



NEW MEXICO
HEALTH AND ENVIRONMENT
DEPARTMENT

ENVIRONMENTAL IMPROVEMENT DIVISION
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MEMORANDUM

August 17, 1989

TO: EID staff involved with the LANL incinerator

FROM: Susan Martin *sm*

RE: Congressional debate and vote in the DOD authorization bill

Enclosed is a copy of the Congressional debate and vote on Congressman Richardson's amendment to the Dept. of Defense authorization bill. The amendment concerns the incinerator at Los Alamos National Laboratory and states that:

The Los Alamos National Laboratory is prohibited from incinerating radioactive waste until the State of New Mexico adopts regulations on the incineration of radioactive waste.

Please call me at X2843 if you have questions.



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Armed Services Committee recognize facts and have wisely provided funds for continued development of both programs. The short-term political gains from terminating either of these programs do not even come close to offsetting the long-term national security losses. I urge my colleagues to join me in supporting the committee's position and opposing these amendments.

The CHAIRMAN pro tempore (Mr. DURBIN). It is now in order to consider amendments printed in part two of the House report.

LEGISLATIVE PROGRAM

Mr. ASPIN. Mr. Chairman, I ask unanimous consent to strike the last word.

The CHAIRMAN pro tempore. Without objection, the gentleman from Wisconsin [Mr. ASPIN] will be recognized for 5 minutes.

There was no objection.

Mr. ASPIN. Mr. Chairman, I would just like to take a moment to announce the order in which we are going to proceed now for the rest of this evening.

We have finished our votes for tonight, and according to the agreement laid out by the majority leader before we began the debate on the ICBM's, what we have now is a series of seven smaller class two amendments, category two amendments. There will be two of them. We will start out with two amendments by the gentleman from New Mexico [Mr. RICHARDSON].

The third is an amendment of the gentleman from Texas [Mr. LEATH].

The fourth is an amendment by the gentlewoman from Maryland [Mrs. BYRON].

The fifth is an amendment of the gentleman from Texas [Mr. BUSTAMANTE].

The sixth is an amendment by the gentleman from Rhode Island [Mr. MACHTLEY], and the seventh is an amendment by the gentleman from Louisiana [Mr. MCCREERY].

If all those are offered, there would be 5 minutes allowed on each side for debate and a vote. Any votes on these, according to the agreement of the majority leader, would be rolled over until tomorrow.

I would anticipate that some of these will not be offered. Others will be settled by a voice vote and will not have a vote. We may have two or three votes tomorrow.

AMENDMENT OFFERED BY MR. RICHARDSON

Mr. RICHARDSON. 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. RICHARDSON: Page 350, after line 3, add the following new section:

SEC. 3137. LOS ALAMOS NATIONAL LABORATORY SECURITY CONTRACT.

The Secretary of Energy shall prohibit the contractor operating the Los Alamos National Laboratory from entering into any security services subcontract that lasts for a period in excess of 1 year.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from New Mexico [Mr. RICHARDSON] will be recognized for 5 minutes, and a Member in opposition will be recognized for 5 minutes.

The Chair recognizes the gentleman from New Mexico [Mr. RICHARDSON].

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

Mr. RICHARDSON. Mr. Chairman, this amendment would prohibit a protective services contract from being signed by the Los Alamos National Laboratory for a period to exceed 1 year.

Earlier this year there was an extended strike against Mason and Hanger, a subcontractor responsible for providing security for the Los Alamos National Laboratory—one of the most critical facilities in the entire nuclear weapons complex. As a result of the strike, numerous questions have been raised about the adequacy of safeguards and security at the Los Alamos facility as well as other nuclear weapons facilities.

The Energy and Commerce Committee is currently reviewing security operations in the nuclear weapons complex. A hearing before the Oversight and Investigations Subcommittee is scheduled for Thursday of this week. In addition, the General Accounting Office is conducting a review of the security programs for the nuclear facilities. The findings of the study are not expected until later this year.

Mason and Hanger's contract for security services expires in September of this year. I believe any new multi-year contract should reflect the findings of both the Energy and Commerce Committee and the General Accounting Office.

Accordingly, Mr. Chairman, and in consultation with the Director of the Los Alamos Laboratories, the lab has promised to review the issue of competitive bidding as they look toward the next contract that this subcontractor is going to be pursuing.

My concern is very simple. I want the best security at Los Alamos Laboratories, and because of the strike that took place, the fact that there was a force that was not properly trained in the interim, I think security at the labs was compromised, and I regret it.

I will be withdrawing this amendment simply because the Director of the laboratories has assured me, Mr. Sid Hecker, that he is going to have an open mind in terms of how he proceeds with the contract of Mason and Hanger.

Mr. Chairman, after consultation with both the majority and the minority, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Mexico [Mr. RICHARDSON]?

Mr. KYL. Reserving the right to speak, Mr. Chairman, I just want to compliment the gentleman on trying to get into an issue that deserves some attention and to look after the interests of his constituents in this matter and the State of New Mexico, the Los Alamos laboratories, the issues that he raised, and I think it is appropriate for him to raise them, and also for him to withdraw the amendment.

Mr. RICHARDSON. Mr. Chairman, I thank the gentleman.

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

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Mexico [Mr. RICHARDSON] to withdraw his amendment?

There was no objection.

The CHAIRMAN pro tempore. The amendment is withdrawn.

