

“(5) The Secretary may augment flight testing to demonstrate weapons system performance goals for purposes of the certification under paragraph (1) through the use of modeling and simulation that is validated by ground and flight testing.

“(6) The Director, Operational Test and Evaluation and Ballistic Missile Defense Organization shall include in their annual reports to Congress plans to adequately test theater missile defense interceptor programs throughout the acquisition process. As these theater missile defense systems progress through the acquisition process, the Director, Operational Test and Evaluation and Ballistic Missile Defense Organization shall include in their annual reports to Congress an assessment of how these programs satisfy planned test objectives.”

THE DEPARTMENT OF DEFENSE  
APPROPRIATIONS ACT, 1996

BINGAMAN (AND OTHERS)  
AMENDMENT NO. 2390

Mr. BINGAMAN (for himself, Mr. LAUTENBERG, Mr. EXON, and Mr. KERREY) proposed an amendment to the bill, S. 1087, supra; as follows:

On page 81, strike out lines 16 through 23, and insert in lieu thereof the following:

SEC. 8082. (a) In addition to the amounts appropriated in title I for military personnel, funds are hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1996, for purposes and in amounts as follows:

(1) For military personnel, Army, an additional amount of \$9,800,000.

(2) For military personnel, Navy, an additional amount of \$39,400,000.

(3) For military personnel, Marine Corps, an additional amount of \$6,000,000.

(4) For military personnel, Air Force, an additional amount of \$61,200,000.

(5) For reserve personnel, Navy, an additional amount of \$2,700,000.

(b) In addition to the amounts appropriated in title II for operation and maintenance, funds are hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1996, for purposes and in amounts as follows:

(1) For operation and maintenance, Army, an additional amount of \$171,300,000.

(2) For operation and maintenance, Navy, an additional amount of \$210,400,000.

(3) For operation and maintenance, Marine Corps, an additional amount of \$3,000,000.

(4) For operation and maintenance, Air Force, an additional amount of \$645,100,000.

(5) For operation and maintenance, Defense-wide, an additional amount of \$25,800,000.

(6) For operation and maintenance, Navy Reserve, an additional amount of \$1,000,000.

(c) In addition to the amount appropriated in title VI under the heading “DEFENSE HEALTH PROGRAM”, funds are hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1996, for expenses, not otherwise provided for, for medical and health care programs of the Department of Defense, as authorized by law, an additional sum in the amount of \$7,400,000 for operation and maintenance.

(d)(1) The total amount appropriated in title III under the heading “SHIPBUILDING AND CONVERSION, NAVY” is hereby reduced by \$1,300,000,000.

(2) None of the funds appropriated in title III under the heading “SHIPBUILDING AND

CONVERSION, NAVY” may be obligated or expended for the LHD-1 amphibious assault ship program.

BROWN (AND OTHERS)  
AMENDMENT NO. 2391

Mr. BROWN (for himself, Mr. SIMON, Mr. DOLE, Ms. MIKULSKI, Mr. SANTORUM, Mr. LIEBERMAN, Mr. ROTH, Mr. MCCAIN, Mr. MCCONNELL, Mr. WARNER, Mr. NICKLES, Mr. CRAIG, Mrs. HUTCHISON, Mr. INHOFE, Mr. DOMENICI, Mr. HELMS, Ms. MOSELEY-BRAUN, and Mr. D’AMATO) proposed an amendment to the bill, S. 1087, supra; as follows:

AMENDMENT NO. 2391

At the appropriate place in the bill, insert the following new title:

TITLE —NATO PARTICIPATION ACT  
AMENDMENTS OF 1995

SEC. 01. SHORT TITLE.

This title may be cited as the “NATO Participation Act Amendments of 1995”.

SEC. 02. FINDINGS.

The Congress makes the following findings:

(1) Since 1949, the North Atlantic Treaty Organization (NATO) has played an essential role in guaranteeing the security, freedom, and prosperity of the United States and its partners in the Alliance.

(2) NATO has expanded its membership on three different occasions since 1949.

(3) The sustained commitment of the member countries of NATO to mutual defense of their security ultimately made possible the democratic transformation in Central and Eastern Europe and the demise of the Soviet Union.

(4) NATO was designed to be and remains a defensive military organization whose members have never contemplated the use of, or used, military force to expand the borders of its member states.

(5) While the immediate threat to the security of the United States and its allies has been reduced with the collapse of the Iron Curtain, new security threats, such as the situation in Bosnia and Herzegovina, are emerging to the shared interests of the member countries of NATO.

(6) NATO remains the only multilateral security organization capable of conducting effective military operations to protect Western security interests.

(7) NATO has played a positive role in defusing tensions between NATO members and, as a result, no military action has occurred between two NATO member states since the inception of NATO in 1949.

(8) NATO is also an important diplomatic forum for the discussion of issues of concern to its member states and for the peaceful resolution of disputes.

(9) America’s security, freedom, and prosperity remain linked to the security of the countries of Europe.

(10) Any threat to the security of the newly emerging democracies in Central Europe would pose a security threat to the United States and its European allies.

(11) The admission to NATO of Central and East European countries that have been freed from Communist domination and that meet specific criteria for NATO membership would contribute to international peace and enhance the security of the region.

(12) A number of countries have expressed varying degrees of interest in NATO membership, and have taken concrete steps to demonstrate this commitment.

(13) Full integration of Central and East European countries into the North Atlantic

Alliance after such countries meet essential criteria for admission would enhance the security of the Alliance and, thereby, contribute to the security of the United States.

(14) The expansion of NATO can create the stable environment needed to successfully complete the political and economic transformation envisioned by Eastern and Central European countries.

(15) In recognition that not all countries which have requested membership in NATO will necessarily qualify at the same pace, the date for membership of each country will vary.

(16) The provision of NATO transition assistance should include those countries most ready for closer ties with NATO, such as Poland, Hungary, the Czech Republic and Slovakia and should be designed to assist other countries meeting specified criteria of eligibility to move toward eventual NATO membership, including Lithuania, Latvia, Estonia, Ukraine, Romania, Bulgaria, and Slovenia.

(17) Lithuania, Latvia, and Estonia have made significant progress in preparing for NATO membership and should be given every consideration for inclusion in programs for NATO transition assistance.

SEC. 03. UNITED STATES POLICY.

It should be the policy of the United States—

(1) to join with the NATO allies of the United States to redefine the role of the NATO Alliance in the post-Cold War world;

(2) to actively assist European countries emerging from communist domination in their transition so that such countries may eventually qualify for NATO membership;

(3) to use the voice and vote of the United States to urge observer status in the North Atlantic Council for countries designated under section 203(d) of the NATO Participation Act of 1994 (as amended by this title) as eligible for NATO transition assistance; and

(4) to work to define the political and security relationship between an enlarged NATO and the Russian Federation.

SEC. 04. REVISIONS TO PROGRAM TO FACILITATE TRANSITION TO NATO MEMBERSHIP.

(a) ESTABLISHMENT OF PROGRAM.—Subsection (a) of section 203 of the NATO Participation Act of 1994 (title II of Public Law 103-447; 22 U.S.C. 1928 note) is amended to read as follows:

“(a) ESTABLISHMENT OF PROGRAM.—The President shall establish a program to assist countries designated under subsection (d) in the transition to full NATO membership.”

(b) ELIGIBLE COUNTRIES.—

(1) ELIGIBILITY.—Subsection (d) of section 203 of such Act is amended to read as follows:

“(d) DESIGNATION OF ELIGIBLE COUNTRIES.—

“(1) SPECIFIC COUNTRIES.—The following countries are hereby designated for purposes of this title: Poland, Hungary, the Czech Republic, and Slovakia.

“(2) OTHER EUROPEAN COUNTRIES EMERGING FROM COMMUNIST DOMINATION.—In addition to the countries designated in paragraph (1), the President may designate other European countries emerging from Communist domination to receive assistance under the program established under subsection (a). The President may make such a designation in the case of any such country only if the President determines, and reports to the designated congressional committees, that such country—

“(A) has made significant progress toward establishing—

“(i) shared values and interests;

“(ii) democratic governments;

“(iii) free market economies;

“(iv) civilian control of the military, of the police, and of intelligence services;

“(v) adherence to the values, principles, and political commitments embodied in the Helsinki Final Act of the Organization on Security and Cooperation in Europe; and

“(vi) more transparent defense budgets and is participating in the Partnership For Peace defense planning process;

“(B) has made public commitments—

“(i) to further the principles of NATO and to contribute to the security of the North Atlantic area;

“(ii) to accept the obligations, responsibilities, and costs of NATO membership; and

“(iii) to implement infrastructure development activities that will facilitate participation in and support for NATO military activities;

“(C) meets standards of the NATO allies to prevent the sale or other transfer of defense articles to a state that has repeatedly provided support for acts of international terrorism, as determined by the Secretary of State under section 6(j)(1)(A) of the Export Administration Act of 1979; and

“(D) is likely, within five years of such determination, to be in a position to further the principles of the North Atlantic Treaty and to contribute to its own security and that of the North Atlantic area.”

(2) CONFORMING AMENDMENTS.—

(A) Subsections (b) and (c) of section 203 of such Act are amended by striking “countries described in such subsection” each of the two places it appears and inserting “countries designated under subsection (d)”.

(B) Subsection (e) of section 203 of such Act is amended—

(i) by striking “subsection (d)” and inserting “subsection (d)(2)”; and

(ii) by inserting “(22 U.S.C. 2394)” before the period at the end.

(C) Section 204(c) of such Act is amended by striking “any other Partnership for Peace country designated under section 203(d)” and inserting “any country designated under section 203(d)(2)”.

(c) TYPES OF ASSISTANCE.—Section 203(c) of such Act is amended—

(1) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively; and

(2) by inserting after subparagraph (D) (as redesignated) the following new subparagraphs:

“(E) Assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the Economic Support Fund).

