year 1995. It should provide necessary assurance to the people who are benefiting so greatly from the services of the Hanford Health Information Network.

Mr. MONTGOMERY. Mr. Chairman, I want to commend the chairman for offering, on behalf of Mr. PICKETT, an amendment extending to members of the Coast Guard who are leaving service the transition benefits available to members of the Armed Forces. The Secretary of Transportation will pay for the cost of this extension. I think it is sound public policy to use the framework of these existing programs to provide these valuable transition benefits, and I commend both gentlemen for their actions in making this possible. I would like to insert in the RECORD at this point an exchange of letters between myself and Chairman DELUMS concerning one of those benefits, the Servicemembers Occupational Conversion and Training Act.

COMMITTEE ON ARMED SERVICES,

Washington, DC, May 17, 1994.

Hon. G. V. (SONNY) MONTGOMERY,
Chairman, House Committee on Veterans' Affairs, Washington, DC.

DEAR SONNY: When the National Defense Authorization Act for Fiscal year 1995 (H.R. 4301) is considered by the House later this

week, I plan to offer a number of amendments en bloc which are acceptable to the House Armed Services Committee.

One of those amendments would expand the authority contained in the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992, part of Public Law 102-484, to authorize the Department of Veterans Affairs to provide job training benefits to members of the Coast Guard who are leaving service early because of reductions in force levels. The Secretary of Transportation would bear any additional cost resulting from this expansion.

Since this is a matter of interest to your committee as well as the House Armed Services Committee, I would like to have your views on this matter before I offer this amendment.

Sincerely,

RONALD V. DELLUMS,
Chairman.

COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, May 18, 1994.

Hon. RON DELLUMS,
Chairman, Committee on Armed Services, Washington, DC.

DEAR MR. CHAIRMAN: I have read your letter of May 17th and reviewed the proposed change in the existing Servicemembers Occupational Conversion and Training Act which you plan to offer as an amendment to the Defense Authorization Bill this week. These are good programs we have in place, and sharing them with members of the Coast Guard at no cost to either the Department of Defense, the Department of Veterans Affairs, or the Department of Labor is sound policy.

Although this is a matter that is partly within the jurisdiction of our Committee, I will interpose no objection to its consideration by the House in the manner you indicated.

I appreciate your sensitivity to our Committee's jurisdiction.

Sincerely,

G.V. (SONNY) MONTGOMERY,
Chairman.

Mr. DELLUMS. Mr. Chairman, I move that the Committee do now rise. The motion was agreed to.

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Accordingly the Committee rose; and the Speaker pro tempore (Mr. FIELDS of Louisiana) having assumed the chair, Mr. DURBIN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4301) to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1995, and for other purposes, had come to no resolution thereon.

PERSONAL EXPLANATION

Mr. THOMAS of Wyoming. Mr. Speaker, I was in my district and absent during rollcall votes 217, 218, 219, 220, and 221. I was testifying at the Department of Interior's hearings on President Clinton's Rangeland Reform 1994 proposal in Casper, WY.

Had I been present, I would have voted the following:

On rollcall vote No. 217—Aye.

On rollcall vote No. 218—No.
On rollcall vote No. 219—No.
On rollcall vote No. 220—No.
On rollcall vote No. 221—Aye.

PERSONAL EXPLANATION

Mr. OBERSTAR. Mr. Speaker, during House consideration of the bill H.R. 4301, the fiscal year 1995 Department of Defense authorization legislation, my vote was not recorded on several amendments.

During consideration of this important legislation, my wife and I were attending the graduation ceremonies for our daughter, Lindy, from Stone Ridge High School.

Had I been present, I would have voted "aye" on the Soloman amendment, rollcall vote 217. I would have "aye" on the Kopetski amendment, rollcall vote 218. I would have voted "aye" on the Harman amendment, rollcall vote 219. I would have voted "no" on the Markey amendment, rollcall vote 220. I would have voted "aye" on the Kasich amendment, rollcall vote 221.

PERSONAL EXPLANATION

Mr. CLINGER. Mr. Speaker, on Wednesday, June 8, 1994, I was absent and missed five recorded votes on amendments to the fiscal year 1995 Department of Defense Authorization (H.R. 4301). If I had been present, I would have voted "aye" on rollcall vote 217, "no" on rollcall vote 218, "no" on rollcall vote 219, "no" on rollcall vote 220, and "aye" on rollcall vote 221.

GENERAL LEAVE

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on action taken thus far on H.R. 4301, the bill just under consideration.

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

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4539, TREASURY, POSTAL SERVICE, EXECUTIVE OFFICE OF THE PRESIDENT, AND CERTAIN INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1995

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103-537) on the resolution (H. Res. 447) providing for consideration of the bill (H.R. 4539) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1995, and for other purposes, which was referred to the House Calendar and ordered to be printed.

THE WHITE HOUSE'S INSIDE OUTSIDERS

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

Mr. WOLF. Madam Speaker, when we vote on the FY 1995 Treasury, Postal appropriations, I will ask for the support of the body for an amendment to require financial disclosure filings by political consultants with White House passes which would cover Republican and Democratic administrations.

Let me read, if I can, from the book by Bob Woodward called "The Agenda."

Howard Paster was in a slow burn as he listened to Greenberg . . . It was outrageous that the outside consultants were providing the president with major policy option papers in confidential memos that Paster often never saw or saw only too late. If lobbyists with business clients had this kind of relationship with the president, it would be a giant scandal. The consultants had clients, some businesses, some politicians like Senator Moynihan, who paid big fees for their work. Paster wasn't sure the political consultants were that different from other outside businesses. He resented their influence and was sure they presented Clinton with a potentially serious liability. Valuable inside information and conflicts abounded. . . .

Madam Speaker, I would ask the body, Members on both sides, to support this amendment, which will say that anyone who has a White House pass now has to file financial disclosures, and this would cover all administrations, both Democrat and Republican.

Madam Speaker, when we vote on the FY 1995 Treasury Postal Appropriations bill shortly, I ask for your support for an amendment to require financial disclosure filings by political consultants with White House passes. This amendment would apply to this Administration and all future Administrations both Democrat and Republican.

The Washington Post has commended this amendment as a start. As The Post notes, political consultants with White House passes have "comparable and often greater ability to influence policy . . . indeed, they are hired by the outsiders precisely because of their presumed inside access. Yet there is no regulation of them."

Various editorials are reprinted below.

[From the Washington Post, May 31, 1994]

INS AND OUTS

Rep. Frank Wolf has pointed usefully [op-ed, May 23] to a weak spot in the disclosure and other rules meant to protect against conflict of interest in the conduct of government business. It involves the White House consultants who cluster around every modern president just as surely as does the White House staff. Because the consultants aren't government employees, they aren't subject to the same reporting and other such protective rules as other presidential aides. Yet they have comparable and often greater

ability to influence policy. They can and frequently do represent major outside interests with business before the government even as they also represent the ultimate inside client, the president himself. Indeed, they are hired by the outsiders precisely because of their presumed inside access. Yet there is no regulation of them.