AMENDMENT OFFERED BY MR. RICHARDSON

Mr. RICHARDSON. 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. RICHARDSON: Page 350, after line 3, add the following new section:

SEC. 3137. MORATORIUM ON LOS ALAMOS NATIONAL LABORATORY RADIOACTIVE WASTE INCINERATOR.

The Los Alamos National Laboratory is prohibited from incinerating radioactive waste until the State of New Mexico adopts regulations on the incineration of radioactive waste.

The CHAIRMAN pro tempore. Under the rule, the gentleman from New Mexico [Mr. RICHARDSON] will be recognized for 5 minutes, and a Member in opposition will be recognized for 5 minutes.

The Chair recognizes the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Chairman, this amendment is very important to me and my congressional district. It is an amendment that is also supported by the State of New Mexico, and I will be attaching for the RECORD a statement of the Environmental Improvement Division of the State of New Mexico in support of my amendment.

This is what the amendment does: This amendment simply does the following: It prohibits the Los Alamos National Laboratories from incinerating radioactive wastes until the State of New Mexico adopts regulations on the incineration of radioactive wastes.

The original Los Alamos Laboratories plan was to build an incinerator for research purposes only in the 1970's. This incinerator was constructed to handle two types of wastes, chemical wastes and mixed wastes.

The incinerator has been closed for the last 2 years for remodeling to bring it up to full-scale capabilities. Prior to this temporary shutdown, the incinerator was operating for 9 years under interim RCRA regulations.

The State legislature is in support of this amendment. They passed H.B. 59, which puts a moratorium on incinerators until the State EID, the Environmental Improvement Division, implements regulations on incinerators.

What I am simply doing is this, and I have discussed this with the Los Alamos Laboratory. I would like to proceed with a moratorium of approximately 1 year in which the Los Alamos Laboratory proceeds with plans for this incinerator, and does not burn some of this waste until the State of New Mexico has their regulations. The State of New Mexico has a legislative session in January and February of next year. My amendment simply puts a moratorium that says the following, that until all safety regulations are applied, Federal and State, the burning of this radioactive waste will not take place.

On the side of my constituents in the Santa Fe area, the Los Alamos area, I have had numerous calls. There have been numerous public sessions in which my constituents have appealed to me and said:

We do not necessarily want to stop this incinerator. We want it to proceed simply according to State law. We want to wait and make sure that radioactive wastes are stored properly, and we want to make sure that it is absolutely safe.

All I am saying is let us wait until the State of New Mexico adopts regulations. Again, the State of New Mexico supports this amendment. This is an important amendment for my constituents. It simply says the following: There will be no burning, no burning of radioactive wastes at the Los Alamos Laboratory until the State of New Mexico, and the State's EID division, Environmental Improvement Division, is cognizant of the problem, adopts some regulations. They currently do not have regulations that deal with this issue. This will be an incentive for them to proceed.

To further clarify what the amendment does:

First, prohibits the Los Alamos National Laboratory from incinerating radioactive waste, including any waste containing radioactive constituents, until the earlier of the following occurs: first, a period of 1 year elapses after the date of the enactment of this act; and second, the State of New Mexico adopts regulations on emissions resulting from the incineration of radioactive waste.

This alternative to our original amendment is improved in the following ways:

First it establishes a 1-year moratorium unless the State adopts regulations before this period. This will allow the State time to adopt emissions regulations without delaying operation of the incinerator for an unreasonable amount of time.

Our original amendment has no moratorium so the incinerator could be held up indefinitely until the State adopts regulations.

Second, this amendment deals only with emission standards under the Clean Air Act. States have the authority to implement such regulations.

Our original amendment deal both with RCRA and Clean Air. Before the State could adopt RCRA regulations a change in the Federal RCRA law would be required—this could hold up operation of the incinerator indefinitely.

BACKGROUND

LANL originally built an incinerator for research purposes only in the 1970's. This incinerator was constructed to handle two types of waste: Chemical waste and mixed waste. Mixed wastes has both chemical and radioactive components.

The incinerator has been closed for the last 2 years for remodeling to bring it up to full-scale capabilities. Prior to this temporary shutdown, however, the incinerator was operating for 9 years under interim RCRA [Resource Conservation and Recovery Act] status, a temporary permit which currently allows LANL to burn radioactive and hazardous waste without any environmental assessment ever being done and without any opportunity for public comment.

Transuranic waste, the same plutonium-contaminated waste that is designated for WIPP, will comprise the bulk of the waste stream destined for the incinerator.

The State environmental improvement division does not have the authority under the State Hazardous Waste Act, or any other act, to regulate radioactive waste. The Hazardous Waste Act does not apply to radioactive waste, it only applies to wastes that meet the legal definition of "hazardous waste", and these are basically chemical wastes.

The Federal Atomic Energy Act authorizes DOE to develop and effectuate its own regulations controlling DOE's management of its own radioactive wastes. Thus, DOE essentially has the right to permit themselves for radioactive substances.

The State legislature passed H.B. 59 this year that puts a moratorium on incinerators until EID implements regulations on incinerators. H.B. 59 however, includes an exemption for incinerators that were constructed before a certain date—since this incinerator was constructed in the 1970's it is exempted from the moratorium and can operate without EID regulation on incinerators.

EID is reviewing LANL's application for this incinerator and has proposed a draft permit. The permit only focuses on chemical waste—not radioactive waste—since chemical waste is the only waste the State has authorization to regulate. EID says the permit will probably be issued in November.