“(F) Funds appropriated under the ‘Non-proliferation and Disarmament Fund’ account”.

“(G) Funds appropriated under chapter 6 of part II of the Foreign Assistance Act of 1961 (relating to peacekeeping operations and other programs).”

(3) by inserting “(1)” immediately after “TYPE OF ASSISTANCE.—”; and

(4) by adding at the end the following new paragraphs:

“(2) For fiscal years 1996 and 1997, in providing assistance under chapter 5 of part II of the Foreign Assistance Act of 1961 for the countries designated under subsection (d), the President shall include as an important component of such assistance the provision of sufficient language training to enable military personnel to participate further in programs for military training and in defense exchange programs.

“(3) Of the amounts made available under chapter 5 of part II of the Foreign Assistance Act of 1961 (relating to international military education and training), not less than \$5,000,000 for fiscal year 1996 and not less than \$5,000,000 for fiscal year 1997 shall be available only for—

“(A) the attendance of additional military personnel of Poland, Hungary, the Czech Republic, and Slovakia at professional military

education institutions in the United States in accordance with section 544 of such Act; and

“(B) the placement and support of United States instructors and experts at military educational centers within the foreign countries designated under subsection (d) that are receiving assistance under that chapter.”.

#### SEC. 205. PARTICIPATION IN THE NORTH ATLANTIC COUNCIL.

The NATO Participation Act of 1994 (title II of Public Law 103-447; 22 U.S.C. 1928 note) is amended—

(1) by redesignating section 205 as section 206; and

(2) by inserting after section 204 the following:

#### “SEC. 205. PARTICIPATION IN THE NORTH ATLANTIC COUNCIL.

“The President should, at all bilateral and international fora, use of the voice and vote of the United States to urge observer status in the North Atlantic Council for countries designated under section 203(d) commensurate with their progress toward attaining NATO membership.”.

#### SEC. 206. TERMINATION OF ELIGIBILITY.

Section 203(f) of the NATO Participation Act of 1994 (title II of Public Law 103-447; 22 U.S.C. 1928 note) is amended to read as follows:

“(f) TERMINATION OF ELIGIBILITY.—(1) The eligibility of a country designated under subsection (d) for the program established in subsection (a) shall terminate 60 days after the President makes a certification under paragraph (2) unless, within the 60-day period, the Congress enacts a joint resolution disapproving the termination of eligibility.

“(2) Whenever the President determines that the government of a country designated under subsection (d)—

“(A) no longer meets the criteria set forth in subsection (d)(2)(A);

“(B) is hostile to the NATO alliance; or

“(C) poses a national security threat to the United States,

then the President shall so certify to the appropriate congressional committees.”.

(b) CONGRESSIONAL PRIORITY PROCEDURES.—Section 203 of such Act is amended by adding at the end the following new subsection:

“(g) CONGRESSIONAL PRIORITY PROCEDURES.—

“(1) APPLICABLE PROCEDURES.—A joint resolution described in paragraph (2) which is introduced in a House of Congress after the date on which a certification made under subsection (f)(2) is received by Congress shall be considered in accordance with the procedures set forth in paragraphs (3) through (7) of section 8066(c) of the Department of Defense Appropriations Act, 1985 (as contained in Public Law 98-473 (98 Stat. 1936)), except that—

“(A) references to the ‘resolution described in paragraph (1)’ shall be deemed to be references to the joint resolution; and

“(B) references to the Committee on Appropriations of the House of Representatives and to the Committee on Appropriations of the Senate shall be deemed to be references to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

“(2) TEXT OF JOINT RESOLUTION.—A joint resolution under this paragraph is a joint resolution the matter after the resolving clause of which is as follows: ‘That the Congress disapproves the certification submitted by the President on \_\_\_\_\_ pursuant to section 203(f) of the NATO Participation Act of 1994.’”.

#### SEC. 207. REPORTS.

(a) ANNUAL REPORT.—Section 206 of the NATO Participation Act of 1994 (title II of Public Law 103-447; 22 U.S.C. 1928 note), as redesignated by section 205(1) of this title, is amended—

(1) by inserting “annual” in the section heading before the first word;

(2) by inserting “annual” after “include in the” in the matter preceding paragraph (1);

(3) in paragraph (1), by striking “Partnership for Peace” and inserting “European”; and

(4) by striking paragraph (2) and inserting instead the following new paragraph:

“(2) In the event that the President determines that, despite a period of transition assistance, a country designated under section 203(d) has not, as of January 10, 1999, met the standards for NATO membership set forth in Article 10 of the North Atlantic Treaty, the President shall transmit a report to the designated congressional committees containing an assessment of the progress made by that country in meeting those standards.”.

#### SEC. 208. DEFINITIONS.

The NATO Participation Act of 1994 (title II of Public Law 103-447; 22 U.S.C. 1928 note), as amended by this title, is further amended by adding at the end the following new section:

#### “SEC. 207. DEFINITIONS.

“For purposes of this title:

“(1) NATO.—The term ‘NATO’ means the North Atlantic Treaty Organization.

“(2) DESIGNATED CONGRESSIONAL COMMITTEES.—The term ‘designated congressional committees’ means—

“(A) the Committee on International Relations, the Committee on National Security, and the Committee on Appropriations of the House of Representatives; and

“(B) the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate.

“(3) EUROPEAN COUNTRIES EMERGING FROM COMMUNIST DOMINATION.—The term ‘European countries emerging from Communist domination’ includes, but is not limited to, Albania, Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia, Slovenia, and Ukraine.”.

#### BINGAMAN AMENDMENT NO. 2392

Mr. BINGAMAN proposed an amendment to the bill, S. 1087, supra; as follows:

On page 81, strike out lines 16 through 20.

#### JEFFORDS AMENDMENT NO. 2393

Mr. JEFFORDS proposed an amendment to the bill, S. 1087, supra; as follows:

On page 82, between lines 11 and 12, insert the following:

#### SEC. 8087. FUNDING FOR CERTAIN IMPACT AID.

(a) IN GENERAL.—Of the funds appropriated by the provisions of this Act, \$400,000,000 shall be available for carrying out programs of financial assistance to local educational agencies authorized by title VIII of the Elementary and Secondary Education Act of 1965, of which—

(1) \$340,000,000 shall be for payments under section 8003(b) of that Act;

(2) \$20,000,000 shall be for payments under section 8003(d) of that Act; and

(3) \$40,000,000 shall be for payments under section 8003(f) of that Act, which amount shall remain available until expended.

(b) LIMITATIONS ON AVAILABILITY OF FUNDS.—(1) Funds available under subsection (a) shall be used only for payments on behalf of children described in subparagraphs

(A)(ii), (B), and (D) of section 8003(a)(1) of that Act.

(2) Such funds may not be used for payments under section 8003(e) of that Act.

(3) Such funds shall be governed by the provisions of title VIII of that Act.

(c) PAYMENT AMOUNTS.—(1) Payment amounts for local educational agencies shall be calculated by the Secretary of Education under the provisions of title VIII of that Act based on the total amounts provided to the Department of Education and the Department of Defense for Impact Aid.

(2) The Secretary of Defense shall distribute funds to local educational agencies based on calculations under paragraph (1).

(d) OFFSET.—The amount made available by subsection (a) shall be derived from a reduction in the amounts appropriated by this Act. In achieving the reduction, a reduction of an equal percentage shall be made from each account (other than the account from which the funds under subsection (a) are made available) for which funds are appropriated by this Act.

#### BINGAMAN AMENDMENT NO. 2394

Mr. BINGAMAN proposed an amendment to the bill, S. 1087, supra; as follows:

On page 81, strike out lines 21 through 23.

#### BUMPERS AMENDMENT NO. 2395

Mr. BUMPERS proposed an amendment to the bill, S. 1087, supra; as follows:

On page 69, strike line 3 and insert in lieu thereof the following: "section may not exceed \$5,000,000: Provided further, That the exposure fees charged and collected by the Secretary for each guarantee, shall be paid by the country involved and shall not be financed as part of the loan guaranteed by the United States;"

#### HUTCHISON AMENDMENT NO. 2396

Mrs. HUTCHISON proposed an amendment to the bill, S. 1087, supra; as follows:

Insert at the appropriate place:

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS  
TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

#### SEC. 3101. WEAPONS ACTIVITIES.

(a) STOCKPILE STEWARDSHIP.—Subject to subsection (d), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for stockpile stewardship in carrying out weapons activities necessary for national security programs in the amount of \$1,624,080,000, to be allocated as follows:

(A) For core stockpile stewardship, \$1,386,613,000, to be allocated as follows:

(1) For operation and maintenance, \$1,305,308,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), \$81,305,000, to be allocated as follows: Project 96-D-102, stockpile stewardship facilities revitalization, Phase VI, various locations, \$2,520,000.

Project 96-D-103, Atlas, Los Alamos National Laboratory, Los Alamos, New Mexico, \$8,400,000.

Project 96-D-104, processing and environmental technology laboratory (PETL), Sandia National Laboratories, Albuquerque, New Mexico, \$1,800,000.

Project 96-D-105, contained firing facility addition, Lawrence Livermore National Laboratory, Livermore, California, \$6,600,000.

Project 95-D-102, Chemical and Metallurgy Research Building upgrades, Los Alamos National Laboratory, New Mexico, \$9,940,000.

Project 94-D-102, nuclear weapons research, development, and testing facilities revitalization, Phase V, various locations, \$12,200,000.

Project 93-D-102, Nevada support facility, North Las Vegas, Nevada, \$15,650,000.

Project 90-D-102, nuclear weapons research, development, and testing facilities revitalization, Phase III, various locations, \$6,200,000.

Project 88-D-106, nuclear weapons research, development, and testing facilities revitalization, Phase II, various locations, \$17,995,000.

(2) For inertial fusion, \$230,667,000, to be allocated as follows:

(A) For operation and maintenance, \$193,267,000.

(B) For the following plant project (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and land acquisition related thereto), \$37,400,000:

Project 96-D-111, national ignition facility, location to be determined.