Mr. Wolf has tried to add a regulatory amendment to an appropriations bill, requiring that at least those consultants with White House passes disclose their clients. He has lost in the appropriations committee on pretty much party-line votes, and it may even be that this is not a fit subject to be dealt with by legislation. The Republican congressman is nonetheless right about the problem, which, to his credit, he also raised in the Bush administration. The question is what to do about it.

There are people on the periphery of every administration who have close ties and easy access to the president and White House staff while representing outside interests. Surely not every such outsider, every private friend or confidant of the president needs to make formal disclosure. Where and how do you draw the line? Mr. Wolf would extend the requirement to those with White House passes, in part because that's a pretty good indicator of continuing stafflike participation and influence (though hardly perfect) and in part because it's as far as the appropriations process allows him to reach; no appropriated funds shall be used to issue passes to people who fail to disclose their outside interests, is his proposal.

But what's needed in this murky area is less a law than a policy. It ought to emanate from the president, and apply at least to his principal and paid advisers whether they have to call ahead to get into the White House or not. The president should say that in order to maintain public confidence he wants these paid advisers to disclose their outside clients and to forgo from certain conduct in the clients' behalf. There are all kinds of ways to determine who should be on the list—degree of access, roaming privileges in the White House, whether the political consultancy is close to full-time etc. Above all, the list should cover those whose advice has to do not just with the selling of policy but the making of it.

A presidential order of this kind would have the requisite cleansing effect without the difficulties inherent in writing a law that is meaningful yet doesn't overreach in what remains an area of partly private conduct. What better way for an administration that came to office saying it was determined not to do business as usual?

[From the Washington Post, May 23, 1994]

THE WHITE HOUSE'S OUTSIDE INSIDERS

(By Frank R. Wolf)

Their paid employment includes working for corporations, political candidates and even foreign political parties in Greece and South Africa. One of them even managed to snag two multimillion-dollar accounts on the North American Free Trade Agreement and health care. But you can regularly find them at 1600 Pennsylvania Ave. working for their top client, Bill Clinton.

This team, which includes James Carville, Paul Begala, Mandy Crumwald and Stan Greenberg, operates (with the approval of the White House) without the restrictions that apply to the rest of the White House staff. This policy gives them the best of both worlds—constant access and policy input with no limits or accountability on their finances or conflicts.

Last week I offered an amendment to the FY '95 Treasury appropriations bill to rein in this situation. The amendment would require that these individuals, who have more influence with the Clintons than many, if not most, senior staffers, file the same financial disclosure information required of their campaign colleague, George Stephanopoulos, for example. The amendment is simply about accountability. The recent GAO Travelgate report noted that the access that Hollywood producer and Clinton friend Harry Thomason had to the White House during the White House travel office debacle conveyed "the appearance of influence and authority . . . unrestricted access of non-government employees creates an opportunity for influence without the accountability."

No one is accusing these individuals of any wrongdoing; we are just asking them to provide the same financial information required of other senior advisers with 24-hour a day White House access passes. I was disappointed that the subcommittee failed to recognize that this issue is not a partisan maneuver, but a responsible, good government action. We are trying to make public policy to ensure public accountability for this White House and any White House in the future, whether occupied by a Democrat or a Republican.

In recent news reports on these "outside insiders," Chuck Lewis of the Center for Public Integrity has said: "You have an adjunct kind of shadow government that is exploiting a gray area. There is this yuppie arrogance: 'We're the good guys, don't bust our chops.'" Ellen Miller, the director of the Center for Responsive Politics says, "The fact that they have a close relationship with the White House while maintaining outside clients raises the specter of conflict of interest." A Democratic activist identifies the bottom line: "People are buying a name and a connection."

The White House ensures that these individuals have been advised on conflict matters. But why the secrecy? Mandy Grunwald has said, "We asked for information from the White House and [Democratic National Committee] counsel about laws that governed us. . . . We found out there were very few. So we decided to make our own rules." Why not just follow the same rules as everyone else at the White House instead of making up non-binding rules in secret?

Furthermore, there may in fact be rules that do apply to this situation, and they are not "do you own thing" conflict rules. Title 18, United States Code, Section 202(a), defines the term "special Government employee" as an officer or employee of the executive or legislative branch of the United States or of the District, who is "retained, designated, appointed, or employed to perform, with or without compensation, for not to exceed one hundred and thirty days . . . temporary duties either on a full-time or intermittent basis."

Carville and friends could, in fact, be special government employees (if they work fewer than 130 days per year at the White House) or regular government employees (if they work more than 130 days). If they are regular government employees, they are not allowed to earn outside income. The White House argues that because these individuals have not been formally appointed, the rules don't apply to them, and the White House refuses to respond to inquiries regarding how many days these advisers work at the White House. Yet as the statute clearly indicates, appointment is not dispositive.

During Lloyd Cutler's previous Democratic administration, the Carter Justice Department issued a memorandum opinion for the attorney general stating that "an identifiable act of appointment may not be absolutely essential for an individual to be regarded as an officer or employee in a particular case where the parties omitted it for the purpose of avoiding the application of the conflict of interest laws."

The significant criteria cited in the Carter era memo regarding an individual's status as a special government employee or regular government employee include: Is the person's advice solicited frequently? Is it sought by one official, who may be a personal friend, or impersonally by a number of persons in the government agency that needs expert counsel? Do meetings take place during office hours? Are they conducted in the government office? The Office of Government Ethics has stated that the status of an employee depends upon "the specific facts of if, and how, the White House officially requested his services and for what purposes."

Thus far, the only guidance the White House has provided about what these four do is the following broad statement: "what ever issues on which the president, the vice president, the First Lady or members of their staffs request them to consult." Given this board portfolio, don't the American people at least have a right to know the outside interests of the "outside insiders" before they consult on "whatever"?

So far the White House has been short on the facts when Congress has asked questions about these matters. Admittedly, more information is needed to determine the actual status of these advisers. I will continue to move this issue forward in the House. As a top Democratic consultant stated in a Business Week article, "They should disclose their clients and their faces . . . that's a common-sense way to avoid potential problems in the '90s."

In addition, the status of these individuals as special government employees or regular government employees needs to be determined based on facts—facts, thus far, the White House has refused to disclose. Sunshine is the best disinfectant to clean up this problem. This amendment could very well reduce headaches for this and future administrations. Those who claim to "work hard and play by the rules," should have no problem with it.

[The Wall Street Journal, May 20, 1994]

DISCLOSURE DEFICIT

During what Bill Clinton derisively refers to as the "last 12 years" of the Reagan and Bush administration, financial disclosure for people in and around public life in Washington became an obsession. Not anymore.