All we wish to do is delay operation of the incinerator until the State adopts regulations on the incineration of radioactive wastes.

Mr. Chairman, I yield the remainder of my time to the chairman of the subcommittee, the gentleman from South Carolina [Mr. SPRATT], who has examined this amendment, and I ask for his response and hopeful support.

Mr. KYL. Mr. Chairman, I yield 1 minute to the gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Chairman, I would like to address the amendment, and I would like to, in turn, either have the ranking minority member on our panel, the Committee on Armed Services, recognized or time yielded to him.

Mr. Chairman, the gentleman from New Mexico [Mr. RICHARDSON] brought before our panel two amendments, one which he has just pulled from consideration, and the other was this amendment.

We received the amendments only at approximately the time that we were beginning the markup of the Department of Energy segment of the defense authorization bill. The panel itself, having not had the opportunity to hold hearings on the proposal he made, did not approve the amendment as it was submitted, not so much on the merits or demerits of it, just because we simply did not have the information or answers to the questions that were raised in our minds.

There was another deficiency in the amendment as presented to us, and that is it is open ended. It does not have a termination date. It says basically that the Los Alamos Laboratory cannot incinerate mixed or radioactive waste until the State of New Mexico develops regulations that apply to radioactive waste. I think that that kind of an open-ended provision is something that we simply cannot agree to.

The rule made this amendment in order, and I had a number of discussions along with the gentleman from Arizona [Mr. KYL], the ranking member. We asked several questions to be clarified, first of all, if this moratorium is granted, can we establish a date certain on it, can we have an understanding, and I had one with the gentleman from New Mexico [Mr. RICHARDSON] that August 1 would be acceptable to him, August 1, 1990. We wanted to find out if this would present an intolerable situation in terms of accumulation of radioactive waste that could not be incinerated pending this ban, and we found it will cause some to be accumulated. There will be some storage costs, but it is not an overwhelming burden monetarily or otherwise for the Laboratory.

Finally, we found that the situation there at Los Alamos is in good condition in the sense that the waste incineration facilities are in compliance with EPA regulations and then some.

I have told the gentleman from New Mexico [Mr. RICHARDSON] that I personally will vote for his bill with the understanding that in conference the date certain has to be cleaned up. There has to be a reasonable time-frame for the State to adopt regulations. I will vote for it because I am sensitive to his concern about the incineration of radioactive waste, but I cannot approve it in its present form. We have to have the understanding that it is cleaned up in conference.

Mr. KYL. Mr. Chairman, I yield 15 seconds to my friend, the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Chairman, I stress to the gentleman, as the gentleman knows, I would have offered this amendment on unanimous consent with the August date, but the

gentleman had some concerns, and I remain very firm in that view, that a date of August 1 is find with me. I appreciate the way the gentleman has conducted himself in this.

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

Mr. Chairman, I appreciate the comments of both of my friends and, again, my colleague from New Mexico being very concerned about the situation in his district, but, very frankly, Mr. Chairman, the reason that these concerns are being expressed is because there are problems with this bill, technical problems, if not other kinds of problems.

There is a third technical problem that has not been mentioned, and that is the fact that States have the authority under the Clean Air Act to regulate radioactive emissions, but this bill is not written in that fashion. This bill is written to adopt regulations on the incineration of radioactive waste, which means it would be a meaningless exercise.

The reason I have not agreed to a unanimous-consent request to improve the language of the bill is because it is a bad bill. It should not be adopted by this body. It is not needed.

If my colleagues would just listen to this one statistic, it is, I think, agreed, and in any event, the laboratory has confirmed through their analysis that the incineration of radioactive wastes here meets the Clean Air Act requirements by a factor of 25,000. In other words, it is not even close.

It is very clear that the atmosphere here is protected by a factor of 25,000.

My colleague from New Mexico has said, "But I have some constituents every concerned about this." I do not doubt that. Our obligation is to explain to them that they have no reason for concern, and that were we to agree to this amendment, what it would require is the Los Alamos Laboratory spend an additional \$30,000 to build a storage facility to put the stuff in until it can be incinerated, and nothing would have changed in the meantime, because the State of New Mexico is not going to adopt a standard which is 25,000 times more stringent than the Clean Air Act. So the amendment is not necessary. That is why I have refused to agree to the technical amendments that would make the amendment proper.

Mr. RICHARDSON. Mr. Chairman, will the gentleman yield,

Mr. KYL. I am happy to yield to the gentleman from New Mexico.

Mr. RICHARDSON. Mr. Chairman, I just want to stress to my colleague, and I appreciate his concern, but let me just quote to him what the State of New Mexico has sent me.

Mr. KYL. Reclaiming my time and interrupting my colleague, Mr. Chairman, may I inquire how much time I have remaining?

The CHAIRMAN. The gentleman from Arizona [Mr. KYL] has 2 minutes remaining.

Mr. KYL. Mr. Chairman, I yield the remainder of my time, 2 minutes, to the gentleman from New Mexico [Mr. SKEEN].

Mr. SKEEN. Mr. Chairman, with all due deference to my colleague from New Mexico, I have a concern after reading this place of legislation, because it is totally unnecessary.