(3) For Marshall Islands activities and Nevada Test Site dose reconstruction, \$6,800,000.

(b) STOCKPILE MANAGEMENT.—Subject to subsection (d), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for stockpile management in carrying out weapons activities necessary for national security programs in the amount of \$2,035,483,000, to be allocated as follows:

(1) For operation and maintenance, \$1,911,858,000.

(2) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), \$123,625,000, to be allocated as follows:

Project GPD-121, general plant projects, various locations, \$10,000,000.

Project 96-D-122, sewage treatment quality upgrade (STQU), Pantex Plant, Amarillo, Texas, \$600,000.

Project 96-D-123, retrofit heating, ventilation, and air conditioning and chillers for ozone protection, Y-12 Plant, Oak Ridge, Tennessee, \$3,100,000.

Project 96-D-125, Washington measurements operations facility, Andrews Air Force Base, Camp Springs, Maryland, \$900,000.

Project 96-D-126, tritium loading line modifications, Savannah River Site, South Carolina, \$12,200,000.

Project 95-D-122, sanitary sewer upgrade, Y-12 Plant, Oak Ridge, Tennessee, \$6,300,000.

Project 94-D-124, hydrogen fluoride supply system, Y-12 Plant, Oak Ridge, Tennessee, \$8,700,000.

Project 94-D-125, upgrade life safety, Kansas City Plant, Kansas City, Missouri, \$5,500,000.

Project 94-D-127, emergency notification system, Pantex Plant, Amarillo, Texas, \$2,000,000.

Project 94-D-128, environmental safety and health analytical laboratory, Pantex Plant, Amarillo, Texas, \$4,000,000.

Project 93-D-122, life safety upgrades, Y-12 Plant, Oak Ridge, Tennessee, \$7,200,000.

Project 93-D-123, complex-21, various locations, \$41,065,000.

Project 88-D-122, facilities capability assurance program, various locations, \$8,660,000.

Project 88-D-123, security enhancements, Pantex Plant, Amarillo, Texas, \$13,400,000.

(c) PROGRAM DIRECTION.—Subject to subsection (d), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for program direction in carrying out weapons activities necessary for national security programs in the amount of \$118,000,000.

(d) ADJUSTMENTS.—The total amount authorized to be appropriated pursuant to this section is the sum of the amounts authorized to be appropriated in subsections (a) through (c) reduced by the sum of—

(1) \$25,000,000, for savings resulting from procurement reform; and

(2) \$86,344,000, for use of prior year balances.

#### SEC. 3102. ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.

(a) CORRECTIVE ACTIVITIES.—Subject to subsection (i), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for corrective activities in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of \$3,406,000, all of which shall be available for the following plant project (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and land acquisition related thereto):

Project 90-D-103, environment, safety and health improvements, weapons research and development complex, Los Alamos National Laboratory, Los Alamos, New Mexico.

(b) ENVIRONMENTAL RESTORATION.—Subject to subsection (i) funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for environmental restoration for operating expenses in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of \$1,550,926,000.

(c) WASTE MANAGEMENT.—Subject to subsection (i), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for waste management in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of \$2,386,596,000, to be allocated as follows:

(1) For operation and maintenance, \$2,151,266,000.

(2) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), \$235,330,000, to be allocated as follows:

Project GPD-171, general plant projects, various locations, \$15,728,000.

Project 96-D-400, replace industrial waste piping, Kansas City Plant, Kansas City, Missouri, \$200,000.

Project 96-D-401, comprehensive treatment and management plan immobilization of miscellaneous wastes, Rocky Flats Environmental Technology Site, Golden, Colorado, \$1,400,000.

Project 96-D-402, comprehensive treatment and management plan building 374/774 sludge immobilization, Rocky Flats Environmental Technology Site, Golden, Colorado, \$1,500,000.

Project 96-D-403, tank farm service upgrades, Savannah River, South Carolina, \$3,315,000.

Project 96-D-405, T-plant secondary containment and leak detection upgrades, Richland, Washington, \$2,100,000.

Project 96-D-406, K-Basin operations program, Richland, Washington, \$41,000,000.

Project 96-D-409, advanced mixed waste treatment facility, Idaho National Engineering Laboratory, Idaho, \$5,000,000.

Project 96-D-410, specific manufacturing characterization facility assessment and upgrade, Idaho National Engineering Laboratory, Idaho, \$2,000,000.

Project 95-D-402, install permanent electrical service, Waste Isolation Pilot Plant, New Mexico, \$4,314,000.

Project 95-D-405, industrial landfill V and construction/demolition landfill VII, Y-12 Plant, Oak Ridge, Tennessee, \$4,600,000.

Project 95-D-406, road 5-01 reconstruction, area 5, Nevada Test Site, Nevada, \$1,023,000.

Project 94-D-400, high explosive wastewater treatment system, Los Alamos National Laboratory, Los Alamos, New Mexico, \$4,445,000.

Project 94-D-402, liquid waste treatment system, Nevada Test Site, Nevada, \$282,000.

Project 94-D-404, Melton Valley storage tanks capacity increase, Oak Ridge National Laboratory, Oak Ridge, Tennessee, \$11,000,000.

Project 94-D-407, initial tank retrieval systems, Richland, Washington, \$9,400,000.

Project 94-D-411, solid waste operations complex project, Richland, Washington, \$5,500,000.

Project 94-D-417, intermediate-level and low-activity waste vaults, Savannah River, South Carolina, \$2,704,000.

Project 93-D-178, building 374 liquid waste treatment facility, Rocky Flats Plant, Golden, Colorado, \$3,900,000.

Project 93-D-182, replacement of cross-site transfer system, Richland, Washington, \$19,795,000.

Project 93-D-183, multi-tank waste storage facility, Richland, Washington, \$31,000,000.

Project 93-D-187, high-level waste removal from filled waste tanks, Savannah River, South Carolina, \$34,700,000.

Project 92-D-171, mixed waste receiving and storage facility, Los Alamos National Laboratory, Los Alamos, New Mexico, \$1,105,000.

Project 92-D-188, waste management environmental, safety and health (ES&H) and compliance activities, various locations, \$1,100,000.

Project 90-D-172, aging waste transfer lines, Richland, Washington, \$2,000,000.

Project 90-D-177, RWMC transuranic (TRU) waste characterization and storage facility, Idaho National Engineering Laboratory, Idaho, \$1,428,000.

Project 90-D-178, TSA retrieval containment building, Idaho National Engineering Laboratory, Idaho, \$2,606,000.

Project 89-D-173, tank farm ventilation upgrade, Richland, Washington, \$800,000.

Project 89-D-174, replacement high-level waste evaporator, Savannah River, South Carolina, \$11,500,000.

Project 86-D-103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, California, \$8,885,000.

Project 83-D-148, nonradioactive hazardous waste management, Savannah River, South Carolina, \$1,000,000.

(d) TECHNOLOGY DEVELOPMENT.—Subject to subsection (i), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for technology development in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of \$505,510,000.

(e) TRANSPORTATION MANAGEMENT.—Subject to subsection (i), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for transportation management in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of \$16,158,000.

(f) NUCLEAR MATERIALS AND FACILITIES STABILIZATION.—Subject to subsection (i), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for nuclear materials and facilities stabilization in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of \$1,596,028,000, to be allocated as follows:

(1) For operation and maintenance, \$1,463,384,000.

(2) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), \$132,644,000, to be allocated as follows:

Project GPD-171, general plant projects, various locations, \$14,724,000.

Project 96-D-458, site drainage control, Mound Plant, Miamisburg, Ohio, \$885,000.

Project 96-D-461, electrical distribution upgrade, Idaho National Engineering Laboratory, Idaho, \$1,539,000.

Project 96-D-462, health physics instrument laboratory, Idaho National Engineering Laboratory, Idaho, \$1,126,000.

Project 96-D-463, central facilities craft shop, Idaho National Engineering Laboratory, Idaho, \$724,000.

Project 96-D-464, electrical and utility systems upgrade, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, \$4,952,000.

Project 96-D-465, 200 area sanitary sewer system, Richland, Washington, \$1,800,000.

Project 96-D-470, environmental monitoring laboratory, Savannah River Site, Aiken, South Carolina, \$3,500,000.

Project 96-D-471, chlorofluorocarbon heating, ventilation, and air conditioning and chiller retrofit, Savannah River Site, Aiken, South Carolina, \$1,500,000.

Project 96-D-472, plant engineering and design, Savannah River Site, Aiken, South Carolina, \$4,000,000.

Project 96-D-473, health physics site support facility, Savannah River Site, Aiken, South Carolina, \$2,000,000.

Project 96-D-474, dry fuel storage facility, Idaho National Engineering Laboratory, Idaho, \$15,000,000.

Project 96-D-475, high level waste volume reduction demonstration (pentaborane), Idaho National Engineering Laboratory, Idaho, \$5,000,000.

Project 95-D-155, upgrade site road infrastructure, Savannah River, South Carolina, \$2,900,000.

Project 95-D-156, radio trunking system, Savannah River, South Carolina, \$10,000,000.

Project 95-D-454, 324 facility compliance/renovation, Richland, Washington, \$3,500,000.

Project 95-D-456, security facilities upgrade, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, \$8,382,000.

Project 94-D-122, underground storage tanks, Rocky Flats, Golden, Colorado, \$5,000,000.

Project 94-D-401, emergency response facility, Idaho National Engineering Laboratory, Idaho, \$5,074,000.

Project 94-D-412, 300 area process sewer piping system upgrade, Richland, Washington, \$1,000,000.

Project 94-D-415, medical facilities, Idaho National Engineering Laboratory, Idaho, \$3,601,000.

Project 94-D-451, infrastructure replacement, Rocky Flats Plant, Golden, Colorado, \$2,940,000.

Project 93-D-147, domestic water system upgrade, Phase I and II, Savannah River, South Carolina, \$7,130,000.