We've written here recently about the disclosure deficits at the Ron Brown Commerce Department. Meanwhile, Rep. Frank Wolf, a Virginia Republican, is finding that disclosure is a stumbling block in his efforts to straighten out the administration's policy over White House passes. In particular, Mr. Wolf wants clarification about the status of four key Clinton political aides who roam inside the White House, but who chose not to join the White House staff, for whom restrictive conflict-of-interest rules apply.

Stanley Greenberg, the president's pollster, says he has "organized" his Democratic National Committee contract "so I can spend all my time working" for President Clinton.

James Carville talks constantly with the White House and frequently visits to map strategy.

Paul Begala, Mr. Carville's consulting partner, turns up at early morning White House staff meetings, polishes Clinton speeches and frequently travels with the president.

Media consultant Mandy Grunwald has spent countless hours honing the President's health care message. She also controls the DNC's \$3 million health care ad budget, much of it raised from corporate sources.

White House officials have said the four work there on an "irregular basis." Each, however, has a coveted White House blue pass giving unrestricted, 24-hour-a-day access because they provide "regular services." Here's the rationale for that: Because the four provide "regular" services, they are permitted access comparable to full-time staffers, but for the purposes of the legal requirements of government service they are only "irregular" troubleshooters.

At March hearings, Patsy Thomasson, the White House's top administrator, promised Rep. Wolf that the four consultants would be "required to file all the necessary paperwork as if they were employees of the White House." For senior staffers this includes stiff financial disclosure filings. Now the White House has changed its tune.

It says Mr. Carville and company have agreed only to an FBI background check. Yet White House Counsel Lloyd Cutler agrees that an FBI check is "only one of the steps that persons must go through to get a permanent pass." So this must be a special dispensation?

Not to worry, say the Fab Four (as they're known around Capitol Hill). They're self-policing themselves by avoiding lobbying for corporations or foreign governments. "We asked for information from the White House and DNC counsel about laws that governed us," Ms. Grunwald told Business Week. "We found out there were very few. So we decided to make our own rules." Remind us again what former Reagan aide Lyn Nofziger's ethics problem was all about.

The White House says that because Ms. Grunwald and the others haven't been formally appointed, ethics rules don't apply. But in 1977, when Lloyd Cutler first served as White House Counsel, the Carter Justice Department found that an actual appointment "may not be absolutely essential for an individual to be regarded as an officer or employee" if someone is trying to avoid conflict of interest laws. The opinion listed ways to judge if an outside adviser is covered by ethics rules, including the number of times advice is sought and whether meetings take place during office hours and in a government building.

Rep. Wolf thinks it's only prudent these "off the books" advisers (among whom we would include Clinton friends and lobbyists Betsey Wright and Susan Thomases) reveal their clients and outside income. Democrats in Congress disagree. On Wednesday a House subcommittee rejected his idea on a 6-to-3 party-line vote. Rep. Wolf will try again Tuesday before the full committee.

Let's be clear: The charge here is not that Mr. Clinton's free-lance aides are committing ethical breaches. The point is that the disclosure standards, the ones established "the last 12 years," are being flouted by the Clinton people. If Ronald Reagan had parceled out key White House tasks to a small group of outside advisers and friends with no effort at public accountability on their financial activities, the uproar would have been deafening. So we'll paraphrase Mr. Reagan: Mr. Carville and the rest should be trusted to do the right thing, but it's best to verify that they are.

THE WHITE HOUSE'S INSIDE OUTSIDERS

"They work on whatever issues on which the President, the Vice President, the First Lady, or members of their staff request them to consult."—White House response to questions from Treasury, Postal Appropriations Committee, May 1994.

"No one is granted a permanent White House pass before a full field FBI background investigation has been completed. The time required for such investigations varies, and is often a good deal longer than 45 days. Moreover, such an investigation is only one of the steps that a person must go through to get a permanent pass. Other steps include attending training in ethics and security matters, completed financial disclosure forms, and undergoing IRS and other checks."—Lloyd Cutler in a March 18, 1994, letter to Congressman Frank Wolf.

[Note: Carville, Begala, Grunwald and Greenberg had passes before going through this process.]

In hearings before the Treasury Postal appropriations subcommittee in March, White House witness, Patsy Thomasson, stated that Carville, Begala and others would "be required to file all the necessary paperwork as if they were an employee of the White House."

"We asked for information from the White House and DNC counsel about laws that governed us . . . We found out there were very few. So we decided to make our own rules."—Mandy Grunwald, Business Week, November 15, 1993.

"I organized my DNC contract so I can spend all my time working for him [the President]."—Stanley Greenberg as quoted in Business Week, November 15, 1993.

"Begala spends hours at the White House polishing Clinton speeches. He also travels with the President to major events."—Business Week, November 15, 1993.

"On health reform, Mandy spend hours refining the language, fine-tuning the names of things, so people would get it," says White House Communications Director Mark Gearan."—Business Week, November 15, 1993

"Howard Paster was in a slow burn as he listened to Greenberg . . . it was outrageous that the outside consultants were providing the President with major policy option papers in confidential memos that Paster often never saw or saw only too late. If lobbyists with business clients had this kind of relationship with the president, it would be a giant scandal. The consultants had clients, some businesses, some politicians like Senator Moynihan, who paid big fees for their work. Paster wasn't sure the political consultants were that different from other outside businesses. He resented their influence and was sure they presented Clinton with a potentially serious liability. *Valuable inside information and conflicts abounded . . .*—*The Agenda: Inside the Clinton White House* by Bob Woodward, p. 247.

"The fact that they have a close relationship with the White House while maintaining outside clients raises the specter of conflict of interest."—Ellen Miller, Center for Responsive Politics

"You have an adjunct kind of shadow government that is exploiting a gray area. They will do whatever they need to do to help Bill and to also remain robust in the private sector. There is this yuppie arrogance: 'We're the good guys, don't bust our chops' . . . The DNC and its advisers have become an adjunct wing of government—with no accountability to government.—Charles Lewis, Center for Public Integrity *U.S. News & World Report*, March 28, 1994.

"If Ronald Reagan had parceled out key White House tasks to a small group of outside advisers and friends with no effort at public accountability on their financial activities, the uproar would have been deafening. So we'll paraphrase Mr. Reagan: Mr. Carville and the rest should be trusted to do the right thing, but it's best to verify that they are.—*Wall Street Journal*, May 20, 1994.

"Rep. Frank Wolf has pointed usefully to a weak spot in the disclosure and other rules meant to protect against conflict of interest in the conduct of government business. It involves the White House consultants who cluster around every modern president just as surely does the White House staff. Because the consultants aren't government employees, they aren't subject to the same reporting and other such protective rules as other presidential aides. Yet they have comparable and often greater ability to influence policy."—*The Washington Post*, Editorial of May 31, 1994.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, May 23, 1994, and today, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

SUMMER JOBS FOR TEENAGERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. EWING] is recognized for 5 minutes.