What is being done follows the spirit of the request being made in this piece of legislation; that is, that is being done between the State of New Mexico and Los Alamos National Laboratories right now. Los Alamos National Laboratory is the progenitor, or the place in which the whole technology of incineration of these kinds of wastes has come from. If New Mexico is going to have an oversight committee, Los Alamos is going to have to tell them how to do it, and they are already working in cooperation with one another. I think it is an unnecessary burden both on the State and on Los Alamos National Laboratory, because if we put this moratorium on there, we are going to require them to build storage space that puts the waste in a riskier position now than it would be if it were incinerated.

Mr. Chairman, that is the whole answer to this question. We have these environmental questions to resolve, and the laboratory is trying to help do that. I think that what we are doing is we are imposing something on the national laboratory that is totally unnecessary, because there is a spirit of cooperation and oversight that takes place between the State of New Mexico and Los Alamos at the present time.

□ 1920

I do not believe that the State of New Mexico is asking for this.

Individuals, maybe so. But who speaks for the State of New Mexico?

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

Mr. SKEEN. Yes, I yield to the gentleman from New Mexico.

Mr. RICHARDSON. Mr. Chairman, I have a letter from the Director of the New Mexico Environmental Improvement Division, Mr. Richard Mitzelfelt. That is not the issue. The State of New Mexico wants this amendment.

The letter referred to follows:

NEW MEXICO HEALTH AND
ENVIRONMENT DEPARTMENT,
July 25, 1989.

MEMORANDUM

To: Congressman Bill Richardson.

Attention: Steve Crout.

From: Richard Mitzelfelt, Director, New Mexico Environmental Improvement Division.

Re: Incinerator Amendment—Nmeld Comments.

Date: July 25, 1989.

The Division supports this amendment for the following reasons:

1. The amendment would prevent the burning of mixed waste and radioactive waste without a RCRA component at the

only facility in the state exempt from state moratorium, H.B. 59.

2. This amendment would enable the Division to move from a position of uncertainty regarding public health impacts to one of protection. The health impacts of this activity would then be discussed in a public hearing through the adoption of new air regulations before the activity could resume.

3. The Air Quality Bureau which develops regulations would be given more time to address this type of incineration along with municipal and medical waste incineration. This would also alleviate the potential to act too hurriedly.

Although we support this moratorium, one question needs to be researched. Does this moratorium as currently proposed create a conflict by preventing activities currently authorized by the Resource Conservation and Recovery Act? The incineration of mixed waste being one such activity.

NEW MEXICO HEALTH AND
ENVIRONMENT DEPARTMENT,
July 26, 1989.

Congressman BILL RICHARDSON,
Cannon House Office Building,
Washington, DC.

DEAR CONGRESSMAN RICHARDSON: This letter concerns your proposed amendment to the Department of Defense Authorization Bill regarding a moratorium on the incineration of radioactive waste at Los Alamos National Laboratory. My comments below are in response to questions raised by the memorandum I sent to your office yesterday, July 25, 1989, regarding the proposed amendment.

The Environmental Improvement Division's priorities in developing new regulations for incineration have been set primarily by citizens and our state legislature reacting to new or proposed facilities in the state. In the spring of 1988, public concern was focused on a proposed municipal waste incinerator at Los Alamos. This concern resulted in our state moratorium bill on incineration. Although this bill covers other classes of incineration besides municipal waste, its primary focus was on municipal waste and we have put our efforts into this area first. We have also begun to address the incineration of medical waste at this time primarily because of a large uncontrolled facility in the southern part of the state. We do not have the staff to concurrently address radioactive waste along with these other categories. We would consider the assistance of a third party in developing such regulations if funding were available.

There are a number of reasons why our interest in incineration of radioactive waste was not expressed as strongly in the past as it is today. The Los Alamos incinerator is to our knowledge the only unit in the state conducting this activity. In the past, this facility was represented as a research unit. Today, it will be used on a larger scale as an integral part of the Laboratory's waste management effort. Potential impacts to human health are therefore much greater. In addition, most of our citizens only became aware of this facility recently and public concern has been very high.

We are confident the state has adequate statutory authority to address the incineration of radioactive waste. Under the New Mexico Air Quality Control Act, "radioactive material" is listed as a substance for which the New Mexico Environmental Board clearly has the right to control through the adoption of regulations. In addition, the state legislature has further directed the EID to develop new regulations with stringent emission limitations for all classes of incineration. This language is

within the recently enacted H.B. 59 which is a state bill addressing incineration. Although EPA has not yet delegated authority for mixed waste under the Resource Conservation and Recovery Act to the state, we do not believe this in any way precludes the development of new air quality regulations for this type of waste.

I hope this answers your recent questions. Please contact me again if additional concerns arise.

Sincerely,

RICHARD MITZELFELT,
Director.

Mr. SKEEN. Taking back my time, I do not think that the State of New Mexico does want this amendment. I do not think that they have had a chance to see this part of it, and I do not think they want it or do not think we need it, and we are just as dedicated to that laboratory as anybody else.

Mr. RICHARDSON. I would like to point out to my colleague that we are talking about a facility in my district.

Mr. SKEEN. The gentleman from New Mexico was also talking about one in my district when we were talking about WIPP, and the gentleman certainly had a lot to say about that, so I certainly think I should return the favor.

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

The question is on the amendment offered by the gentleman from New Mexico [Mr. RICHARDSON].

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

RECORDED VOTE

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

A recorded vote was ordered.

The CHAIRMAN pro tempore. Pursuant to the provisions of paragraph (5) of section 2, House Resolution 211, and the Chair's prior announcement, the vote on the amendment offered by the gentleman from New Mexico [Mr. RICHARDSON] will be postponed until tomorrow following the vote on the amendment on plutonium production.