Project 93-D-172, electrical upgrade, Idaho National Engineering Laboratory, Idaho, \$124,000.

Project 92-D-123, plant fire/security alarms system replacement, Rocky Flats Plant, Golden, Colorado, \$9,560,000.

Project 92-D-125, master safeguards and security agreement/materials surveillance task force security upgrades, Rocky Flats Plant, Golden, Colorado, \$7,000,000.

Project 92-D-181, fire and life safety improvements, Idaho National Engineering Laboratory, Idaho, \$6,883,000.

Project 91-D-127, criticality alarm and production announcement utility replacement, Rocky Flats Plant, Golden, Colorado, \$2,800,000.

(g) COMPLIANCE AND PROGRAM COORDINATION.—Subject to subsection (i), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for compliance and program coordination in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of \$81,251,000, to be allocated as follows:

(1) For operation and maintenance, \$66,251,000.

(2) For the following plant project (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and land acquisition related thereto), \$15,000,000:

Project 95-E-600, hazardous materials training center, Richland, Washington.

(h) ANALYSIS, EDUCATION, AND RISK MANAGEMENT.—Subject to subsection (i), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for analysis, education, and risk management in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of \$80,022,000.

(i) ADJUSTMENTS.—The total amount authorized to be appropriated pursuant to this section is the sum of the amounts specified in subsections (a) through (h) reduced by the sum of—

(1) \$276,942,000, for use of prior year balances; and

(2) \$37,000,000 for recovery of overpayment to the Savannah River Pension Fund.

#### SEC. 3103. OTHER DEFENSE ACTIVITIES.

(a) OTHER DEFENSE ACTIVITIES.—Subject to subsection (b) funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for other defense activities in carrying out programs necessary for national security in the amount of \$1,408,162,000, to be allocated as follows:

(1) For verification and control technology, \$430,842,000 to be allocated as follows:

(A) For nonproliferation and verification research and development, \$226,142,000.

(B) For arms control, \$162,364,000.

(C) For intelligence, \$42,336,000.

(2) For nuclear safeguards and security, \$83,395,000.

(3) For security investigations, \$25,000,000.

(4) For security evaluations, \$14,707,000.

(5) For the Office of Nuclear Safety, \$15,050,000.

(6) For worker and community transition, \$100,000,000.

(7) For fissile materials disposition, \$70,000,000.

(8) For naval reactors development, \$682,168,000, to be allocated as follows:

(A) For operation and infrastructure, \$659,168,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), \$23,000,000, to be allocated as follows:

Project 95-D-200, laboratory systems and hot cell upgrades, various locations, \$11,300,000.

Project 95-D-201, advanced test reactor radioactive waste system upgrades, Idaho National Engineering Laboratory, Idaho, \$4,800,000.

Project 93-D-200, engineering services facilities, Knolls Atomic Power Laboratory, Niskayuna, New York, \$3,900,000.

Project 90-N-102, expended core facility dry cell project, Naval Reactors Facility, Idaho, \$3,000,000.

(b) ADJUSTMENT.—The total amount that may be appropriated pursuant to this section is the total amount authorized to be appropriated in subsection (a) reduced by \$13,000,000, for use of prior year balances.

#### SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for payment to the Nuclear Waste Fund established in section 302c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of \$198,400,000.

#### SEC. 3105. PAYMENT OF PENALTIES ASSESSED AGAINST ROCKY FLATS SITE.

The Secretary of Energy may pay to the Hazardous Substance Superfund established under section 9507 of the Internal Revenue Code of 1986 (26 U.S.C. 9507), from funds appropriated to the Department of Energy for environmental restoration and waste management activities pursuant to section 3102, stipulated civil penalties in the amount of \$350,000 assessed under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) against the Rocky Flats Site, Golden, Colorado.

Subtitle B—Recurring General Provisions

#### SEC. 3121. REPROGRAMMING.

(A) IN GENERAL.—Until the Secretary of Energy submits to the congressional defense committees the report referred to in subsection (b) and a period of 30 days has elapsed after the date on which such committees receive the report the Secretary may not use amounts appropriated pursuant to this title for any program—

(1) in amounts that exceed, in a fiscal year—

(A) 110 percent of the amount authorized for that program by this title; or

(B) \$1,000,000 more than the amount authorized for that program by this title; or

(2) which has not been presented to, or requested of, Congress.

(b) REPORT.—(1) The report referred to in subsection (a) is a report containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action.

(2) In the computation of the 30-day period under subsection (a), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(c) LIMITATIONS.—(1) In no event may the total amount of funds obligated pursuant to this title exceed the total amount authorized to be appropriated by this title.

(2) Funds appropriated pursuant to this title may not be used for an item for which Congress has specifically denied funds.

#### SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.

(a) IN GENERAL.—The Secretary of Energy may carry out any construction project under the general plant projects authorized by this title if the total estimated cost of the construction project does not exceed \$2,000,000.

(b) REPORT TO CONGRESS.—If, any time during the construction of any general plant project authorized by this title, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds \$2,000,000, the Sec-

retary shall immediately furnish a complete report to the congressional defense committees explaining the reasons for the cost variation.

#### SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.

(a) IN GENERAL.—(1) Except as provided in paragraph (2), construction on a construction project may not be started or additional obligations incurred in connection with the project above the total estimated cost, whenever the current estimated cost of the construction project, which is authorized by sections 3101, 3102, and 3103, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of—

(A) the amount authorized for the project; or

(B) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress.

(2) An action described in paragraph (1) may be taken if—

(A) the Secretary of Energy has submitted to the congressional defense committees a report on the actions and the circumstances making such action necessary; and

(B) a period of 30 days has elapsed after the date on which the report is received by the committees.

(3) In the computation of the 30-day period under paragraph (2), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(b) EXCEPTION.—Subsection (a) shall not apply to any construction project which has a current estimated cost of less than \$5,000,000.

#### SEC. 3124. FUND TRANSFER AUTHORITY.

(a) TRANSFER TO OTHER FEDERAL AGENCIES.—The Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title to other federal agencies for the performance of work for which the funds were authorized. Funds so transferred may be merged with and be available for the same purposes and for the same period as the authorizations of the Federal agency to which the amounts are transferred.

(b) TRANSFER WITHIN DEPARTMENT OF ENERGY; LIMITATIONS.—(1) Subject to paragraph (2), the secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title between any such authorizations. Amounts of authorizations so transferred may be merged with and be available for the same purposes and for the same period as the authorization to which the amounts are transferred.

(2) Not more than 5 percent of any such authorization may be transferred between authorizations under paragraph (1). No such authorization may be increased or decreased by more than 5 percent by a transfer under such paragraph.

(3) The authority provided by this section to transfer authorizations—

(A) may only be used to provide funds for items relating to weapons activities necessary for national security programs that have a higher priority than the items from which the funds are transferred; and

(B) may not be used to provide authority for an item that has been denied funds by Congress.

(c) NOTICE TO CONGRESS.—The Secretary of Energy shall promptly notify the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives of any transfer of funds to or from authorizations under this title.

#### SEC. 3125. AUTHORITY FOR CONCEPTUAL AND CONSTRUCTION DESIGN.

(A) REQUIREMENT FOR CONCEPTUAL DESIGN.—(1) Subject to paragraph (2) and except as provided in paragraph (3), before submitting to Congress a request for funds for a construction project that is in support of a national security program of the Department of Energy, the Secretary of Energy shall complete a conceptual design for that project.

(2) If the estimated cost of completing a conceptual design for a construction project exceeds \$3,000,000, the Secretary shall submit to Congress a request for funds for the conceptual design before submitting a request for funds for the construction project.

(3) The requirement in paragraph (1) does not apply to a request for funds—

(A) for a construction project the total estimated cost of which is less than \$2,000,000; or

(B) for emergency planning, design, and construction activities under section 3126.

#### (b) AUTHORITY FOR CONSTRUCTION DESIGN.—

(1) Within the amounts authorized by this title, the Secretary of Energy may carry out construction design (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such design does not exceed \$600,000.

(2) If the total estimated cost for construction design in connection with any construction project exceeds \$600,000, funds for such design must be specifically authorized by law.

#### SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING DESIGN, AND CONSTRUCTION ACTIVITIES.

(A) AUTHORITY.—The Secretary of Energy may use any funds available to the Department of Energy pursuant to an authorization in this title, including funds authorized to be appropriated under sections 3101, 3102, and 3103 for advance planning and construction design, to perform planning, design, and construction activities for any Department of Energy national security program construction project that, as determined by the Secretary, must proceed expeditiously in order to protect public health and safety, meet the needs of national defense, or to protect property.

(b) LIMITATION.—The Secretary may not exercise the authority under subsection (a) in the case of any construction project until the Secretary has submitted to the congressional defense committees a report on the activities that the Secretary intends to carry out under this section and the circumstances making such activities necessary.

(c) SPECIFIC AUTHORITY.—The requirement of section 3125(b)(2) does not apply to emergency planning, design, and construction activities conducted under this section.

(d) REPORT.—The Secretary of Energy shall report to the congressional defense committees any exercise of authority under this section.

#### SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY.

Subject to the provisions of appropriations Acts and section 3121 of this title, amounts appropriated pursuant to this title for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

#### SEC. 3128. AVAILABILITY OF FUNDS.

When so specified in an appropriation Act, amounts appropriated for operating expenses, plant projects, and capital equipment may remain available until expended.

Subtitle C—Program Authorizations,  
Restrictions, and Limitations

**SEC. 3131. TRITIUM PRODUCTION.**

(a) TRITIUM PRODUCTION.—Of the funds authorized to be appropriated to the Department of Energy under section 3101, not more than \$50,000,000 shall be available to conduct an assessment of alternative means of ensuring that the tritium production of the Department of Energy is adequate to meet the tritium requirements of the Department of Defense. The assessment shall include an assessment of various types of reactors and an accelerator.