Mr. EWING. Mr. Speaker, during June millions of American teenagers are finishing their school year and are looking for summer jobs to help save up for college, to buy a car, or to help their families make ends meet. It is important for Congress to do whatever it can to encourage businesses to hire these teenagers for summer jobs. Not only do jobs help keep teenagers out of trouble, but jobs give them important work experience and habits.

In the past the administration has fought for policies to promote summer jobs for teenagers, and I applaud them for their efforts to get the message out about the importance of summer jobs.

But by the same token, I am dismayed over conflicting regulatory policies that can actually discourage businesses from hiring young people.

Here is one classic example. Back in 1954, the Department of Labor promulgated a regulation called Hazardous Occupation Order 12, or H.O. 12, which prohibits teenagers from operating cardboard baler machines. That is okay to have H.O. 12, but that was in 1954. Today that same regulation is imposed when teenagers are asked to simply toss a box into a baler which is not even operating.

I am sure that in 1954 this regulation was necessary to protect the health and safety of youngsters. However, technology over the past 40 years has brought significant safety improvements. Perhaps the most important

safety advancement is that modern balers cannot be engaged and operated when boxes are being loaded into the machine. Likewise, if a baler is being operated, cardboard cannot be placed into the equipment. In other words, it is like a microwave oven. If you open the door to a microwave, it stops operating. The same principle applies to modern paper balers.

I have toured a grocery store in my district which has a modern baler. I encourage my colleagues to look at one of these machines and I guarantee you will conclude that the machines are much safer than they were in 1954. However, DOL is using this regulation to go after grocery stores, both large and small with a vengeance.

Fines in excess of a quarter of a million dollars have been levied against a number of supermarket operators for situations where young workers have either tossed or placed cardboard into a nonoperating baler. This heavy-handed enforcement has been going on for several years now, despite the lack of conclusive data showing that young persons have been injured. DOL claims that violations of H.O. 12 have resulted in injuries, but cannot show that injuries were caused by paper balers rather than some other equipment. In fact, a review of 8,000 worker compensation cases involving injuries over the past 7 years conducted by the Waste Equipment Technology Association did not find a single injury involving a paper baler that meets current safety standards.

As a result of the inflexible enforcement of H.O. 12, and the massive fines levied by DOL, many grocery store owners have simply chosen not to hire teenagers in their stores, because they fear that any violation of the regulation will bring down the heavy hand of the Federal Government. This means that there are fewer summer jobs available to teenagers in grocery stores, which traditionally have been heavy employers of teenagers.

Mr. Speaker, this is an example of how Washington, DC bureaucrats are out of touch with the real world. H.O. 12 is a regulation that clearly has not kept pace with technological advancements. Unfortunately, it is still 1954 at the Labor Department, but it is 1994 for the rest of us, and young people are looking for jobs.

I encourage my colleagues who are interested to visit a grocery store in their district to see a modern baler first hand. They will reach the same conclusion that I did. A baler cannot injure a young person when it is not being operated. Then, I encourage my colleagues to join me in calling on the Labor Department to start using some common sense in their enforcement of H.O. 12.

Mr. Speaker, I would like to include in the RECORD the following copy of a new Department of Labor directive, which is an insert in

the Wage and Hour Division's Field Operations Handbook. At a time when some in Congress are calling on the Department to review H.O. 12, this directive expands its jurisdiction by covering compactors as well as balers.

Apparently this expansion of the authority of H.O. 12 has been done without the benefit of the regular public notice-and-comment procedures which most regulations undergo.

FIELD OPERATIONS HANDBOOK:—12/28/93

Add the following new section to Chapter 33a:

33A12C SCRAP PAPER BALERS AND PAPER BOX COMPACTORS

Scrap paper balers are specifically identified in HO 12 as prohibited paper products machines. Paper box compactors generally perform the same function as scrap paper balers (even if they do not wrap the bale with wire or metal straps), and present the same danger of being caught in the machine during the compression process. Therefore, paper box compactors that utilize the same process of compacting and bailing as scrap paper balers (i.e., those using power-driven high pressure compression to convert loose paper or paper products into dense masses or bales) are the type of machines contemplated in the report implementing HO 12. Where such machines are used for compacting paper boxes or other paper products, HO 12 coverage will be asserted.

(NOTE.—The requirement that paper products machines must recycle paper products or remanufacture them into a furnished product for HO 12 coverage was eliminated with the amendments to HO 12 effective December 20, 1991. As of that date, the named paper products machines used to prepare paper for disposal are also covered by HO 12.)

□ 1900

ADJUSTMENT OF BUDGET RESOLUTION ALLOCATIONS AND TOTALS TO REFLECT ADDITIONAL IRS TAX ENFORCEMENT FUNDING

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). Under a previous order of the House, the gentleman from Minnesota [Mr. SABO] is recognized for 5 minutes.

Mr. SABO. Mr. Speaker, section 25 of the congressional budget resolution for fiscal year 1995-99 (H. Con. Res. 218) requires adjustment of the budget resolution allocations and totals to reflect additional funding above the President's request provided for Internal Revenue Service tax law enforcement. The adjustments, which are limited to \$405 million per year in budget authority and outlays, are triggered when the Appropriations Committee—(or a conference committee)—reports a measure providing additional IRS funding.

The Treasury-Postal Service Appropriations Act for Fiscal Year 1995 (H.R. 4539), as reported by the Committee on Appropriations, provides \$426 million in additional budget authority and \$405 million in additional outlays above the President's request for IRS tax law enforcement for fiscal year 1995. Accordingly, I am submitting the following revised allocations and totals, as required by section 25 of the budget resolution. These revisions reflect upward adjustments to the allocations and to-

totals of \$405 million in both budget authority and outlays for fiscal year 1995.

Revised allocation of spending responsibility to House Appropriations Committee pursuant to section 602(a) of the Congressional Budget Act

[In millions]

	FY 1995
Discretionary action:	
Budget authority	\$511,159
Outlays	540,979
Revised budget totals: (on-budget amounts only; in millions)	
Budget authority	1,238,705
Outlays	1,217,605

FEDERAL RAILROAD SAFETY AUTHORIZATION ACT OF 1994

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington [Mr. SWIFT] is recognized for 5 minutes.

Mr. SWIFT. Mr. Speaker, at approximately 3:40 this morning there was an accident involving three freight trains just outside of Seneca, NE. Tragically, two crew members were killed and two others were injured. This accident in Nebraska, the accident in Smithfield, NC a few weeks ago and the accident in Mobile, AL last fall provide compelling arguments for why we need a strong and effective rail safety program.

It is fitting that today in the wake of this awful accident I am introducing at the request of the administration the Federal Railroad Safety Authorization Act of 1994. Briefly, this legislation authorizes appropriations for fiscal years 1995 through 1998 for the Federal Railroad Administration's railroad safety program.