AMENDMENT OFFERED BY MR. LEATH OF TEXAS

Mr. LEATH of Texas. 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. LEATH of Texas: Page 36, after line 16, insert the following new section:

SEC. 128. FUNDING FOR AHIP PROGRAM.

(a) AUTHORIZATION FOR AHIP PROGRAM.—Of the amount appropriated for fiscal year 1990 for procurement of aircraft for the Army, the amount of \$276,400,000 shall be available for the Army Helicopter Improvement Program (AHIP).

(b) FUNDING.—Of the amounts provided in section 101 for procurement for the Army—

(1) the amount provided for procurement of aircraft is hereby increased by \$226,400,000;

(2) the amount provided for procurement of Weapons and Tracked Combat Vehicles is hereby reduced by \$61,500,000; and

(3) the amount provided for other procurement is hereby reduced by \$164,800,000.

MODIFICATION TO AMENDMENT OFFERED BY MR. LEATH OF TEXAS

Mr. LEATH of Texas. Mr. Chairman, I offer a modification to the amendment.

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

The Clerk read as follows:

Amendment, as modified, offered by Mr. LEATH of Texas: Page 36, after line 16, insert the following new section:

SEC. 128. FUNDING FOR AHIP PROGRAM.

(a) AUTHORIZATION FOR AHIP PROGRAM.—Of the amount appropriated for fiscal year 1990 for procurement of aircraft for the Army, the amount of \$276,400,000 shall be available for the Army Helicopter Improvement Program (AHIP).

(b) FUNDING.—Of the amounts provided in section 101 for procurement for the Army—

(1) the amount provided for procurement of aircraft is hereby increased by \$226,400,000;

(2) the amount provided for procurement of Weapons and Tracked Combat Vehicles is hereby reduced by \$61,500,000; and

(3) the amount provided for Other Procurement is hereby reduced by \$164,800,000, of which not more than \$24,400,000 shall be from for the Enhanced Position Location Reporting System.

Mr. LEATH of Texas (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 gentleman from Texas?

There was no objection.

Mr. LEATH of Texas. Mr. Chairman, I have cleared this with both sides, and I ask unanimous consent to have the modification agreed to so that I may give a brief explanation at this point.

The CHAIRMAN pro tempore. Without objection, the modification is agreed to.

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Texas [Mr. LEATH] is recognized for 5 minutes.

(Mr. LEATH of Texas asked and was given permission to revise and extend his remarks.)

Mr. LEATH of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment would reinstate the Army's Helicopter Improvement Program, or AHIP, that was originally included in the budget submitted by President Reagan but deleted in the revision submitted by President Bush. The AHIP is an upgrade of the OH-58 Scout helicopter with state-of-the-art target detection-designation, navigation, communications, and air vehicle performance improvements. Most importantly—it works. It works very well. The Army recently produced an armed version of AHIP that performed some amazing feats at night in the Persian Gulf. In the opinion of the Secretary of the Army, the AHIP is essential in meeting the Army's day and night armed Scout helicopter requirement through

the end of the next decade when follow-on aircraft are anticipated to become available.

This helicopter is a combat proven asset to our conventional force structure and satisfies a critical deficiency in our Army aviation inventory.

The program is the Army's highest unfunded priority. The Secretary of the Army unsuccessfully attempted to "buy back" the program from the Secretary of Defense when it was cut due to budget constraints.

The program is one of the most successful, cost-efficient systems we have ever developed.

The amendment is revenue neutral. I have identified programs within Army procurement accounts to cover the cost of this initiative that have been coordinated with the Army's leadership and with the committee staff.

I urge an affirmative vote on this amendment.

Mr. ASPIN. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from Wisconsin [Mr. ASPIN] is recognized for 5 minutes.

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

Mr. Chairman, I am happy to yield to other Members who wish to talk about this amendment one way or the other, but let me just point out why I am in opposition to this amendment.

I believe basically what we are dealing with is another add-on to the Cheney budget. Last night we had the big fight over the Cheney budget. We have had a continual struggle throughout the process of hearing this before the Procurement Subcommittee, before the full committee about the Cheney budget, and we have managed to come through the whole process, I would say, relatively unscathed.

We have added too much money for the Guard and Reserve, and that is too bad. We have added money for the V-22 and that is too bad. We have added money for the F-14, and that is too bad. But we have not added a lot of money, and we have not done what we have done in other years.

I would hope in the process of dealing with these small amendments toward the end of the bill that we do not let the whole dam burst loose and we end up with a lot of add-ons.

I know there is an awful lot of support for the AHIP, and I understand the gentleman from Texas's interest in it. I think there is a lot of interest on that side for the AHIP, and I have no problem with the funding that the gentleman has and the amendment, and the changes in his amendment by which he now funds the AHIP.

But I would point out that the right vote was the either-or vote on the LHX or the AHIP, which we had yesterday, which was the amendment offered by the gentleman from Kentucky, Mr. HOPKINS, to fund the AHIP by taking the money out of the LHX.

Mr. THOMAS of California. Reserving the right to object, Mr. Chairman, I would like to object, but as I recall, earlier the gentleman from New Mexico [Mr. SKEEN] requested 1 minute and was denied. I feel compelled to hope that from the other side of the aisle, when the gentleman from New Mexico asks unanimous consent for 1 minute, we do not hear an objection. I reserve my right and will not object.