(b) LOCATION OF NEW TRITIUM PRODUCTION FACILITY.—The Secretary of Energy shall locate the new tritium production facility of the Department of Energy at the Savannah River Site, South Carolina.

(c) TRITIUM TARGETS.—Of the funds authorized to be appropriated to the Department of Energy under section 3101, not more than \$5,000,000 shall be available for the Idaho National Engineering Laboratory for the test and development of nuclear reactor tritium targets for the various types of reactors to be assessed by the Department under subsection (a).

**SEC. 3132. FISSILE MATERIALS DISPOSITION.**

Of the funds authorized to be appropriated to the Department of Energy for fiscal year 1996 under section 3103(a)(7), \$70,000,000 shall be available only for purposes of completing the evaluation of, and commencing implementation of, the interim- and long-term storage and disposition of fissile materials (including plutonium, highly enriched uranium, and other fissile materials) that are excess to the national security needs of the United States, of which \$10,000,000 shall be available for plutonium resource assessment.

**SEC. 3133. TRITIUM RECYCLING.**

(a) IN GENERAL.—Except as provided in subsection (b), the following activities shall be carried out at the Savannah River Site, South Carolina:

(1) All tritium recycling for weapons, including tritium refitting.

(2) All activities regarding tritium formerly carried out at the Mound Plant, Ohio.

(b) EXCEPTION.—The following activities may be carried out at the Los Alamos National Laboratory, New Mexico:

(1) Research on tritium.

(2) Work on tritium in support of the dense inertial confinement fusion program.

(3) Provision of technical assistance to the Savannah River Site regarding the weapons surveillance program.

**SEC. 3134. MANUFACTURING INFRASTRUCTURE FOR REFABRICATION AND CERTIFICATION OF ENDURING NUCLEAR WEAPONS STOCKPILE.**

(a) MANUFACTURING PROGRAM.—The Secretary of Energy shall carry out a program for purposes of establishing within the Government a manufacturing infrastructure that has the following capabilities as specified in the Nuclear Posture Review:

(1) To develop a stockpile surveillance engineering base.

(2) To refabricate and certify weapon components and types in the enduring nuclear weapons stockpile, as necessary.

(3) To design, fabricate, and certify new nuclear warheads, as necessary.

(4) To support nuclear weapons.

(5) To supply sufficient tritium in support of nuclear weapons to ensure an upload hedge in the event circumstances require.

(b) REQUIRED CAPABILITIES.—The manufacturing infrastructure established under the program under subsection (a) shall include the following capabilities (modernized to attain the objectives referred to in that subsection):

(1) The weapons assembly capabilities of the Pantex Plant.

(2) The weapon secondary fabrication capabilities of the Y-12 Plant, Oak Ridge, Tennessee.

(3) The tritium production and recycling capabilities of the Savannah River Site.

(4) A weapon primary pit refabrication/manufacturing and reuse facility capability at Savannah River Site (if required for national security purposes).

(5) The non-nuclear component capabilities of the Kansas City Plant.

(c) NUCLEAR POSTURE REVIEW.—For purposes of subsection (a), the term "Nuclear Posture Review" means the Department of Defense Nuclear Posture Review as contained in the Report of the Secretary of Defense to the President and the Congress dated February 19, 1995, or subsequent such reports.

(d) FUNDING.—Of the funds authorized to be appropriated under section 3101(b), \$143,000,000 shall be available for carrying out the program required under this section, of which—

(1) \$35,000,000 shall be available for activities at the Pantex Plant;

(2) \$30,000,000 shall be available for activities at the Y-12 Plant, Oak Ridge, Tennessee;

(3) \$35,000,000 shall be available for activities at the Savannah River Site; and

(4) \$43,000,000 shall be available for activities at the Kansas City Plant.

**SEC. 3135. HYDRONUCLEAR EXPERIMENTS.**

Of the funds authorized to be appropriated to the Department of Energy under section 3101, \$50,000,000 shall be available for preparation for the commencement of a program of hydronuclear experiments at the nuclear weapons design laboratories at the Nevada Test Site which program shall be for the purpose of maintaining confidence in the reliability and safety of the enduring nuclear weapons stockpile.

**SEC. 3136. FELLOWSHIP PROGRAM FOR DEVELOPMENT OF SKILLS CRITICAL TO THE DEPARTMENT OF ENERGY NUCLEAR WEAPONS COMPLEX.**

(a) IN GENERAL.—The Secretary of Energy shall conduct a fellowship program for the development of skills critical to the ongoing mission of the Department of Energy nuclear weapons complex. Under the fellowship program, the Secretary shall—

(1) provide educational assistance and research assistance to eligible individuals to facilitate the development by such individuals of skills critical to maintaining the ongoing mission of the Department of Energy nuclear weapons complex;

(2) employ eligible individuals at the facilities described in subsection (c) in order to facilitate the development of such skills by these individuals; or

(3) provide eligible individuals with the assistance and the employment.

(b) ELIGIBLE INDIVIDUALS.—Individuals eligible for participation in the fellowship program are the following:

(1) Students pursuing graduate degrees in fields of science or engineering that are related to nuclear weapons engineering or to the science and technology base of the Department of Energy.

(2) Individuals engaged in postdoctoral studies in such fields.

(c) COVERED FACILITIES.—The Secretary shall carry out the fellowship program at or in connection with the following facilities:

(1) The Kansas City Plant, Kansas City, Missouri.

(2) The Pantex Plant, Amarillo, Texas.

(3) The Y-12 Plant, Oak Ridge, Tennessee.

(4) The Savannah River Site, Aiken, South Carolina.

(d) ADMINISTRATION.—The Secretary shall carry out the fellowship program at a facility referred to in subsection (c) through the stockpile manager of the facility.

(e) ALLOCATION OF FUNDS.—The Secretary shall, in consultation with the Assistant Secretary of Energy for Defense Programs, allocate funds available for the fellowship program under subsection (f) among the facilities referred to in subsection (c). The Secretary shall make the allocation after evaluating an assessment by the weapons program director of each such facility of the personnel and critical skills necessary at the facility for carrying out the ongoing mission of the facility.

(f) FUNDING.—Of the funds authorized to be appropriated to the Department of Energy for fiscal year 1996 under section 3101(b), \$10,000,000 may be used for the purpose of carrying out the fellowship program under this section.

**SEC. 3137. EDUCATION PROGRAM FOR DEVELOPMENT OF PERSONNEL CRITICAL TO THE DEPARTMENT OF ENERGY NUCLEAR WEAPONS COMPLEX.**

(a) IN GENERAL.—The Secretary of Energy shall conduct an education program to ensure the long-term supply of personnel having skills critical to the ongoing mission of the Department of Energy nuclear weapons complex. Under the program, the Secretary shall provide—

(1) education programs designed to encourage and assist students in study in the fields of math, science, and engineering that are critical to maintaining the nuclear weapons complex;

(2) programs that enhance the teaching skills of teachers who teach students in such fields; and

(3) education programs that increase the scientific understanding of the general public in areas of importance to the nuclear weapons complex and to the Department of Energy national laboratories.

(b) FUNDING.—Of the funds authorized to be appropriated to the Department of Energy for fiscal year 1996 under section 3101(a), \$10,000,000 may be used for the purpose of carrying out the education program under this section.

**SEC. 3138. LIMITATION OF USE OF FUNDS FOR CERTAIN RESEARCH AND DEVELOPMENT PURPOSES.**

Funds appropriated or otherwise made available to the Department of Energy for fiscal year 1996 under section 3101 may be obligated and expended for activities under the Department of Energy Laboratory Directed Research and Development Program or under Department of Energy technology transfer programs only if such activities support the national security mission of the Department.

**SEC. 3139. PROCESSING OF HIGH LEVEL NUCLEAR WASTE AND SPENT NUCLEAR FUEL RODS.**

(a) ELECTROMETALLURGICAL PROCESSING ACTIVITIES.—Of the amount authorized to be appropriated to the Department of Energy under section 3102, not more than \$2,500,000 shall be available for electrometallurgical processing activities at the Idaho National Engineering Laboratory.

(b) PROCESSING OF SPENT NUCLEAR FUEL RODS AT SAVANNAH RIVER SITE.—Of the amount authorized to be appropriated to the Department of Energy under section 3102, \$30,000,000 shall be available for operating and maintenance activities at the Savannah River Site, which amount shall be available for the development at the canyon facilities at the site of technological methods (including plutonium processing and reprocessing) of separating, reducing, isolating, and storing the spent nuclear fuel rods that are sent to the site from other Department of Energy facilities and from foreign facilities.

(c) PROCESSING OF SPENT NUCLEAR FUEL RODS AT IDAHO NATIONAL ENGINEERING LABORATORY.—Of the amount authorized to be

appropriated to the Department of Energy under section 3102, \$15,000,000 shall be available for operating and maintenance activities at the Idaho National Engineering Laboratory, which amount shall be available for the development of technological methods of processing the spent nuclear fuel rods that will be sent to the laboratory from other Department of Energy facilities.

(d) **SPENT NUCLEAR FUEL DEFINED.**—In this section, the term “spent nuclear fuel” has the meaning given such term in section 2(23) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(23)).

**SEC. 3140. DEPARTMENT OF ENERGY DECLASSIFICATION PRODUCTIVITY INITIATIVE.**

Of the funds authorized to be appropriated to the Department of Energy under section 3103, \$3,000,000 shall be available for the De-classification Productivity Initiative of the Department of Energy.

**SEC. 3141. AUTHORITY TO REPROGRAM FUNDS FOR DISPOSITION OF CERTAIN SPENT NUCLEAR FUEL.**

(a) **AUTHORITY TO REPROGRAM.**—Notwithstanding any other provision of law and subject to subsection (b), the Secretary of Energy may reprogram funds available to the Department of Energy for fiscal year 1996 under section 3101(b) or 3102(b) to make such funds available for use for storage pool treatment and stabilization or for canning and storage in connection with the disposition of spent nuclear fuel in the Democratic People's Republic of Korea, which treatment and stabilization or canning and storage is—

(1) necessary in order to meet International Atomic Energy Agency safeguard standards with respect to the disposition of spent nuclear fuel; and

(2) conducted in fulfillment of the Nuclear Framework Agreement between the United States and the Democratic People's Republic of Korea dated October 21, 1994.