Clearly, one of the most important functions of the Federal Railroad Administration [FRA] is ensuring that our Nation's freight and passenger trains travel safely throughout our rail system. This is no small task when you consider that there are over 297,000 miles of track and more than 1.23 million cars and locomotives. The responsibility is immense.

FRA is currently working on over 40 safety rulemaking projects and reports to Congress. Many of these projects were required by the Congress in previous rail safety authorization legislation and others are safety efforts that FRA has undertaken on its own. As such, this reauthorizing legislation does not seek extensive new enforcement powers or duties. However, the legislation does include a provision which will allow rail labor and management to jointly establish pilot projects to modify the requirements of the Hours of Service Act for up to a 2-year period.

Next week, the Subcommittee on Transportation and Hazardous Materials which I chair will hold a legislative hearing on the Federal Railroad Safety Authorization Act of 1994. At that time, the subcommittee will closely examine how well FRA is meeting its safety mission and what improvements can be made in the areas of track and bridge safety so that we can reduce if not eliminate the number of tragedies on the railroad.

For the benefit of my colleagues, I am inserting a section-by-section analysis of the Federal Railroad Safety Authorization Act of 1994 below:

SECTION-BY-SECTION ANALYSIS OF THE FEDERAL RAILROAD SAFETY AUTHORIZATION ACT OF 1994

SHORT TITLE

Section 1 provides that the Act may be cited as the "Federal Railroad Safety Authorization Act of 1994."

AUTHORIZATION OF APPROPRIATIONS

Section 2 would authorize appropriations for fiscal years 1995, 1996, 1997, and 1998, for the Federal Railroad Administration's (FRA) railroad safety program, including railroad safety research and development. The authorization levels would be \$68,289,000 for fiscal year 1995 and "such sums as may be necessary" for fiscal year 1996, 1997, and 1998.

HOURS OF SERVICE PILOT PROJECT

Section 3 would permit the Secretary, under stated conditions, to approve waivers of the Hours of Service Act for the purpose of conducting consensual pilot projects to determine the potential effects on railroad safety of employing different standards than those imposed by the Act. The rigid standards of the Act, which have not been significantly changed since 1969, do not properly address safety issues related to work/rest cycles. For example, the Act permits a safety-sensitive railroad worker to work eight hours, then rest eight hours, then work eight hours, continuously. The safety of railroad workers and the general public requires that the Secretary be granted this limited waiver authority in order to explore alternatives to the present structure. Upon receiving a joint petition from a railroad or railroads and all labor organizations representing covered service employees directly within the scope of the waiver, the Secretary would be authorized to waive, in whole or in part, compliance with the Act for up to two years after providing notice and an opportunity for comment and determining that the waiver is in the public interest and is consistent with railroad safety. Such a waiver would be capable of being extended for no more than two years. The Secretary would be required to publish in the Federal Register an explanation of each such waiver. The Secretary would also be required to submit a report to Congress explaining and analyzing the effectiveness of each pilot program approved under this section.

CONFORMING AMENDMENT TO THE HOURS OF SERVICE ACT

Section 4 would authorize the Secretary to assess a civil penalty of a person's violation of a condition of a waiver directly applicable to that person that has been granted under Section 3 of this Act.

TECHNICAL AMENDMENTS TO THE FEDERAL RAILROAD SAFETY ACT OF 1970

Section 5 would permit the Secretary, after notice and an opportunity for a hearing, to issue an order prohibiting an individual from performing safety-sensitive service if the individual is shown to be unfit for such service based on the individual's violation of one of the "Federal railroad safety laws," as that term is defined in 45 U.S.C. 441(e), other than the Hazardous Materials Transportation Act (HMTA) (49 U.S.C. app. 1801 et seq.). At present, the Secretary is authorized to disqualify an individual only for violation of a rule, regulation, order, or standard," not for violation of a statute 45 U.S.C. 438(f). Section 5 would eliminate this anomaly. The HMTA is excluded because the Department believes its enforcement sanctions should remain consistent across the various modes of transportation to which that statute applies.

BIENNIAL REPORTING ON IMPLEMENTATION OF THE FEDERAL RAILROAD SAFETY ACT OF 1970

Section 6 would change the interval for the Secretary's report to Congress on the administration of the Federal Railroad Safety Act of 1970. The report would be required biennially, instead of annually, and would cover the preceding two calendar years, instead of the preceding one calendar year. In the biennial report, information on the two-year period involved would normally be aggregated; however, statistics on accidents and casualties, including rates, would continue to be compiled on a calendar-year basis.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. TUCKER (at the request of Mr. GEPHARDT), for today and the balance of the week on account of official business.

Mr. JEFFERSON (at the request of Mr. GEPHARDT), for today and the balance of the week on account of family business.

Mr. FALEOMAVAEGA (at the request of Mr. GEPHARDT), for today and the balance of the week on account of official business.

Mr. ROYCE (at the request of Mr. MICHEL), for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. COLLINS of Georgia) to revise and extend his remarks and include extraneous material:)

Mr. GOSS, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. EWING, for 5 minutes, today.

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Ms. KAPTUR, for 5 minutes, today.

Mr. SABO, for 5 minutes, today.

Mr. SWIFT, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. COLLINS of Georgia) and to include extraneous matter:)

Mr. CALVERT.

Mr. BILIRAKIS in two instances.

(The following Members (at the request of Mr. MONTGOMERY) and to include extraneous matter:)

Mr. SCHUMER in two instances.

Mr. REED in three instances.

Mr. TORRES.

Mr. MAZZOLI.

Mr. CLYBURN.

Mr. HOYER.

Mr. VENTO.

Mr. KLEIN in seven instances.

Ms. SHEPHERD.

Mr. MCDERMOTT.

(The following Members (at the request of Mr. EWING) and to include extraneous matter:)

Mr. RAMSTAD in two instances.

Mr. KING.

Mr. CASTLE.

Mr. RIDGE.

Mr. HUNTER.

Mr. TAYLOR of North Carolina.

Mr. BEREUTER in three instances.

Mr. FIELDS of Texas.

Mr. SAM JOHNSON of Texas in two instances.

Mr. GUNDERSON.

Mr. GINGRICH.

Mr. ROTH.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. MATSUI in five instances.

Mr. TRAFICANT.

Mr. DELUGO.

Mr. KILDEE.

Mr. HINCHEY.

Mr. MOAKLEY in two instances.

Mr. LANTOS.

Mr. HAMILTON in three instances.

Mr. FORD of Michigan in two instances.

Mr. CLYBURN.

Mr. STOKES.

Mr. VISCLOSKEY in four instances.

Mr. RICHARDSON in two instances.

Mr. STARK in two instances.

Mr. MANN.

Mr. WAXMAN.

Mr. ACKERMAN.

Ms. FURSE.

Mr. DIXON.

ADJOURNMENT

Mr. EWING. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 2 minutes p.m.), the House adjourned until tomorrow, Thursday, June 9, 1994, at 10 a.m.