Mr. Chairman, I withdraw my reservation of objection.

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

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Texas [Mr. BUSTAMANTE] is recognized for 1 minute.

Mr. BUSTAMANTE. Mr. Chairman, let me explain my position. These are not executive jets. These are National Guard planes that will be used to mobilize the National Guard people who are just not like the Army. They are just not in one place, they are all over the country. There are six of them.

But the main thing also is that we are also using some of these moneys, if they are not used, if the money is not used by the chemical weapons, and I want to identify the areas that they can be used.

□ 1140

They can be used for the National Guard to also retrofit F-15 and F-16 planes.

So it is not only the planes, it is also the readiness of the National Guard.

Mr. SKEEN. Mr. Chairman, I ask unanimous consent to address the committee for 1 minute.

The CHAIRMAN pro tempore (Mr. DURBIN). Is there objection to the request of the gentleman from New Mexico?

Mr. ROSTENKOWSKI. Mr. Chairman, I object.

The CHAIRMAN pro tempore. Objection is heard.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore. Pursuant to the provisions of paragraph (5) of section 2, House Resolution 211, the Committee will now resume proceedings postponed on Wednesday, July 26, 1989, on which recorded votes were ordered on part two amendments. Votes will be taken in the following order:

First, amendment No. 27 offered by the gentleman from New Mexico [Mr. RICHARDSON]; and

Second, amendment No. 3 offered by the gentleman from Texas [Mr. BUSTAMANTE].

The Chair will reduce to 5 minutes the time for the electronic vote after the first vote in this series.

PREFERENTIAL MOTION OFFERED BY MR. SKEEN

Mr. SKEEN. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. SKEEN moves that the Committee do now rise and report the bill to the House with the recommendation that the enacting clause be stricken out.

The CHAIRMAN pro tempore. The gentleman from New Mexico [Mr. SKEEN] is recognized for 5 minutes in support of his preferential motion.

Mr. SKEEN. Mr. Chairman, I regret I have to use this parliamentary procedure to get a little time, but I think this is essential because we were cut off in debate. I do not want to prolong it. I would like to get to the vote just as much as anybody else does.

But I want to say this: Mr. Chairman, with due deference to my colleague from New Mexico, this is not—on his amendment, it is not the State position, it is not the citizens' position, it has not been and has never been and never will be.

This amendment he has offered is flawed and superfluous. I am sorry to have to oppose him on it, but I think it is important for the smooth and stable operation of the Los Alamos National Laboratory that we do not have this moratorium, which is a flawed amendment, has no expiration date whatsoever.

With that I would suggest, Mr. Chairman, a "no" vote on the Richardson amendment.

Mr. Chairman, I ask unanimous consent that I be permitted to withdraw my preferential motion.

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

There was no objection.

The CHAIRMAN pro tempore. The Chair would like to remind members of the committee that the first vote is a 15-minute vote and the subsequent vote 5 minutes.

AMENDMENT NO. 27 OFFERED BY MR. RICHARDSON

The CHAIRMAN pro tempore. The Clerk will designate the amendment offered by the gentleman from New Mexico [Mr. RICHARDSON].

The Clerk designated the amendment.

The CHAIRMAN pro tempore. The unfinished business is the vote on the amendment offered by the gentleman from New Mexico [Mr. RICHARDSON] on which a recorded vote is ordered.

The vote was taken by electronic device, and there were—ayes 245, noes 177, answered "present" 1, not voting 8, as follows:

[Roll No. 175]

AYES—245

Ackerman
Akaka
Anderson
Andrews
Annunzio
Applegate
Aspin
Atkins
AuCoin
Bates
Bellenson
Bennett
Berman
Billbray
Boehert

Boggs
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Browder
Brown (CA)
Bruce
Bryant
Bustamante
Campbell (CA)
Campbell (CO)

Cardin
Carper
Carr
Chapman
Clarke
Clay
Coleman (TX)
Conyers
Cooper
Costello
Courter
Coyne
Crockett
Darden
Davis

de la Garza
DeFazio
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Douglas
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Flake
Flippo
Foglietta
Ford (MI)
Ford (TN)
Frank
Frost
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gillman
Glickman
Gordon
Gray
Guarini
Hall (OH)
Harris
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hofner
Hertel
Hoagland
Hochbrueckner
Hoyer
Hubbard
Huckaby
Hughes
Jacobs
Jenkins
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur

Kastenmeier
Kennedy
Kennelly
Kildee
Kleccka
Koller
Kostmayer
LaFalce
Lagomarsino
Lancaster
Lantos
Laughlin
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Lloyd
Long
Lowey (NY)
Lukens, Thomas
Lukens, Donald
Manton
Markey
Martinez
Matsui
Mavroules
McCurdy
McDermott
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Miller (WA)
Mineta
Moakley
Mollohan
Montgomery
Moody
Morella
Morrison (CT)
Mrazek
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nelson
Nowak
Oskar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Payne (NJ)
Payne (VA)
Pelosi
Penny
Perkins
Pickle
Poshard

Price
Rahall
Rangel
Richardson
Rinaldo
Roe
Rose
Rostenkowski
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Sangmeister
Savage
Sawyer
Scheuer
Schneider
Schroeder
Schumer
Sharp
Shays
Sikorski
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (NJ)
Smith (VT)
Snowe
Solarz
Spratt
Staggers
Stallings
Stark
Studds
Synar
Tallon
Tanner
Tauzin
Torres
Torrice
Towns
Traffant
Traxler
Udall
Unsoeld
Valentine
Vento
Visclosky
Volkmmer
Walgren
Watkins
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Yatron

NOES—177

Craig
Crane
DeLay
DeWine
Dickinson
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
Fawell
Fields
Fish
Frenzel
Gallely
Gallo
Gekas
Gillmor
Gingrich
Goodling
Goss
Grassley
Grandy
Groat
Green
Gunderson
Hall (TX)
Hamilton
Hammerschmidt
Hancock

Hansen
Hastert
Henry
Herger
Hiler
Holloway
Hopkins
Horton
Houghton
Hunter
Hutto
Inhofe
Ireland
James
Johnson (CT)
Kasich
Kolbe
Kyl
Leach (IA)
Leath (TX)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
Machtley
Madigan
Marlenee
Martin (IL)

Martin (NY)	Quillen	Smith, Denny	Jacobs	Moody	Savage	Scheuer	Smith, Robert	Valentine
Mazzoli	Ravenel	(OR)	Jenkins	Morella	Schneider	Schiff	(NH)	Vander Jagt
McCandless	Ray	Smith, Robert	Jones (GA)	Morrison (CT)	Schumer	Schroeder	Snowe	Volkmer
McCloskey	Regula	(NH)	Jones (NC)	Mrazek	Sensenbrenner	Schuetz	Solaz	Vucanovich
McCollum	Rhodes	Smith, Robert	Kanjorski	Murphy	Shays	Solomon	Solomon	Walker
McCrery	Ridge	(OR)	Kapur	Murtha	Sikorski	Spence	Spence	Walsh
McDade	Ritter	Solomon	Kastenmeier	Nagle	Slaughter (VA)	Spratt	Spratt	Watkins
McEwen	Roberts	Spence	Kennedy	Neal (MA)	Smith (FL)	Stallings	Stallings	Weber
McGrath	Robinson	Stangeland	Kennedy	Nowak	Smith (TX)	Stangeland	Stangeland	Weiss
McMillan (NC)	Rogers	Stearns	Kildee	Oakar	Smith, Robert	Stuster	Stearns	Weidon
Meyers	Rohrabacher	Stenholm	Kiecicka	Oberstar	(OR)	Skaggs	Stump	Wheat
Michel	Roth	Stump	Koiter	Ortiz	Stagers	Skeen	Sundquist	Whittaker
Miller (OH)	Salki	Sundquist	Kostmayer	Owens (NY)	Stark	Skellton	Swift	Whitten
Molinar	Sarpalius	Swift	LaFalce	Owens (UT)	Stenholm	Slattery	Tallon	Williams
Moorhead	Saxton	Tauke	Laughlin	Payne (NJ)	Studds	Slaughter (NY)	Tanner	Wolf
Morrison (WA)	Schaefer	Thomas (CA)	Leach (IA)	Payne (VA)	Synar	Smith (IA)	Tauke	Wolpe
Murphy	Schiff	Thomas (GA)	Leah (TX)	Penny	Tauzin	Smith (MS)	Thomas (CA)	Wyle
Myers	Schuette	Thomas (WY)	Lehman (CA)	Perkins	Torres	Smith (ME)	Thomas (GA)	Yates
Nielson	Schulze	Upton	Lehman (FL)	Pickle	Torricelli	Smith (NJ)	Thomas (WY)	Young (AK)
Oxley	Sensenbrenner	Vander Jagt	Levine (CA)	Porter	Towns	Smith (VT)	Traxler	Young (FL)
Packard	Shaw	Vucanovich	Lewis (GA)	Poshard	Traficant	Smith, Denny	Unsoeld	
Farris	Shumway	Walker	Larkey	Pursell	Udall	(OR)	Upton	
Pashayan	Shuster	Walsh	Mariennee	Rahall	Vento			
Patterson	Sisisky	Weber	Martinez	Rangel	Visclosky			
Paxon	Skeen	Weldon	Mavroules	Richardson	Walgren			
Pease	Slaughter (VA)	Whittaker	Mazzoli	Rose	Waxman			
Petri	Smith (IA)	Wolf	McDermott	Rowland (GA)	Wilson			
Pickett	Smith (MS)	Wyllie	McHugh	Roybal	Wise			
Porter	Smith (NE)	Young (AK)	Sabo	Sangmeister	Wyden			
Pursell	Smith (TX)	Young (FL)	Moakley	Sarpalius	Yatron			

ANSWERED "PRESENT"—1

Gonzalez

NOT VOTING—8

Anthony	Florio	Lipinski
Collins	Hyde	Stokes
Dannemeyer	Leland	

□ 1202

Mr. SMITH of New Hampshire changed his vote from "aye" to "no."

Mr. BOSCO and Mr. JENKINS changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 3 OFFERED BY MR. BUSTAMANTE

The CHAIRMAN pro tempore. The Clerk will designate the amendment offered by the gentleman from Texas [Mr. BUSTAMANTE].

The Clerk designated the amendment.

The CHAIRMAN pro tempore. The unfinished business is the vote on the amendment offered by the gentleman from Texas [Mr. BUSTAMANTE] on which a recorded vote is ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 160, noes 260, answered "present" 1, not voting 10, as follows:

[RoH No. 176]

AYES—160

Ackerman	Chapman	Evans
Akaka	Clay	Fascell
Andrews	Clement	Flippo
Applegate	Coleman (TX)	Foglietta
Atkins	Conte	Ford (MD)
Bates	Conyers	Ford (TN)
Bennett	Costello	Frank
Berman	Coyne	Frost
Bilbray	Crockett	Garcia
Boggs	Darden	Gaydos
Bonior	de la Garza	Gejdensom
Borski	Dellums	Gephardt
Bosco	Dingell	Gordon
Boucher	Donnelly	Gray
Boxer	Dorgan (ND)	Green
Brennan	Downey	Hall (OH)
Brooks	Duncan	Hall (TX)
Brooe	Durbin	Hawkins
Bryant	Dwyer	Hayes (IL)
Bustamante	Dymally	Hertel
Campbell (CA)	Dyson	Hochbrueckner
Carper	Eckart	Huckaby
Carr	Engel	Hutto

NOES—260

Anderson	Galleghy	Martin (NY)
Annunzio	Gallo	Matsui
Archer	Gekas	McCandless
Armey	Gibbons	McCloskey
Aspin	Gillmor	McCollum
AuCoin	Gilman	McCrery
Baker	Gingrich	McCurdy
Ballenger	Glickman	McDade
Bartlett	Gooding	McEwen
Barton	Goas	McGrath
Bateman	Gradison	McMillan (NC)
Beidenson	Grandy	McNulty
Bentley	Grant	Meyers
Bereuter	Guarini	Mfume
Bevill	Gunderson	Michel
Bilirakis	Hamilton	Miller (CA)
Bliley	Hammerschmidt	Miller (OH)
Boehliert	Hancock	Miller (WA)
Broomfield	Hansen	Mineta
Browder	Harris	Molinar
Brown (CA)	Hastert	Montgomery
Brown (CO)	Hatcher	Moorhead
Buechner	Haves (LA)	Morrison (WA)
Bunning	Hefley	Myers
Burton	Hefner	Natcher
Byron	Henry	Neal (NC)
Callahan	Herger	Nelson
Campbell (CO)	Hiler	Nielson
Cardin	Hoagland	Obey
Chandler	Holloway	Olin
Clarke	Hopkins	Oxley
Clinger	Horton	Packard
Coble	Houghton	Pallone
Coleman (MO)	Hoyer	Panetta
Combest	Hubbard	Parker
Cooper	Hughes	Parris
Coughlin	Hunter	Pashayan
Courter	Inhofe	Patterson
Cox	Ireland	Paxon
Craig	James	Pease
Crane	Johnson (CT)	Pelosi
Davis	Johnson (SD)	Petri
DeFazio	Johnston	Pickett
DeLay	Jonas	Price
Derrick	Kasich	Quillen
DeWine	Kolbe	Ravenel
Dickinson	Kyl	Ray
Dicks	Lagomarsino	Regula
Dixon	Lancaster	Rhodes
Dornan (CA)	Lantao	Ridge
Douglas	Lent	Rinaldo
Dreier	Lewis (MI)	Ritter
Early	Lewis (CA)	Roberts
Edwards (CA)	Lewis (FL)	Robinson
Edwards (OK)	Lightfoot	Roe
Emerson	Livingston	Rogers
English	Lloyd	Rohrabacher
Erdreich	Long	Rostenkowski
Espy	Lowery (CA)	Roth
Fawell	Lowey (NY)	Roukema
Fazio	Lukens, Thomas	Rowland (CT)
Feighan	Lukens, Donald	Russo
Fields	Machley	Salki
Fish	Madigan	Sawyer
Flake	Manton	Saxton
Frenzel	Martin (IL)	Schaefer

ANSWERED "PRESENT"—1

Gonzalez

NOT VOTING—10

Alexander	Dannemeyer	Lipinski
Anthony	Florio	Stokes
Barnard	Hyde	
Collins	Leland	

□ 1209

So the amendment was rejected. The result of the vote was announced as above recorded.

ANTISATELLITE WEAPONS

The CHAIRMAN pro tempore (Mr. DURBIN). It is now in order to consider amendment No. 20 relating to antisatellite weapons printed in part 1 of House Report 101-168, by, and if offered by, the gentleman from California [Mr. BROWN] or his designee.

For what purpose does the gentleman from California rise?

AMENDMENT OFFERED BY MR. BROWN OF CALIFORNIA

Mr. BROWN of California. 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. Brown of California: At the end of title II (page 55, after line 8) insert the following new section:

SEC. 255. SATELLITE SURVIVABILITY.

(A) SENSE OF CONGRESS CONCERNING TREATY LIMITATIONS ON ANTISATELLITE WEAPONS.—It is the sense of Congress—

(1) that the President should seek the dismantlement of the ground-launched co-orbital antisatellite weapon deployed by the Soviet Union and should seek to achieve with the Soviet Union a mutual verifiable treaty which places the strictest possible limitations on antisatellite weapons; and

(2) that, in pursuit of strict negotiated limitations on antisatellite weapons, the United States should explore with the Soviet Union cooperative verification procedures such as—

(A) mutual, on-site inspections of known and suspected antisatellite weapons facilities;

(B) mutual, on-site emplacement near known and suspected high-energy laser facilities of devices capable of detecting and monitoring laser tests in the atmosphere; and

(C) mutual advance notification of all space launch activities.

(b) REPORT.—The President shall submit to Congress a comprehensive report on United States antisatellite weapons activi-