(b) **LIMITATION.**—The total amount that the Secretary may reprogram under the authority in subsection (a) may not exceed \$5,000,000.

(c) **DEFINITION.**—In this section, the term “spent nuclear fuel” has the meaning given such term in section 2(23) of the Nuclear Waste Policy Act of 1982 (42 U.S.C.

10101(23)).

**SEC. 3142. PROTECTION OF WORKERS AT NUCLEAR WEAPONS FACILITIES.**

Of the funds authorized to be appropriated to the Department of Energy under section 3102, \$10,000,000 shall be available to carry out activities authorized under section 3131 of the National Defense Authorization Act for Fiscal years 1992 and 1993 (Public Law 102-190; 105 Stat. 1571; 42 U.S.C. 7274d), relating to worker protection at nuclear weapons facilities.

Subtitle D—Review of Department of Energy National Security Programs

**SEC. 3151. REVIEW OF DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS.**

(a) **REPORT.**—Not later than March 15, 1996, the Secretary of Defense shall, in consultation with the Secretary of Energy, submit to the congressional defense committees a report on the national security programs of the Department of Energy.

(b) **CONTENTS OF REPORT.**—The report shall include an assessment of the following:

(1) The effectiveness of the Department of Energy in maintaining the safety and reliability of the enduring nuclear weapons stockpile.

(2) The management by the Department of the nuclear weapons complex, including—

(A) a comparison of the Department of Energy's implementation of applicable environmental, health, and safety requirements with the implementation of similar requirements by the Department of Defense; and

(B) a comparison of the costs and benefits of the national security research and development programs of the Department of Energy with the costs and benefits of similar programs sponsored by the Department of Defense.

(3) The fulfillment of the requirements established for the Department of Energy in the Nuclear Posture Review.

(C) **DEFINITION.**—In this section, the term “Nuclear Posture Review” means the Department of Defense Nuclear Posture Review as contained in the Report of the Secretary of Defense to the President and the Congress dated February 19, 1995, or in subsequent such reports.

Subtitle E—Other Matters

**SEC. 3161. RESPONSIBILITY FOR DEFENSE PROGRAMS EMERGENCY RESPONSE PROGRAM.**

The Office of Military Applications under the Assistant Secretary of Energy for Defense Programs shall retain responsibility for the Defense Programs Emergency Response Program within the Department of Energy.

**SEC. 3162. REQUIREMENTS FOR DEPARTMENT OF ENERGY WEAPONS ACTIVITIES BUDGETS FOR FISCAL YEARS AFTER FISCAL YEAR 1996.**

(a) **IN GENERAL.**—The weapons activities budget of the Department of Energy shall be developed in accordance with the Nuclear Posture Review, the Post Nuclear Posture Review Stockpile Memorandum currently under development, and the programmatic and technical requirements associated with the review and memorandum.

(b) **REQUIRED DETAIL.**—The Secretary of Energy shall include in the materials that the Secretary submits to Congress in support of the budget for a fiscal year submitted by the President pursuant to section 1105 of title 31, United States Code, a long-term program plan, and a near-term program plan, for the certification and stewardship of the enduring nuclear weapons stockpile.

(c) **DEFINITION.**—In this section, the term “Nuclear Posture Review” means the Department of Defense Nuclear Posture Review as contained in the Report of the Secretary of Defense to the President and the Congress dated February 19, 1995, or in subsequent such reports.

**SEC. 3163. REPORT ON PROPOSED PURCHASES OF TRITIUM FROM FOREIGN SUPPLIERS.**

(a) **REQUIREMENT.**—Not later than May 30, 1997, the President shall submit to the congressional defense committees a report on any plans of the President to purchase from foreign suppliers tritium to be used for purposes of the nuclear weapons stockpile of the United States.

(b) **FORM OF REPORT.**—The report shall be submitted in unclassified form, but may contain a classified annex.

**SEC. 3164. REPORT ON HYDRONUCLEAR TESTING.**

(A) **REPORT.**—The Secretary of Energy shall direct the joint preparation by the Lawrence Livermore National Laboratory and the Los Alamos National Laboratory of a report on the advantages and disadvantages for the safety and reliability of the enduring nuclear weapons stockpile and permitting alternative limits to the current limits on the explosive yield of hydronuclear tests. The report shall address the following explosive yield limits:

- (1) 4 pounds (TNT equivalent).
- (2) 400 pounds (TNT equivalent).
- (2) 4,000 pounds (TNT equivalent).
- (2) 40,000 pounds (TNT equivalent).

(b) **FUNDING.**—THE SECRETARY SHALL MAKE AVAILABLE FUNDS AUTHORIZED TO BE APPROPRIATED TO THE DEPARTMENT OF ENERGY UNDER SECTION 3101 FOR PREPARATION OF THE REPORT REQUIRED UNDER SUBSECTION 9A).

**SEC. 3165. PLAN FOR THE CERTIFICATION AND STEWARDSHIP OF THE ENDURING NUCLEAR WEAPONS STOCKPILE.**

(a) **REQUIREMENT.**—Not later than March 15, 1996, and every March 15 thereafter, the Secretary of Energy shall submit to the Secretary of Defense a plan for maintaining the enduring nuclear weapons stockpile.

(b) **PLAN ELEMENTS.**—EACH PLAN UNDER SUBSECTION (A) SHALL SET FORTH THE FOLLOWING:

(1) The numbers of weapons (including active weapons and inactive weapons) for each type of weapon in the enduring nuclear weapons stockpile.

(2) The expected design lifetime of each weapon system type, the current age of each weapon system type, and any plans (including the analytical basis for such plans) for lifetime extensions of a weapon system type.

(3) An estimate of the lifetime of the nuclear and non-nuclear components of the weapons (including active weapons and inactive weapons) in the enduring nuclear weapons stockpile, and any plans (including the analytical basis for such plans) for life-time extensions of such components.

(4) A schedule of the modifications, if any, required for each weapon type (including active weapons and inactive weapons) in the enduring nuclear weapons stockpile, and the cost of such modifications.

(5) The process to be used in recertifying the safety, reliability, and performance of each weapon type (including active weapons and inactive weapons) in the enduring nuclear weapons stockpile.

(6) The manufacturing infrastructure required to maintain the nuclear weapons stockpile stewardship management program.

**BUMPERS (AND SIMON)  
AMENDMENT NO. 2397**

Mr. BUMPERS (for himself and Mr. SIMON) proposed an amendment to the bill, S. 1087, supra; as follows:

On page 69, at the end of line 3 insert the following: “That the exposure fees charged and collected by the Secretary for each guarantee, shall be paid by the country involved and shall not be financed as part of a loan guaranteed by the United States;”.

**BUMPERS AMENDMENT NO. 2398**

Mr. BUMPERS proposed an amendment to the bill, S. 1087, supra; as follows:

On page 22, strike lines 1-2 and insert in lieu thereof the following: “tor-owned equipment layaway: \$1,651,421,000, to remain available for obligation until September 30, 1998: Provided, that of the funds appropriated in this paragraph, none shall be obligated for any D-5 missiles, D-5 missile components, ship modifications and ship components that are associated with backfitting any Trident I submarines to carry D-5 Trident II missiles.”

**HARKIN (AND BOXER)  
AMENDMENT NO. 2399**

Mr. HARKIN (for himself and Mrs. BOXER) proposed an amendment to the bill, S. 1087, supra; as follows:

At the appropriate place, insert:

**SEC. . RESTRICTION ON REIMBURSEMENT OF COSTS.**

“(a) None of the funds authorized to be appropriated in this Act for fiscal year 1996 may be obligated for payment on new contracts on which allowable costs charged to the government include payments for individual compensation (including bonuses and other incentives) at a rate in excess of \$250,000 per year.”

## HARKIN AMENDMENTS NOS. 2400–2402

Mr. HARKIN proposed three amendments to the bill, S. 1087, supra; as follows:

## AMENDMENT NO. 2400

On page 18, line 7, strike out "\$1,498,623,000" and insert in lieu thereof "\$1,373,623,000".

## AMENDMENT NO. 2401

On page 29, line 12, strike out "\$9,196,784,000" and insert in lieu thereof "\$9,126,784,000".

## AMENDMENT NO. 2402

On page 29, line 12, strike out "\$9,196,784,000" and insert in lieu thereof "\$9,166,784,000".

## BINGAMAN AMENDMENT NO. 2403

Mr. BINGAMAN proposed an amendment to the bill, S. 1087, supra; as follows:

On page 82, between lines 11 through 12, insert the following:

SEC. 8087. (a) The total amount appropriated in title III under the heading "MIS-SILE PROCUREMENT, ARMY" is hereby reduced by \$60,000,000.

(b) The total amount appropriated in title III under the heading "OTHER PROCUREMENT, AIR FORCE" is hereby reduced by \$30,000,000.

WELLSTONE (AND OTHERS)  
AMENDMENT NO. 2404

Mr. WELLSTONE (for himself, Mr. FEINGOLD, Mr. HARKIN, Mr. BUMPERS, Mr. SIMON, and Mr. DORGAN) proposed an amendment to the bill, S. 1087, supra; as follows:

On page 34, between lines 13 and 14, insert the following:

## SEC. 8000. REDUCTION IN TOTAL AMOUNT TO BE APPROPRIATED.

Notwithstanding any other provision of this Act, the total amount appropriated for fiscal year 1996 under the provisions of this Act is hereby reduced by \$3,200,000,000, with the total amount of such reduction to be used exclusively for reducing the amount of the Federal budget deficit.

## AKAKA AMENDMENT NO. 2405

Mr. AKAKA proposed an amendment to the bill, S. 1087, supra; as follows:

On page 83, between lines 11 and 12, insert the following:

SEC. 8087. The Secretary of Defense and the Secretary of the Army shall reconsider the decision not to include the infantry military occupational specialty among the military skills and specialties for which special pays are provided under the Selected Reserve Incentive Program.

AKAKA (AND PELL) AMENDMENT  
NO. 2406

Mr. AKAKA (for himself and Mr. PELL) proposed an amendment to the bill, S. 1087, supra; as follows:

At the appropriate place in the bill, add the following:

## SEC. 1062. SENSE OF SENATE REGARDING UNDERGROUND NUCLEAR TESTING.

(a) FINDINGS.—The Senate makes the following findings:

(1) The President of France stated on June 13, 1995, that the Republic of France plans to

conduct eight nuclear test explosions over the next several months.

(2) The People's Republic of China continues to conduct underground nuclear weapons tests.

(3) The United States, France, Russia, and Great Britain have observed a moratorium on nuclear testing since 1992.

(4) A resumption of testing by the Republic of France could result in the disintegration of the current testing moratorium and a renewal of underground testing by other nuclear weapons states.

(5) A resumption of nuclear testing by the Republic of France raises serious environmental and health concerns.

(6) The United Nations Conference on Disarmament presently is meeting in Geneva, Switzerland, for the purpose of negotiating a Comprehensive Nuclear Test Ban Treaty (CTBT), which would halt permanently the practice of conducting nuclear test explosions.

(7) Continued underground weapons testing by the Republic of France and the People's Republic of China undermines the efforts of the international community to conclude a CTBT by 1996, a goal endorsed by 175 nations at the recently completed NPT Extension and Review Conference (the conference for the extension and review of the Nuclear Non-Proliferation Treaty).

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Republic of France and the People's Republic of China should abide by the current international moratorium on nuclear test explosions and refrain from conducting underground nuclear tests in advance of a Comprehensive Test Ban Treaty.

## KYL AMENDMENT NO. 2407

Mr. KYL proposed an amendment to the bill, S. 1087, supra; as follows:

On page 82, between lines 11 and 12, insert the following:

## SEC. 8087. LIMITATION ON USE OF FUNDS FOR COOPERATIVE THREAT REDUCTION.

(a) LIMITATION.—Of the funds available under title II under the heading "FORMER SOVIET UNION THREAT REDUCTION" for dismantlement and destruction of chemical weapons, not more than \$52,000,000 may be obligated or expended for that purpose until the President certifies to Congress the following:

(1) That the United States and Russia have completed a joint laboratory study evaluating the proposal of Russia to neutralize its chemical weapons and the United States agrees with the proposal.

(2) That Russia has, with the assistance of the United States (if necessary), prepared a comprehensive plan to manage the dismantlement and destruction of the Russia chemical weapons stockpile.

(3) That the United States and Russia are committed to resolving outstanding issues under the 1989 Wyoming Memorandum of Understanding and the 1990 Bilateral Destruction Agreement.

(b) DEFINITIONS.—In this section:

(1) The term "1989 Wyoming Memorandum of Understanding" means the Memorandum of Understanding between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics Regarding a Bilateral Verification Experiment and Data Exchange Related to Prohibition on Chemical Weapons, signed at Jackson Hole, Wyoming, on September 23, 1989.

(2) The term "1990 Bilateral Destruction Agreement" means the Agreement between the United States of America and the Union of Soviet Socialist Republics on destruction

and non-production of chemical weapons and on measures to facilitate the multilateral convention on banning chemical weapons signed on June 1, 1990.

## PRYOR AMENDMENT NO. 2408

Mr. PRYOR proposed an amendment to the bill, S. 1087, supra; as follows:

At the appropriate place, insert the following:

## SEC. . TESTING OF THEATER MISSILE DEFENSE INTERCEPTORS.

(a) APPROVAL BEYOND LOW-RATE INITIAL PRODUCTION.—The Secretary of Defense may not approve a theater missile defense interceptor program beyond the low-rate initial production acquisition stage until the Secretary certifies to the congressional defense committees that the program—

(1) has successfully completed initial operational test and evaluation; and

(2) involves a suitable and effective system.

(b) CERTIFICATION REQUIREMENTS.—(1) In order to be certified under subsection (a), the initial operational test and evaluation conducted with respect to a program shall include flight tests—

(A) that were conducted with multiple interceptors and multiple targets in the presence of realistic countermeasures; and

(B) the results of which demonstrate the achievement of baseline performance thresholds by such interceptors.

(2) The Director of Operational Test and Evaluation shall specify the number of flight tests required with respect to a program under paragraph (1) in order to make a certification referred to in subsection (a).

(3) The Secretary may utilize modeling and simulation validated by ground and flight testing in order to augment flight testing to demonstrate weapons system performance for purposes of a certification under subsection (a).

(c) REPORTS.—(1) The Director of Operational Test and Evaluation and the head of the Ballistic Missile Defense Organization shall include in the annual reports to Congress of such officials plans to test adequately theater missile defense interceptor programs throughout the acquisition process.

(2) As each theater missile defense system progresses through the acquisition process, the officials referred to in paragraph (1) shall include in the annual reports to Congress of such officials an assessment of the extent to which such programs satisfy the planned test objectives for such programs.

(d) DEFINITION.—For purposes of this section, the baseline performance thresholds for a program are the weapon system performance thresholds specified in the baseline description for the weapon system established pursuant to section 2435(a)(1) of title 10, United States Code, before the program entered into the engineering and manufacturing development stage.

PRYOR (AND OTHERS)  
AMENDMENT NO. 2409

Mr. PRYOR (for himself, Mrs. BOXER, and Mrs. FEINSTEIN) proposed an amendment to the bill, S. 1087, supra; as follows:

At the appropriate place, add the following:

## SEC. . INTERIM LEASES OF PROPERTY APPROVED FOR CLOSURE OR REALIGNMENT.

Section 2667(f) of title 10, United States Code, is amended by adding at the end the following:

“(4)(A) Notwithstanding the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the scope of any environmental impact analysis necessary to support an interim lease of property under this subsection shall be limited to the environmental consequences of activities authorized under the proposed lease and the cumulative impacts of other past, present, and reasonably foreseeable future actions during the period of the proposed lease.

“(B) Interim leases entered into under this subsection shall be deemed not to prejudice the final property disposal decision, even if final property disposal may be delayed until completion of the interim lease term. An interim lease under this subsection shall not be entered into without prior consultation with the redevelopment authority concerned.

“(C) The provisions of subparagraphs (A) and (B) shall not apply to an interim lease under this subsection if authorized activities under the lease would—

“(i) significantly effect the quality of the human environment; or

“(ii) irreversibly alter the environment in a way that would preclude any reasonable disposal alternative of the property concerned.”.

HARKIN (AND BOXER)  
AMENDMENT NO. 2410

Mr. STEVENS (for Mr. HARKIN, for himself and Mrs. BOXER) proposed an amendment to the bill, S. 1087, supra; as follows:

At the appropriate place, insert:

**SEC. . RESTRICTION ON REIMBURSEMENT OF COSTS.**

“(a) None of the funds provided in this Act may be obligated for payment on new contracts on which allowable costs charged to the government include payments for individual compensation at a rate in excess of \$250,000 per year.”

GRAHAM (AND MACK)  
AMENDMENT NO. 2411

Mr. STEVENS (for Mr. GRAHAM, for himself and Mr. MACK) proposed an amendment to the bill, S. 1087, supra; as follows:

At the appropriate place, insert:

**SEC. .** The Secretary of Defense shall develop and provide to the congressional defense committees an Electronic Combat Master Plan, to establish an optimum infrastructure for electronic combat assets, no later than March 31, 1996.

BOXER AMENDMENT NO. 2412

Mr. STEVENS (for Mrs. BOXER) proposed an amendment to the bill, S. 1087, supra; as follows:

At the appropriate place in the bill insert the following new section:

**SEC. . PROHIBITION OF PAY AND ALLOWANCES FOR MILITARY PERSONNEL CONVICTED OF SERIOUS CRIMES.**

“(a) Notwithstanding any other provision of law, none of the funds appropriated by this Act shall be obligated for the pay or allowances of any member of the Armed Forces who has been sentenced by a court-martial to any sentence that includes confinement for one year or more, death, dishonorable discharge, bad-conduct discharge, or dismissal during any period of confinement or parole.

“(b) In a case involving an accused who had dependents, the convening authority or other person acting under title 10, section

860, may waive any or all of the forfeitures of pay and allowances required by subsection (a) for a period not to exceed six months. Any amount of pay or allowances that, except for a waiver under this subsection, would be forfeited shall be paid, as the convening authority or other person taking action directs, to the dependents of the accused.

“(c) If the sentence of a member who forfeits pay and allowances under subsection (a) is set aside or disapproved or, as finally approved, does not provide for a punishment referred to in subsection (a), the member shall be paid the pay and allowances which the member would have been paid, except for the forfeiture, for the period during which the forfeiture was in effect.”

FEINGOLD (AND KOHL)  
AMENDMENT NO. 2413

Mr. STEVENS (for Mr. FEINGOLD, for himself and Mr. KOHL) proposed an amendment to the bill, S. 1087, supra; as follows:

On page 9 on line 4 after “30, 1997” insert the following: “: *Provided further*, That, of the funds appropriated under this heading, not more than \$12,200,000 shall be available only for paying the costs of terminating Project ELF”.

DOMENICI (AND INOUE)  
AMENDMENT NO. 2414

Mr. STEVENS (for Mr. DOMENICI, for himself and Mr. INOUE) proposed an amendment to the bill, S. 1087, supra; as follows:

On page 29, before the period on line 13, insert: “: *Provided further*, That of the funds appropriated in this paragraph for the Ballistic Missile Defense Organization, \$10,000,000 shall only be available to continue program activities and launch preparation efforts under the Strategic Target System (STARS) program”.

GLENN AMENDMENT NO. 2415

Mr. STEVENS (for Mr. GLENN) proposed an amendment to the bill, S. 1087, supra; as follows:

On page 17, increase the amount on line 3 by \$40,000,000.

On page 10, reduce the amount on line 19 by \$40,000,000.

WARNER (AND DODD) AMENDMENT  
NO. 2416

Mr. STEVENS (for Mr. WARNER, for himself and Mr. DODD) proposed an amendment to the bill, S. 1087, supra; as follows:

On page 82, between lines 11 and 12, insert the following:

**SEC. 8087.** (a) If, on February 18, 1996, the Secretary of the Navy has not certified in writing to the Committees on Appropriations of the Senate and the House of Representatives that—

(1) the Secretary has restructured the new attack submarine program to provide for—

(A) procurement of the lead vessel under the program from General Dynamics Corporation Electric Boat Division (hereafter in this section referred to as “Electric Boat Division”) beginning in fiscal year 1998 (subject to the price offered by Electric Boat Division being determined fair and reasonable by the Secretary),

(B) procurement of the second vessel under the program from Newport News Ship-

building and Drydock Company beginning in fiscal year 1999 (subject to the price offered by Newport News Shipbuilding and Drydock Company being determined fair and reasonable by the Secretary), and

(C) procurement of other vessels under the program under one or more contracts that are entered into after competition between Electric Boat Division and Newport News Shipbuilding and Drydock Company for which the Secretary shall solicit competitive proposals and award the contract or contracts on the basis of price, and

(2) the Secretary has directed, as set forth in detail in such certification that—

(A) no action is to be taken to terminate or to fail to extend either the existing Planning Yard contract for the Trident class submarines or the existing Planning Yard contract for the SSN-688 Los Angeles class submarines except by reason of a breach of contract by the contractor or an insufficiency of appropriations,

(B) no action is to be taken to terminate any existing Lead Design Yard contract for the SSN-21 Seawolf class submarines or for the SSN-688 Los Angeles class submarines, except by reason of a breach of contract by the contractor or an insufficiency of appropriations,

(C) both Electric Boat Division and Newport News Shipbuilding and Drydock Company are to have access to sufficient information concerning the design of the new attack submarine to ensure that each is capable of constructing the new attack submarine, and

(D) no action is to be taken to impair the design, engineering, construction, and maintenance competencies of either Electric Boat Division or Newport News Shipbuilding and Drydock Company to construct the new attack submarine,

then, funds appropriated in title III under the heading “SHIPBUILDING AND CONVERSION, NAVY” may not be obligated for the SSN-21 attack submarine program or for the new attack submarine program (NSSN-1 and NSSN-2).

(b) Funds referred to in subsection (a) for procurement of the lead and second vessels under the new attack submarine program may not be expended during fiscal year 1996 for the lead vessel under that program (other than for class design) unless funds are obligated or expended during such fiscal year for a contract in support of procurement of the second vessel under the program.

ABRAHAM (AND OTHERS)  
AMENDMENT NO. 2417

Mr. STEVENS (for Mr. ABRAHAM, for himself, Mr. INHOFE, and Mr. GRAMS) proposed an amendment to the bill, S. 1087, supra; as follows:

At the appropriate place in the bill, add the following new section:

**SEC. .** None of the funds available to the Department of Defense during fiscal year 1996 may be obligated or expended to support or finance the activities of the Defense Policy Advisory Committee on Trade.

SPECTER (AND SANTORUM)  
AMENDMENT NO. 2418

Mr. STEVENS (for Mr. SPECTER, for himself and Mr. SANTORUM) proposed an amendment to the bill, S. 1087, supra; as follows:

On page 28 line 19, insert the following before the period: “: *Provided further*, That of the funds appropriated under this heading, \$45,458,000 shall be made available for the Intercooled Recuperative Turbine Engine Project”.

## MCCONNELL AMENDMENT NO. 2419

Mr. STEVENS (for Mr. MCCONNELL) proposed an amendment to the bill, S. 1087, supra; as follows:

At the appropriate place in the bill add the following:

SEC. . Six months after the date of enactment of this Act the General Accounting Office shall report to the Committees on Appropriations of the Senate and the House of Representatives on any changes in Department of Defense commissary access policy, including providing reservists additional or new privileges, and addressing the financial impact on the commissaries as a result of any policy changes.

## LUGAR AMENDMENT NO. 2420

Mr. STEVENS (for Mr. LUGAR) proposed an amendment to the bill, S. 1087, supra; as follows:

At the appropriate place in the bill add the following:

SEC. . None of the funds made available in this Act under the heading "Procurement of Ammunition, Army" may be obligated or expended for the procurement of munitions unless such acquisition fully complies with the Competition in Contracting Act.

## STEVENS AMENDMENTS NOS. 2421-2424

Mr. STEVENS proposed four amendments to the bill, S. 1087, supra; as follows:

## AMENDMENT No. 2421

Strike on page 49 between lines 3-12, Sec. 8024, and insert in lieu thereof:

"SEC. 8024. During the current fiscal year, none of the funds available to the Department of Defense may be used to procure or acquire (1) defensive handguns unless such handguns are the M9 or M11 9mm Department of Defense standard handguns, or (2) offensive handguns except for the Special Operations Forces: Provided, That the foregoing shall not apply to handguns and ammunition for marksmanship competitions."

## AMENDMENT No. 2422

On page 71, line 12 insert: "Shipbuilding and Conversion, Navy, 1993/1997", \$32,804,000".

## AMENDMENT No. 2423

On page 71, line 12 insert: "Shipbuilding and Conversion, Navy, 1993/1997", \$32,804,000". "Shipbuilding and conversion, Navy, 1994/1998", \$19,911,000".

## AMENDMENT No. 2424

On page 71, line 12 insert: "Shipbuilding and Conversion, Navy, 1994/1998", \$19,911,000".

## AUTHORITY FOR COMMITTEES TO MEET

## COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet during the Thursday, August 10, 1995 session of the Senate for the purpose of conducting an executive session and markup.

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

## COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. STEVENS. Mr. President, I ask unanimous consent for the Full Com-

mittee on Environment and Public Works to conduct a hearing Thursday, August 10, at 10 a.m., to receive testimony from Greta Joy Dicus, nominated by the President to be Member, Nuclear Regulatory Commission.

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

## COMMITTEE ON FOREIGN RELATIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, August 10, 1995, at 10 a.m.

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

## COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Thursday, August 10, at 10 a.m. for a markup.

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

## COMMITTEE ON THE JUDICIARY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, August 10, 1995, at 10 a.m., to hold a hearing on "United States Sentencing Commission and Cocaine Sentencing Policy".

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

## SPECIAL COMMITTEE TO INVESTIGATE WHITE-WATER DEVELOPMENT CORPORATION AND RELATED MATTERS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Special Committee to Investigate Whitewater Development Corporation and Related Matters be authorized to meet during the session of the Senate on Thursday, August 10, 1995, to conduct a hearing on the handling of the documents in Deputy White House Counsel Vincent Foster's office after his death.

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

## SUBCOMMITTEE ON FOREST AND PUBLIC LAND MANAGEMENT

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, August 10, 1995, for purposes of conducting a Subcommittee hearing which is scheduled to begin at 9:30 a.m. The purpose of this oversight hearing is to review the implementation of Section 2001 of the fiscal year 1995 Emergency Appropriations and Funding Rescissions bill, the section dealing with emergency salvage of diseased dead timber on Federal forest lands.

The PRESIDING OFFICER. Without objection it is so ordered.

## ADDITIONAL STATEMENTS

## AFFIRMATIVE ACTION

● Mr. ASHCROFT. Mr. President, I call my colleagues' attention to an important addition to the debate concerning preferential policies in America. Former Secretary of Housing and Urban Development Jack Kemp recently published in the Washington Post an article that I believe goes to the heart of our troubles with affirmative action. Mr. Kemp first notes that affirmative action based on racial quotas and racial preferences is "wrong in principle and ruinous in practice." He goes on to issue a call for policymakers to come forward with truly positive proposals—affirmative efforts—to replace it. Mr. Kemp has spent his public career valiantly fighting for an opportunity society. In this article, he continues that fight, arguing for school vouchers, tax and regulatory reforms, and other programs aimed at giving every American the chance to work for a decent education and a decent job in our free market economy.

Mr. President, I commend Secretary Kemp's article to all our colleagues. In conjunction with Senator LIBBERMAN, I will be presenting legislation in a few weeks aimed at furthering the cause of equal opportunity. By reducing taxes and regulations, particularly in distressed areas denoted enterprise zones, this bill will encourage economic opportunity. By providing for school choice in these same areas it will promote educational opportunities. In sum, it is an attempt to make the opportunity society a reality, particularly for America's inner cities and other distressed areas.

I request that the following be entered into the RECORD:

[From the Washington Post, Aug. 6, 1995]

## AFFIRMATIVE ACTION: THE "RADICAL REPUBLICAN" EXAMPLE

(By Jack Kemp)

The scene is Washington: a Republican President, new to the White House, defiantly throwing down the gauntlet to a Republican Congress, saying he will veto any bill that proposes to do more for "black Americans" than for "whites." This is not some fast-forward vision of 1997 and the first days of a new Republican White House. It's a flashback to 1866. The agency to be vetoed was the Freedman's Bureau, established in President Lincoln's administration to "affirmatively" assist the recently emancipated African Americans. The president—Andrew Johnson, Lincoln's successor—worried that any "affirmative action" would hurt the white population by specifically helping "Negroes."

I offer this page from history not to prove once again that politically, there is not much new under the sun but to illustrate that the issues of race and equality are woven into the essence of our American experience. While our present-day passions on the subject of affirmative action open old wounds, they also summon us to moral leadership of Lincolnian proportions.

Thus far the summons goes unanswered by both liberals and conservatives alike. The