OATH OF OFFICE OF MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

"I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely,

without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 103d Congress, pursuant to the provisions of 2 U.S.C. 25:

Honorable RON LEWIS, 2d District Kentucky.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3274. A letter from the Acting General Counsel, Department of Defense, transmitting a draft of proposed legislation to amend the National Defense Authorization Act for fiscal year 1991 to create a \$10 million threshold for the Office of Management and Budget review of residual value settlement agreements, pursuant to 31 U.S.C. 1110.

3275. A letter from the Acting General Counsel, Department of Defense, transmitting a draft of proposed legislation to amend title 38, United States Code, to authorize Servicemen's Group Life Insurance for certain members of the retired reserve of the retired reserve of a uniformed service, pursuant to 31 U.S.C. 1110; to the Committee on Veterans' Affairs.

3276. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Packers and Stockyards Act, 1921, to provide authority to collect license fees to cover the cost of the program; to the Committee on Agriculture.

3277. A communication from the President of the United States, transmitting his request for fiscal year 1994 supplemental appropriations for the Department of Housing and Urban Development and Transportation, the Federal Emergency Management Agency and the Small Business Administration, pursuant to 31 U.S.C. 1107 (H. Doc. No. 103-269); to the Committee on Appropriations and ordered to be printed.

3278. A communication from the President of the United States, transmitting an amendment to the fiscal year 1995 appropriations request for the Department of Energy, pursuant to 31 U.S.C. 1107; to the Committee on Appropriations and ordered to be printed.

3279. A letter from the Comptroller General, the General Accounting Office, transmitting the status of budget authority that was proposed for rescission by the President in his fifth special impoundment message for fiscal year 1994, pursuant to 2 U.S.C. 685 (H. Doc. No. 103-267); to the Committee on Appropriations and ordered to be printed.

3280. A letter from the Comptroller of the Department of Defense, transmitting a report of a violation of the Anti-Deficiency Act which occurred in the Department of the Air Force, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

3281. A letter from the Director, Contracts, Department of the Navy, transmitting a copy of the Department's determination that it is in the public interest to use other than competitive procedures for awarding a proposed contract to the University of California at Berkeley, pursuant to 10 U.S.C. 2304(c)(7); to the Committee on Armed Services.

3282. A letter from the Acting General Counsel, Department of Defense, transmitting a draft of proposed legislation to amend section 2192 of title 10, United States Code, to authorize the Secretary of Defense to limit Department of Defense science, mathematics, and engineering education programs to United States citizens and nationals; to the Committee on Armed Services.

3283. A letter from the Secretary of Health and Human Services, transmitting the 14th annual report on the implementation of the Age Discrimination Act of 1975 by departments and agencies which administer programs of Federal financial assistance, pursuant to 42 U.S.C. 6106a(b); to the Committee on Education and Labor.

3284. A letter from the Chairman, Commission on the Future of Worker-Management Relations, transmitting a copy of the fact finding report of the Commission on the Future of Worker-Management Relations; to the Committee on Education and Labor.

3285. A letter from the Chief Staff Counsel, the U.S. Court of Appeals for the District of Columbia Circuit, transmitting a copy of a recently issued opinion; to the Committee on Energy and Commerce.

3286. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Air Force's proposed lease of defense articles to the Coordination Council for North American Affairs (Transmittal No. 17-94), pursuant to 22 U.S.C. 2796a(a); to the Committee on Foreign Affairs.

3287. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Air Force's proposed lease of defense articles to the Coordination Council for North American Affairs (Transmittal No. 18-94), pursuant to 22 U.S.C. 2796a(a); to the Committee on Foreign Affairs.

3288. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Air Force's proposed lease of defense articles to the Coordination Council for North American Affairs (Transmittal No. 16-94), pursuant to 22 U.S.C. 2796a(a); to the Committee on Foreign Affairs.

3289. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Department of the Air Force's proposed lease of defense articles to France (Transmittal No. 19-94), pursuant to 22 U.S.C. 2796a(a); to the Committee on Foreign Affairs.

3290. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment and services sold commercially to Mexico (Transmittal No. OTC-16-94), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

3291. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of the proposed removal of items on the U.S. munitions list no longer warranting export controls, pursuant to 22 U.S.C. 2778(f); to the Committee on Foreign Affairs.

3292. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report on PLO compliance with its December 1988 commitments, pursuant to Public Law 101-246, section 804(b) (104 Stat. 78); to the Committee on Foreign Affairs.

3293. A communication from the President of the United States, transmitting a report on the status of efforts to obtain Iraq's com-

pliance with the resolutions adopted by the United Nations Security Council, pursuant to Public Law 102-1, section 3 (105 Stat. 4) (H. Doc. No. 103-268); to the Committee on Foreign Affairs and ordered to be printed.

3294. 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.

3295. 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 1999 resulting from passage of S. 636, pursuant to Public Law 101-508, 1310(a) (104 Stat. 1388-582); to the Committee on Government Operations.

3296. A letter from the Secretary, Department of Agriculture; transmitting the semi-annual report of the inspector general for the period October 1, 1993 through March 31, 1994, pursuant to Public Law 95-452, section 5(b)(102 Stat. 2526); to the Committee on Government Operations.

3297. A letter from the Secretary, Department of Education, transmitting the semi-annual report of the activities of the Office of Inspector General for the period October 1, 1993, through March 31, 1994, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3298. A letter from the Secretary, Department of Energy, transmitting the semi-annual report of the Office of Inspector General covering the period October 1, 1993 through March 31, 1994, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2515, 2526); to the Committee on Government Operations.

3299. A letter from the Secretary, Department of Health and Human Services; transmitting the semiannual report of the inspector general for the period October 1, 1993 through March 31, 1994 and management report for the same period, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2515, 2526); to the Committee on Government Operations.

3300. A letter from the Secretary, Department of the Interior, transmitting the semi-annual report of the Office of Inspector General for the period October 1, 1993, through March 31, 1994, together with the Secretary's report on audit follow-up for the same period, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3301. A letter from the Secretary, Department of Labor; transmitting the semiannual report on the activities of the inspector general for the period October 1, 1993, through March 31, 1994, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3302. A letter from the Board of Directors, Panama Canal Commission, transmitting the semiannual report on activities of the inspector general for the period October 1, 1993, through March 31, 1994, and the management report for the same period, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3303. A letter from the Chairman, Consumer Product Safety Commission, transmitting the semiannual report on activities of the inspector general for the period October 1, 1993, through March 31, 1994, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3304. A letter from the Secretary, Department of Education, transmitting a report of

activities under the Freedom of Information Act for calendar year 1993, pursuant to 5 U.S.C. 552(e); to the Committee on Government Operations.

3305. A letter from the Secretary, Department of Education, transmitting the semiannual report to Congress on audit follow-up, covering the period from October 1, 1993, through March 31, 1994, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3306. A letter from the Attorney General, Department of Justice, transmitting the semiannual report of the inspector general for the period October 1, 1993, through March 31, 1994 and the management report for the same period, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2515, 2526); to the Committee on Government Operations.

3307. A letter from the Chairman, Equal Employment Opportunity Commission, transmitting the semiannual report on activities of the inspector general for the period ending March 31, 1994, and the management report for the same period, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3308. A letter from the Chairman and Chief, Farm Credit Administration, transmitting the semiannual report on activities of the inspector general for the period October 1, 1993, through March 31, 1994, and the management report for the same period, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3309. A letter from the Board, Federal Housing Finance Board, transmitting the semiannual report on activities of the inspector general for the period ending March 31, 1994, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3310. A letter from the Chairman, Federal Reserve System, transmitting the semiannual report on activities of the inspector general for the period ending March 31, 1994, and the management report for the same period, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3311. A letter from the Secretary, Federal Trade Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1993, pursuant to 5 U.S.C. 552b; to the Committee on Government Operations.

3312. A letter from the Chairman, Federal Trade Commission, transmitting the Commission's semiannual report on activities of the inspector general for the period ending March 31, 1993, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3313. A letter from the Administrator, General Services Administration, transmitting the semiannual report on activities of the Office of Inspector General for the period October 1, 1993, through March 31, 1994, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3314. A letter from the Chairman, Interstate Commerce Commission, transmitting the semiannual report on activities of the inspector general for the period ending March 31, 1994, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3315. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the semiannual report on activities of the inspector general for the pe-

riod October 1, 1993, through March 31, 1994, and management report for the same period, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3316. A letter from the Chairman, National Credit Union Administration, transmitting the semiannual report on activities of the inspector general for the period October 1, 1993, through March 31, 1994, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3317. A letter from the Chairman, National Endowment for the Arts, transmitting the semiannual report on activities of the inspector general for the period ending October 1, 1993, through March 31, 1994, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3318. A letter from the Chairman, National Science Foundation, transmitting the semiannual report on activities of the inspector general for the period October 1, 1993, through March 31, 1994, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3319. A letter from the Business Manager, Norfolk Naval Shipyard Co-Operative Association, transmitting the annual pension plan report for the plan year ending December 31, 1992, for the Norfolk Naval Shipyard Co-Operative Association, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

3320. A letter from the Acting Administrator, Panama Canal Commission, transmitting a report of activities under the Freedom of Information Act for calendar year 1993, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3321. A letter from the Chairman, Securities and Exchange Commission, transmitting the semiannual report on activities of the inspector general for the period ending March 31, 1994, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3322. A letter from the Secretary, Smithsonian Institution, transmitting the semiannual report on the activities of the inspector general for the period October 1, 1993, through March 31, 1994, and management report for the same period, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3323. A letter from the Chairman, Thrift Depositor Protection Oversight Board, transmitting the semiannual report on the activities of the inspector general for the period October 1, 1993, through March 31, 1994, and management report for the same period, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3324. A letter from the Acting Administrator, U.S. Agency for International Development, transmitting the semiannual report on audit management and resolution and the semiannual report on activities of the inspector general covering the period October 1, 1993, through March 31, 1994, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3325. A letter from the Director, U.S. Information Agency, transmitting the semiannual report on the activities of the inspector general for the period October 1, 1993, through March 31, 1994, and the management report for the same period, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3326. A letter from the Deputy Associate Director for Compliance, Department of the

Interior transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Natural Resources.

3327. A letter from the Secretary, Department of the Interior, transmitting the 1993 section 8 report on National Historic and Natural Landmarks that have been damaged or to which damage to their integrity is anticipated, pursuant to 16 U.S.C. 1a-5(a); to the Committee on Natural Resources.

3328. A letter from the Treasurer General, National Society Daughters of the American Revolution, transmitting the report of the audit of the society for the fiscal year ended February 28, 1994, pursuant to 36 U.S.C. 1101(20), 1103; to the Committee on the Judiciary.

3329. A letter from the Chief Staff Counsel, The U.S. Court of Appeals for the District of Columbia Circuit, transmitting a copy of a recently issued opinion; to the Committee on the Judiciary.

3330. A letter from the General Counsel, Department of Commerce, transmitting a draft of proposed legislation to change the census date for the 2000 decennial census and subsequent censuses; to the Committee on Post Office and Civil Service.

3331. A letter from the General Counsel, Department of Commerce, transmitting a draft of proposed legislation to provide the Secretary of Commerce with the authority to share the address lists of the Bureau of the Census with the U.S. Postal Service and Federal, State, and local officials when it is required for the efficient and economical conduct of censuses and surveys; to the Committee on Post Office and Civil Service.

3332. A communication from the President of the United States, transmitting notification of his determination that a continuation of a waiver currently in effect for Albania, Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Mongolia, Romania, Russia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan will substantially promote the objectives of section 402, of the Trade Act of 1974, pursuant to 19 U.S.C. 2432(d)(1) (H. Doc. No. 103-265); to the Committee on Ways and Means and ordered to be printed.

3333. A communication from the President of the United States, transmitting notification of his determination that a continuation of a waiver currently in effect for the People's Republic of China will substantially promote the objectives of section 402, of the Trade Act of 1974, pursuant to 19 U.S.C. 2432(d)(1) (H. Doc. No. 103-266); to the Committee on Ways and Means and ordered to be printed.

3334. A letter from the Chairman, Prospective Payment Assessment Commission, transmitting the report "Medicare and the American Health Care System"; to the Committee on Ways and Means.

3335. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to amend and extend the authorization of appropriations for the Family Support Center Program under the Stewart B. McKinney Homeless Assistance Act, and for other purposes; jointly, to the Committees on Banking, Finance and Urban Affairs and Education and Labor.

3336. A letter from the Secretary, Department of Energy, transmitting a report on the condition and status of university research and training and reactors, pursuant to Public Law 102-486, section 2203(b) (106 Stat. 3088); jointly, to the Committees on Energy and Commerce and Science, Space, and Technology.

3337. A letter from the Administrator, Agency for International Development, transmitting a quarterly update report on development assistance program allocations for fiscal year 1994, pursuant to 22 U.S.C. 2413(a); jointly, to the Committees on Foreign Affairs and Appropriations.

3338. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the fourth report on the subject of intermarket coordination, pursuant to Public Law 101-432, section 8(a) (104 Stat. 976); jointly, to the Committees on Banking, Finance and Urban Affairs, Energy and Commerce, and Agriculture.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on May 26, 1994, the following report was filed on June 3, 1994]

Mr. FORD of Michigan: Committee on Education and Labor. H.R. 8. A bill to amend the Child Nutrition Act of 1966 and the National School Lunch Act to extend certain authorities contained in such acts through the fiscal year 1998, with an amendment; referred to the Committee on Agriculture for a period ending not later than June 24, 1994, for consideration of such provisions contained in the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(a), rule X (Rept. 103-535, Pt. 1).

[Submitted June 8, 1994]

Mr. BROWN of California: Committee on Science, Space, and Technology. H.R. 3870. A bill to promote the research and development of environmental technologies; with an amendment (Rept. 103-536). Referred to the Committee of the Whole House on the State of the Union.

Mr. BEILENSON: Committee on Rules. H. Res. 447. A resolution providing for the consideration of the bill (H.R. 4539) making appropriations for the Treasury Department, the U.S. Postal Service, the executive office of the President, and certain independent agencies, for the fiscal year ending September 30, 1995, and for other purposes (Rept. 103-537). Referred to the House Calendar.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X the following action was taken by the Speaker:

H.R. 8. Referred to the Committee on Agriculture for a period ending not later than June 24, 1994, for consideration of such provisions contained in the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(a), rule X.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of the rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. EVANS (for himself, Mr. BROWDER, Mr. DELLUMS, Mr. GUTIERREZ, Mr. MCCLOSKEY, Mr. OBERSTAR, Mr. GONZALEZ, Mr. BROWN of California, Mrs. SCHROEDER, Mr.

FILNER, Ms. WATERS, Mr. KENNEDY, Mr. BOUCHER, Mr. FALCOMA VAEGA, Mr. HOLDEN, Mr. ACKERMAN, Mr. HOCHBRUECKNER, Mr. WASHINGTON, Mr. CARR, Mr. FARR, Mr. FRANK of Massachusetts, Mr. COOPER, Mr. GEJDENSON, Mr. SANDERS, Ms. SLAGHTER, Mr. SERRANO, Mr. KREIDLER, Mr. BARLOW, Mr. TRAFICANT, Mrs. LOWEY, Mr. BARRETT of Wisconsin, Mr. HALL of Ohio, Mr. ANDREWS of Maine, Mr. KOPETSKI, Mr. ORTON, Mr. OLVER, Mr. UNDERWOOD, Mr. KLECZKA, Mr. EDWARDS of California, Mr. MARKEY, Mr. JOHNSTON of Florida, Mr. JEFFERSON, Mr. FINGERHUT, Mr. MANTON, Mr. STRICKLAND, Mr. LANCASTER, Mr. MINETA, Mr. SWETT, Mr. DEUTSCH, Mr. BONIOR, Mr. BILBRAY, Mrs. UNSOELD, Mr. PETERSON of Florida, and Mr. RICHARDSON):

H.R. 4540. A bill to provide a program of compensation and health research for illnesses arising from service in the Armed Forces during the Persian Gulf war; to the Committee on Veterans' Affairs.

By Mr. JOHNSTON of Florida (for himself and Mr. PAYNE of New Jersey):

H.R. 4541. A bill to authorize assistance to promote the peaceful resolution of conflicts in Africa; to the Committee on Foreign Affairs.

By Mr. KENNEDY (for himself, Mr. EVANS, Mr. GUTIERREZ, Mr. HOCHBRUECKNER, Mr. MONTGOMERY, and Mr. SANDERS):

H.R. 4542. A bill to provide an improved system of health-related information for Persian Gulf war veterans and to extend the availability of certain health care for Persian Gulf war veterans; to the Committee on Veterans' Affairs.

By Mr. CLYBURN:

H.R. 4543. A bill to designate the U.S. courthouse to be constructed at 907 Richland Street in Columbia, SC, as the "Matthew J. Perry, Jr. United States Courthouse"; to the Committee on Public Works and Transportation.

By Mr. DE LUGO (for himself (by request) and Mr. MILLER of California):

H.R. 4544. A bill to authorize the appropriations for construction projects under the covenant to establish a commonwealth of the Northern Mariana Islands in political union with the United States of America, and for other purposes; to the Committee on Natural Resources.

By Mr. SWIFT (by request):

H.R. 4545. A bill to amend the Federal Railroad Safety Act of 1970, and for other purposes; to the Committee on Energy and Commerce.

By Mr. FLAKE:

H.R. 4546. A bill to strengthen families receiving aid to families with dependent children through education, job training, savings, and investment opportunities, and to provide States with greater flexibility in administering such aid in order to help individuals make the transition from welfare to employment and economic independence; to the Committee on Ways and Means.

By Mr. PETE GEREN of Texas:

H.R. 4547. A bill to amend the Fair Labor Standards Act of 1938 to exempt certain educational enterprise employees from the minimum wage and overtime compensation provisions of such act; to the Committee on Education and Labor.

By Mr. McDERMOTT:

H.R. 4548. A bill to amend the Internal Revenue Code of 1986 to provide an exclusion

from gross income for water conservation subsidies provided to customers by water utilities and to allow such utilities an expense deduction for such subsidies; to the Committee on Ways and Means.

By Ms. NORTON:

H.R. 4549. A bill to amend title 5, United States Code, to provide for travel and transportation expenses for the family of a career appointee in the Senior Executive Service who dies after transferring in the interest of the Government to an official duty station and who was eligible for an annuity at the time of death, and for other purposes; to the Committee on Government Operations.

By Mr. STEARNS (for himself, Mr. ARMEY, Mr. BAKER of California, Mr. CRANE, Mr. DELAY, Mr. DORNAN, Mr. DUNCAN, Mr. GEKAS, Mr. GINGRICH, Mr. GOSS, Mr. GRAMS, Mr. HANCOCK, Mr. HASTERT, Mr. HUNTER, Mr. HUTCHINSON, Mr. HYDE, Mr. KYL, Mr. LEWIS of Florida, Mr. LINDER, Mr. ROHRBACHER, Mr. SHAYS, and Mrs. VUCANOVICH):

H.R. 4550. A bill to provide Americans with secure, portable health insurance benefits through tax credits, medical savings accounts, and greater choice of health insurance plans without mandates, and for other purposes; jointly, to the Committees on Ways and Means, Energy and Commerce, Education and Labor, Rules, the Judiciary, Agriculture, and Banking, Finance and Urban Affairs.

By Mr. WHEAT (for himself and Mr. SKELTON):

H.R. 4551. A bill to designate the post office building located at 301 West Lexington in Independence, MO, as the "William J. Randall Post Office"; to the Committee on Post Office and Civil Service.

By Mr. SOLOMON:

H.J. Res. 373. Joint resolution disapproving the extension of nondiscriminatory treatment—most-favored-nation treatment—to the products of the People's Republic of China; to the Committee on Ways and Means.

By Mr. REYNOLDS:

H. Res. 448. Resolution amending the Code of Official Conduct of the Rules of the House of Representatives to require the temporary step aside of a chairman or ranking minority party member who is indicted; to the Committee on Standards of Official Conduct.

MEMORIALS

Under clause 4 of rule XXII,

404. The SPEAKER presented a memorial of the General Assembly of the State of Colorado, relative to health care; jointly, to the Committees on Energy and Commerce and Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. ROMERO-BARCELÓ introduced a bill (H.R. 4552) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Rendezvous*; which was referred 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:

