

[Mr. LEAHY] was added as a cosponsor of S. 986, a bill to amend the Internal Revenue Code of 1986 to provide that the Federal income tax shall not apply to United States citizens who are killed in terroristic actions directed at the United States or to parents of children who are killed in those terroristic actions.

S. 1002

At the request of Mr. CHAFEE, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 1002, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence.

S. 1028

At the request of Mrs. KASSEBAUM, the name of the Senator from Utah [Mr. BENNETT] was added as a cosponsor of S. 1028, a bill to provide increased access to health care benefits, to provide increased portability of health care benefits, to provide increased security of health care benefits, to increase the purchasing power of individuals and small employers, and for other purposes.

SENATE CONCURRENT RESOLUTION 11

At the request of Ms. SNOWE, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of Senate Concurrent Resolution 11, a concurrent resolution supporting a resolution to the long-standing dispute regarding Cyprus.

SENATE RESOLUTION 147

At the request of Mr. THURMOND, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of Senate Resolution 147, a resolution designating the weeks beginning September 24, 1995, and September 22, 1996, as "National Historically Black Colleges and Universities Week," and for other purposes.

AMENDMENT NO. 2216

At the request of Mr. LEVIN, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of amendment No. 2216 proposed to S. 1026, an original bill to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENTS SUBMITTED

THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1996

BINGAMAN (AND DOMENICI)  
AMENDMENT NO. 2427

Mr. BINGAMAN (for himself and Mr. DOMENICI) proposed an amendment to

the bill (S. 1026) to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 570, between lines 10 and 11, insert the following:

**SEC. 3168. APPLICABILITY OF ATOMIC ENERGY COMMUNITY ACT OF 1955 TO LOS ALAMOS, NEW MEXICO**

(a) DATE OF TRANSFER OF UTILITIES.—Section 72 of the Atomic Energy Community Act of 1955 (42 U.S.C. 2372) is amended by striking out "not later than five years after the date it is included within this Act" and inserting in lieu thereof "not later than June 30, 1998".

(b) DATE OF TRANSFER OF MUNICIPAL INSTALLATIONS.—Section 83 of such Act (42 U.S.C. 2383) is amended by striking out "not later than five years after the date it is included within this Act" and inserting in lieu thereof "not later than June 30, 1993".

(c) RECOMMENDATION FOR FURTHER ASSISTANCE PAYMENTS.—Section 91 of such Act (42 U.S.C. 2391) is amended—

(1) by striking out "and the Los Alamos School Board;" and all that follows through "county of Los Alamos, New Mexico" and inserting in lieu thereof "or not later than June 30, 1996, in the case of the Los Alamos School Board and the county of Los Alamos, New Mexico"; and

(2) by adding at the end the following new sentence: "If the recommendation under the preceding sentence regarding the Los Alamos School Board or the county of Los Alamos, New Mexico, indicates a need for further assistance for the school board or the county, as the case may be, after June 30, 1997, the recommendation shall include a report and plan describing the actions required to eliminate the need for further assistance for the school board or the county, including a proposal for legislative action to carry out the plan.".

(d) CONTRACT TO MAKE PAYMENTS.—Section 94 of such Act (42 U.S.C. 2394) is amended—

(1) by striking out "June 30, 1996" each place it appears in the proviso in the first sentence and inserting in lieu thereof "June 30, 1997"; and

(2) by striking out "July 1, 1996" in the second sentence and inserting in lieu thereof "July 1, 1997".

**BROWN AMENDMENT NO. 2428**

Mr. BROWN proposed an amendment to the bill S. 1026, supra; as follows:

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

**SEC. . SENSE OF THE CONGRESS REGARDING FITZSIMONS ARMY MEDICAL CENTER, COLORADO.**

(a) FINDINGS.—The Congress finds that—  
(1) Fitzsimons Army Medical Center in Aurora, Colorado has been recommended for closure in 1995 under the Defense Base Closure and Realignment Act of 1990;

(2) The University of Colorado Health Sciences Center and the University of Colorado Hospital Authority are in urgent need of space to maintain their ability to deliver health care to meet the growing demand for their services;

(3) Reuse of the Fitzsimons facility at the earliest opportunity would provide significant benefit to the cities of Aurora and Denver; and

(4) Reuse of the Fitzsimons facility by the local community ensures that the property

is fully utilized by providing a benefit to the community.

(b) SENSE OF CONGRESS.—Therefore, it is the sense of Congress that upon acceptance of the Base Closure list—

(1) The federal screening process for Fitzsimons Army Medical Center should be accomplished at the earliest opportunity;

(2) The Secretary of the Army should consider on an expedited basis transferring Fitzsimons Army Medical Center to the Local Redevelopment Authority while still operational to ensure continuity of use to all parties concerned;

(3) The Secretary should not enter into a lease with the Local Redevelopment Authority until he has established that the lease falls within the categorical exclusions established by the Department of the Army pursuant to the National Environmental Policy Act (42 U.S.C. 4321 et seq.); and

(4) This section is in no way intended to circumvent the decisions of the 1995 BRAC.

(c) REPORT.—180 days after the enactment of this Act the Secretary of the Army shall provide a report to the appropriate committees of the Congress on the Fitzsimons Army Medical Center that covers—

(1) The result of the federal screening process for Fitzsimons and any actions that have been taken to expedite the review;

(2) Any impediments raised during the federal screening process to the transfer or lease of Fitzsimons Army Medical Center;

(3) Any actions taken by the Secretary of the Army to lease the Fitzsimons Army Medical Center to the local redevelopment authority;

(4) The results of any environmental reviews under the National Environmental Policy Act in which such a lease would fall into the categorical exclusions established by the Secretary of the Army; and

(5) The results of the environmental baseline survey and a finding of suitability or nonsuitability.

**EXON (AND OTHERS) AMENDMENT NO. 2429**

Mr. EXON (for himself, Mr. BINGAMAN, and Mr. LIEBERMAN) proposed an amendment to the bill S. 1026, supra; as follows:

At the appropriate place, insert the following:

Notwithstanding any other provision of the Act, the provision dealing with hydronuclear experiments is qualified in the following respect:

(c) LIMITATIONS.—Nothing in this Act shall be construed as an authorization to conduct hydronuclear tests. Furthermore, nothing in this Act shall be construed as amending or repealing the requirements of Section 507 of Public Law 102-377.

**HARKIN (AND OTHERS)  
AMENDMENT NO. 2430**

Mr. EXON (for Mr. HARKIN for himself, Mr. SHELBY, Mr. CAMPBELL, Mr. ROBB, Mr. HEFLIN, and Mr. BINGAMAN) proposed an amendment to the bill S. 1026, supra; as follows:

On page 72, between lines 18 and 19, insert the following:

**SEC. 305. INCREASE IN FUNDING FOR THE CIVIL AIR PATROL.**

(a) INCREASE.—(1) The amount of funds authorized to be appropriated by this Act for operation and maintenance of the Air Force for the Civil Air Patrol Corporation is hereby increased by \$5,000,000.

(2) The amount authorized to be appropriated for operation and maintenance for

the Civil Air Patrol Corporation under paragraph (1) is in addition to any other funds authorized to be appropriated under this Act for that purpose.

(b) **OFFSETTING REDUCTION.**—The amount authorized to be appropriated under this Act for Air Force support of the Civil Air Patrol is hereby reduced by \$2,900,000. The amount of the reduction shall be allocated among funds authorized to be appropriated for Air Force personnel supporting the Civil Air Patrol and for Air Force operation and maintenance support for the Civil Air Patrol.

#### THURMOND AMENDMENT NO. 2431

Mr. WARNER (for Mr. THURMOND) proposed an amendment to the bill S. 1026, supra; as follows:

On page 69, line 25, decrease the amount by \$10,000,000.

On page 70, line 5, strike out "\$1,472,947,000" and insert in lieu thereof "\$1,482,947,000".

#### GLENN (AND OTHERS) AMENDMENT NO. 2432

Mr. EXON (for Mr. GLENN, for himself, Mrs. FEINSTEIN, Mr. PELL, and Mr. MOYNIHAN) proposed an amendment to the bill S. 1026, supra; as follows:

On page 49, between lines 14 and 15, insert the following:

#### SEC. 224. JOINT SEISMIC PROGRAM AND GLOBAL SEISMIC NETWORK.

To the extent provided in appropriations Acts, \$9,500,000 of the unobligated balance of funds available to the Air Force for research, development, test, and evaluation for fiscal year 1995 shall be available for continuation of the Joint Seismic Program and Global Seismic Network.

#### HELMS AMENDMENT NO. 2433

Mr. WARNER (for Mr. HELMS) proposed an amendment to the bill S. 1026, supra; as follows:

On page 422, in the table preceding line 1, in the matter relating to the Special Operations Command at Fort Bragg, North Carolina, strike out "\$8,100,000" in the amount column and insert in lieu thereof "\$9,400,000".

On page 424, line 22, increase the amount by \$1,300,000.

On page 424, line 25, increase the amount by \$1,300,000.

#### SIMON AMENDMENT NO. 2434

Mr. EXON (for Mr. SIMON) proposed an amendment to the bill S. 1026, supra; as follows:

On page 366, between lines 17 and 18, insert the following:

(d) **RELATIONSHIP TO AUTHORITY OF SECRETARY OF STATE.**—Nothing in this section or section 462 of title 10, United States Code (as added by subsection (b)(1)), shall impair the authority or ability of the Secretary of State to coordinate policy regarding international military education and training programs.

#### SMITH AMENDMENT NO. 2435

Mr. WARNER (for Mr. SMITH) proposed an amendment to the bill S. 1026, supra; as follows:

On page 49, between lines 14 and 15, insert the following:

#### SEC. 224. DEPRESSED ALTITUDE GUIDED GUN ROUND SYSTEM.

Of the amount authorized to be appropriated under section 201(1), \$5,000,000 is au-

thorized to be appropriated for continued development of the depressed altitude guided gun round system.

#### KENNEDY AMENDMENT NO. 2436

Mr. EXON (for Mr. KENNEDY) proposed an amendment to the bill S. 1026, supra; as follows:

On page 21, following line 21, insert the following:

#### SEC. . REPORT ON AH-64D ENGINE UPGRADES.

(a) **REPORT.**—No later than February 1, 1996, the Secretary of the Army shall submit to Congress a report on plans to procure T700-701C engine upgrade kits for Army AH-64D helicopters.

The report shall include:

(1) a plan to provide for the upgrade of all Army AH-64D helicopters with T700-701C engine kits commencing in FY 1996.

(2) detailed timeline and funding requirements for the engine upgrade program described in (a)(1).

#### DOLE (AND THURMOND) AMENDMENT NO. 2437

Mr. WARNER (for Mr. DOLE, for himself and Mr. THURMOND) proposed an amendment to the bill S. 1026, supra; as follows:

On page 31, after line 22, insert the following:

#### SEC. 133. JOINT PRIMARY AIRCRAFT TRAINING SYSTEM PROGRAM.

Of the amount authorized to be appropriated under section 103(1), \$54,968,000 shall be available for the Joint Primary Aircraft Training System program for procurement of up to eight aircraft.

#### HEFLIN (AND SHELBY) AMENDMENT NO. 2438

Mr. EXON (for Mr. HEFLIN and Mr. SHELBY) proposed an amendment to the bill S. 1026, supra; as follows:

On page 16, line 20, strike out "\$1,532,964,000" and insert in lieu thereof "\$1,547,964,000".

On page 69, line 25, strike out "\$10,060,162,000" and insert in lieu thereof "\$10,045,162,000".

#### DOMENICI AMENDMENT NO. 2439

Mr. WARNER (for Mr. DOMENICI) proposed an amendment to the bill S. 1026, supra; as follows:

On page 277, after line 25, insert the following:

(b) **EFFECTIVE DATE FOR PROGRAM AUTHORITY.**—Section 554(b)(1) of the National Defense Authorization Act for Fiscal Year 1994 (107 Stat. 1666; 10 U.S.C. 1059 note) is amended by striking out "the date of the enactment of this Act—" and inserting in lieu thereof "April 1, 1994.—".

On page 277, beginning on line 21, strike out

#### "CLARIFICATION OF ENTITLEMENT".

On page 277, line 23, insert "(a) CLARIFICATION OF ENTITLEMENT.—" before "Section".

#### ROBB AMENDMENT NO. 2440

Mr. EXON (for Mr. ROBB) proposed an amendment to the bill S. 1026, supra; as follows:

On page 137, after line 24, insert the following:

#### SEC. 389. REPORT ON PRIVATE PERFORMANCE OF CERTAIN FUNCTIONS PERFORMED BY MILITARY AIRCRAFT.

(a) **REPORT REQUIRED.**—Not later than May 1, 1996, the Secretary of Defense shall submit

to Congress a report on the feasibility, including the costs and benefits, of using private sources for satisfying, in whole or in part, the requirements of the Department of Defense for VIP transportation by air, airlift for other personnel and for cargo, in-flight refueling of aircraft, and performance of such other military aircraft functions as the Secretary considers appropriate to discuss in the report.

(b) **CONTENT OF REPORT.**—The report shall include a discussion of the following:

(1) Contracting for the performance of the functions referred to in subsection (a).

(2) Converting to private ownership and operation the Department of Defense VIP air fleets, personnel and cargo aircraft, and in-flight refueling aircraft, and other Department of Defense aircraft.

(3) The wartime requirements for the various VIP and transport fleets.

(4) The assumptions used in the cost-benefit analysis.

(5) The effect on military personnel and facilities of using private sources, as described in paragraphs (1) and (2), for the purposes described in subsection (a).

#### BROWN AMENDMENT NO. 2441

Mr. WARNER (for Mr. BROWN) proposed an amendment to the bill S. 1026, supra; as follows:

At the appropriate place in the bill add the following:

#### SEC. . STUDY ON CHEMICAL WEAPONS STOCKPILE.

(a) **STUDY.**—(1) The Secretary of Defense shall conduct a study to assess the risk associated with transportation of the unitary stockpile, any portion of the stockpile to include drained \* \* \* from one location to another within the continental United States. Also, the Secretary shall include a study of the assistance available to communities in the vicinity if the Department of Defense facilities co-located with continuing chemical stockpile and chemical demilitarization operations which facilities are subject to closure, realignment, or reutilization.

(2) The review shall include an analysis of—

(A) the results of the physical and chemical integrity report conducted by the Army on existing stockpile;

(B) a determination of the viability of transportation of any portion of the stockpile, to include drained agent from munitions and the munitions;

(C) the safety, cost-effectiveness, and public acceptability of transporting the stockpile, in its current configuration, or in alternative configurations;

(D) the economic effects of closure, realignment, or reutilization of the facilities referred to in paragraph (1) on the communities referred to in that paragraph; and

(E) the unique problems that such communities face with respect to the reuse of such facilities as a result of the operations referred to in paragraph (1).

(b) **REPORT.**—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the study carried out under subsection (a). The report shall include recommendations of the Secretary on methods for ensuring the expeditious and cost-effective transfer or lease of facilities referred to in paragraph (1) of subsection (a) to communities referred to in paragraph (1) for reuse by such communities.

MIKULSKI (AND SARBANES)  
AMENDMENT NO. 2442

Mr. EXON (for Ms. MIKULSKI, for herself and Mr. SARBANES) proposed an amendment to the bill, S. 1026, supra; as follows:

On page 468, below line 24, add the following:

**SEC. 2825. CONSOLIDATION OF DISPOSAL OF PROPERTY AND FACILITIES AT FORT HOLABIRD, MARYLAND.**

(a) CONSOLIDATION.—Notwithstanding any other provision of law, the Secretary of Defense shall dispose of the property and facilities at Fort Holabird, Maryland, described in subsection (b) in accordance with subparagraph (2)(e) of the Base Closure Community Redevelopment and Homeless Assistance Act of 1994 (P.L. 103-421), treating the property described in (b) as if the CEO of the State had submitted a timely request to the Secretary of Defense under subparagraph (2)(e)(i)(B)(ii) of the Base Closure Community Redevelopment and Homeless Assistance Act of 1994 (P.L. 103-42.)

(b) COVERED PROPERTY AND FACILITIES.—Subsection (a) applies to the following property and facilities at Fort Holabird, Maryland:

(1) Property and facilities that were approved for closure or realignment under the 1988 base closure law that are not disposed of as of the date of the enactment of this Act, including buildings 305 and 306 and the parking lots and other property associated with such buildings.

(2) Property and facilities that are approved for closure or realignment under the 1990 base closure law in 1995.

(c) USE OF SURVEYS AND OTHER EVALUATIONS OF PROPERTY.—In carrying out the disposal of the property and facilities referred to in subsection (b)(1), the Secretary shall utilize any surveys and other evaluations of such property and facilities that are prepared by the Corps of Engineers before the date of the enactment of this Act as part of the process for the disposal of such property and facilities under the 1988 base closure law.

(d) DEFINITIONS.—In this section:

(1) The term "1988 base closure law" means title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

(2) The term "1990 base closure law" means the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

**SEC. 2826. LAND CONVEYANCE, PROPERTY UNDERLYING CUMMINS APARTMENT COMPLEX, FORT HOLABIRD, MARYLAND.**

(a) CONVEYANCE AUTHORIZED.—Notwithstanding any other provision of law, the Secretary of the Army may convey to the existing owner of the improvements thereon all right, title, and interest of the United States in and to a parcel of real property underlying the Cummins Apartment Complex at Fort Holabird, Maryland, consisting of approximately 6 acres and any interest the U.S. may have in the improvements thereon.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the owner of the improvements referred to in that subsection shall provide compensation to the United States in an amount equal to the fair market value (as determined by the Secretary) of the property interest to be conveyed.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey that is satisfactory to the Secretary.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional

terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

WARNER AMENDMENT NO. 2443

Mr. WARNER proposed an amendment to the bill S. 1026, supra; as follows:

On page 403, between lines 16 and 17, insert the following:

**SEC. 1095. DESIGNATION OF NATIONAL MARITIME CENTER.**

(a) DESIGNATION OF NATIONAL MARITIME CENTER.—The NAUTICUS building, located at One Waterside Drive, Norfolk, Virginia, shall be known and designated as the "National Maritime Center".

(b) REFERENCE TO NATIONAL MARITIME CENTER.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the "National Maritime Center".

BOXER AMENDMENT NO. 2444

Mr. EXON (for Mrs. BOXER) proposed an amendment to the bill, S. 1026, supra; as follows:

On page 487, after line 24, add the following:

**SEC. 2838. REPORT ON DISPOSAL OF PROPERTY, FORT ORD MILITARY COMPLEX, CALIFORNIA.**

Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report describing the plants of the Secretary for the disposal of a parcel of real property consisting of approximately 477 acres at the former Fort Ord Military Complex, California, including the Black Horse Golf Course, the Bayonet Golf Course, and a portion of the Hayes Housing Facility.

STEVENS (AND BREAUX)  
AMENDMENT NO. 2445

Mr. WARNER (for Mr. STEVENS, for himself and Mr. BREAUX) proposed an amendment to the bill, S. 1026, supra; as follows:

On page 305, beginning on line 1, strike all through line 10 and insert in lieu thereof the following:

**SEC. 802. PROCUREMENT NOTICE POSTING THRESHOLDS AND SUBCONTRACTS FOR OCEAN TRANSPORTATION SERVICES.**

(a) PROCUREMENT NOTICE POSTING THRESHOLDS.—Section 18(a)(1)(B) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(a)(1)(B)) is amended—

(1) by striking out "subsection (f)—" and all that follows through the end of the subparagraph and inserting in lieu thereof "subsection (b); and"; and

(2) by inserting after "property or services" the following: "for a price expected to exceed \$10,000, but not to exceed \$25,000,".

(b) SUBCONTRACTS FOR OCEAN TRANSPORTATION SERVICES.—Notwithstanding any other provision of law, neither section 901(b) of the Merchant Marine Act, 1936 (46 U.S.C. 1241(b)) nor section 2631 of title 10, United States Code, shall be included prior to May 1, 1996 on any list promulgated under section 34(b) of the Office of Federal Procurement Policy Act (41 U.S.C. 430(b)).

ROBB AMENDMENT NO. 2446

Mr. EXON (for Mr. ROBB) proposed an amendment to the bill S. 1026, supra; as follows:

On page 331, between lines 19 and 20, insert the following:

"(3) If the total amount reported in accordance with paragraph (2) is less than \$1,080,000,000 an additional separate listing described in paragraph (2) in a total amount equal to \$1,080,000,000".

PRYOR (AND OTHERS)  
AMENDMENT NO. 2447

Mr. EXON (for Mr. PRYOR, for himself, Mrs. FEINSTEIN, and Mrs. BOXER) proposed an amendment to the bill S. 1026, supra; as follows:

On page 468, after line 24, add the following:

**SEC. 2825. 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."

GRASSLEY AMENDMENT NO. 2448

Mr. WARNER (for Mr. GRASSLEY) proposed an amendment to the bill S. 1026, supra; as follows:

On page 403, between lines 16 and 17, insert the following:

**SEC. 1095. OPERATIONAL SUPPORT AIRLIFT AIRCRAFT FLEET.**

(a) SUBMITTAL OF JCS REPORT ON AIRCRAFT.—Not later than February 1, 1996, the Secretary of Defense shall submit to Congress the report on aircraft designated as Operational Support Airlift Aircraft that is currently in preparation by the Joint Chiefs of Staff.

(b) CONTENT OF REPORT.—(1) The report shall contain findings and recommendations regarding the following:

(A) Modernization and safety requirements for the Operational Support Airlift Aircraft fleet.

(B) Standardization plans and requirements of that fleet.

(C) The disposition of aircraft considered excess to that fleet in light of the requirements set forth under subparagraph (A).

(D) The need for helicopter support in the National Capital Region.

(E) The acceptable uses of helicopter support in the National Capital Region.

(2) In preparing the report, the Joint Chiefs of Staff shall take into account the recommendation of the Commission on Roles

and Missions of the Armed Forces to reduce the size of the Operational Support Airlift Aircraft fleet.

(c) REGULATIONS.—Upon completion of the report referred to in subsection (a), the secretary shall prescribe regulations, consistent with the findings and recommendations set forth in the report, for the operation, maintenance, disposition, and use of aircraft designated as Operational Support Airlift Aircraft.

(2) The regulations shall, to the maximum extent practicable, provide for, and encourage the use of, commercial airlines in lieu of the use of aircraft designated as Operational Support Airlift Aircraft.

(3) The regulations shall apply uniformly throughout the Department of Defense.

(4) The regulations should not require exclusive use of the aircraft designated as Operational Support Airlift Aircraft for any particular class of government personnel.

(d) REDUCTIONS IN FLYING HOURS.—(1) The Secretary shall ensure that the number of hours flown in fiscal year 1996 by aircraft designated as Operational Support Airlift Aircraft does not exceed the number equal to 85 percent of the number of hours flown in fiscal year 1995 by such aircraft.

(2) The Secretary should ensure that the number of hours flown in fiscal year 1996 for helicopter support in the National Capital Region does not exceed the number equal to 85 percent of the number of hours flown in fiscal year 1995 for such helicopter support.

(e) RESTRICTION ON AVAILABILITY OF FUNDS.—Of the funds authorized to be appropriated under title III for the operation and use of aircraft designated as Operational Support Airlift Aircraft, not more than 50 percent of such funds shall be available for that purpose until the submittal of the report referred to in subsection (a).

#### DOMENICI (AND INOUE) AMENDMENT NO. 2449

Mr. WARNER (for Mr. DOMENICI, for himself and Mr. INOUE) proposed an amendment to the bill S. 1026, supra; as follows:

On page 49, between lines 14 and 15, insert the following:

#### SEC. . ARMY ECHELON ABOVE CORPS COMMUNICATIONS.

Of the amount authorized to be appropriated under section 201(3), \$40,000,000 is hereby transferred to the authorization of appropriations under section 101(5) for procurement of communications equipment for Army echelons above corps.

#### SIMON AMENDMENT NO. 2450

Mr. EXON (for Mr. SIMON) proposed an amendment to the bill S. 1026, supra; as follows:

On page 487, below line 24, add the following new sections:

#### SEC. 2838. LAND CONVEYANCE, NAVY PROPERTY, FORT SHERIDAN, ILLINOIS.

(a) AUTHORITY TO CONVEY.—Subject to subsections (b) and (1), the Secretary of the Navy may convey to any transferee selected under subsection (i) all right, title, and interest of the United States in and to a parcel of real property (including any improvements thereon) at Fort Sheridan, Illinois, consisting of approximately 182 acres and comprising the Navy housing areas at Fort Sheridan.

(b) REQUIREMENT FOR FEDERAL SCREENING OF PROPERTY.—The Secretary may not carry out the conveyance of property authorized by subsection (a) unless the Secretary determines that no department or agency of the

Federal Government will accept the transfer of the property.

(c) CONSIDERATION.—(1) As consideration for the conveyance under subsection (a), the transferee selected under subsection (i) shall—

(A) convey to the United States a parcel of real property that meets the requirements of subsection (d);

(B) design for and construct on the property conveyed under subparagraph (A) such housing facilities (including support facilities and infrastructure) to replace the housing facilities conveyed pursuant to the authority in subsection (a) as the Secretary considers appropriate;

(C) pay the cost of relocating Navy personnel residing in the housing facilities located on the real property conveyed pursuant to the authority in subsection (a) to the housing facilities constructed under subparagraph (B);

(D) provide for the education of dependents of such personnel under subsection (e); and

(E) carry out such activities for the maintenance and improvement of the facilities constructed under subparagraph (B) as the Secretary and the transferee jointly determine appropriate.

(2) The Secretary shall ensure that the fair market value of the consideration provided by the transferee under paragraph (1) is not less than the fair market value of the property interest conveyed by the Secretary under subsection (a).

(d) REQUIREMENTS RELATING TO PROPERTY TO BE CONVEYED TO UNITED STATES.—The property interest conveyed to the United States under subsection (c)(1)(A) by the transferee selected under subsection (i) shall—

(1) be located not more than 25 miles from the Great Lakes Naval Training Center, Illinois;

(2) be located in a neighborhood or area having social and economic conditions similar to the social and economic conditions of the area in which Fort Sheridan is located; and

(3) be acceptable to the Secretary.

(e) EDUCATION OF DEPENDENTS OF NAVY PERSONNEL.—(1) In providing for the education of dependents of Navy personnel under subsection (c)(1)(D), the transferee selected under subsection (i) shall ensure that such dependents may enroll at the schools of one or more school districts in the vicinity of the real property conveyed to the United States under subsection (c)(1)(A) which schools and districts—

(A) meet such standards for schools and school districts as the Secretary shall establish; and

(B) will continue to meet such standards after the enrollment of such dependents regardless of the receipt by such school districts of Federal impact aid.

(f) INTERIM RELOCATION OF NAVY PERSONNEL.—Pending completion of the construction of all the housing facilities proposed to be constructed under subsection (c)(1)(B) by the transferee selected under subsection (i), the Secretary may relocate Navy personnel residing in housing facilities located on the property to be conveyed pursuant to the authority in subsection (a) to the housing facilities that have been constructed by the transferee under such subsection (c)(1)(B).

(g) APPLICABILITY OF CERTAIN AGREEMENTS.—The property conveyed by the Secretary pursuant to the authority in subsection (a) shall be subject to the Memorandum of Understanding concerning the Transfer of Certain Properties at Fort Sheridan, Illinois, dated August 8, 1991, between the Department of the Army and the Department of the Navy.

(h) DETERMINATION OF FAIR MARKET VALUE.—The Secretary shall determine the fair market value of the real property interest to be conveyed under subsection (a) and of the consideration to be provided under subsection (c)(1). Such determination shall be final.

(i) SELECTION OF TRANSFEREE.—(1) The Secretary shall use competitive procedures for the selection of a transferee under subsection (a).

(2) In evaluating the offers of prospective transferees, the Secretary shall—

(A) consider the technical sufficiency of the offers and the adequacy of the offers in meeting the requirements for consideration set forth in subsection (c)(1); and

(B) consult with the communities and jurisdictions in the vicinity of Fort Sheridan (including the City of Lake Forest, the City of Highwood, and the City of Highland Park and the County of Lake) in order to determine the most appropriate use of the property to be conveyed.

(j) DESCRIPTIONS OF PROPERTY.—The exact acreage and legal descriptions of the real property to be conveyed by the Secretary under subsection (a) and the real property to be conveyed under subsection (c)(1)(A) shall be determined by surveys satisfactory to the Secretary. The cost of such surveys shall be borne by the transferee selected under subsection (i).

(k) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

#### SEC. 2839. LAND CONVEYANCE, ARMY RESERVE PROPERTY, FORT SHERIDAN, ILLINOIS.

(a) AUTHORITY TO CONVEY.—Subject to subsection (b), the Secretary of the Army may convey to any transferee selected under subsection (g) all right, title, and interest of the United States in and to a parcel of real property (including improvements thereon) at Fort Sheridan, Illinois, consisting of approximately 114 acres and comprising an Army Reserve area.

(b) REQUIREMENT FOR FEDERAL SCREENING OF PROPERTY.—The Secretary may not carry out the conveyance of property authorized by subsection (a) unless the Secretary determines that no department or agency of the Federal Government will accept the transfer of the property.

(c) CONSIDERATION.—(1) As consideration for the conveyance under subsection (a), the transferee selected under subsection (g) shall—

(A) convey to the United States a parcel of real property that meets the requirements of subsection (d);

(B) design for and construct on the property conveyed under subparagraph (A) such facilities (including support facilities and infrastructure) to replace the facilities conveyed pursuant to the authority in subsection (a) as the Secretary considers appropriate; and

(C) pay the cost of relocating Army personnel in the facilities located on the real property conveyed pursuant to the authority in subsection (a) to the facilities constructed under subparagraph (B).

(2) The Secretary shall ensure that the fair market value of the consideration provided by the transferee under paragraph (1) is not less than the fair market value of the real property conveyed by the Secretary under subsection (a).

(d) REQUIREMENTS RELATING TO PROPERTY TO BE CONVEYED TO UNITED STATES.—The real property conveyed to the United States under subsection (c)(1)(A) by the transferee selected under subsection (g) shall—

(1) be located not more than 25 miles from Fort Sheridan;

(2) be located in a neighborhood or area having social and economic conditions similar to the social and economic conditions of the area in which Fort Sheridan is located; and

(3) be acceptable to the Secretary.

(e) **INTERIM RELOCATION OF ARMY PERSONNEL.**—Pending completion of the construction of all the facilities proposed to be constructed under subsection (c)(1)(B) by the transferee selected under subsection (g), the Secretary may relocate Army personnel in the facilities located on the property to be conveyed pursuant to the authority in subsection (a) to the facilities that have been constructed by the transferee under such subsection (c)(1)(B).

(f) **DETERMINATION OF FAIR MARKET VALUE.**—The Secretary shall determine the fair market value of the real property to be conveyed under subsection (a) and of the consideration to be provided under subsection (c)(1). Such determination shall be final.

(g) **SELECTION OF TRANSFEEE.**—(1) The Secretary shall use competitive procedures for the selection of a transferee under subsection (a).

(2) In evaluating the offers of prospective transferees, the Secretary shall—

(A) consider the technical sufficiency of the offers and the adequacy of the offers in meeting the requirements for consideration set forth in subsection (c)(1); and

(B) consult with the communities and jurisdictions in the vicinity of Fort Sheridan (including the City of Lake Forest, the City of Highwood, and the City of Highland Park and the County of Lake) in order to determine the most appropriate use of the property to be conveyed.

(h) **DESCRIPTIONS OF PROPERTY.**—The exact acreage and legal descriptions of the real property to be conveyed by the Secretary under subsection (a) and the real property to be conveyed under subsection (c)(1)(A) shall be determined by surveys satisfactory to the Secretary. The cost of such surveys shall be borne by the transferee selected under subsection (g).

(i) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

#### LEVIN AMENDMENT NO. 2451

Mr. LEVIN proposed an amendment to the bill S. 1026, *supra*; as follows:

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

#### **SEC. . SENSE OF THE SENATE ON CHEMICAL WEAPONS CONVENTION AND START II TREATY RATIFICATION.**

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

(1) Proliferation of chemical or nuclear weapons materials poses a danger to United States national security, and the threat or use of such materials by terrorists would directly threaten U.S. citizens at home and abroad.

(2) The Chemical Weapons Convention negotiated and signed by President Bush would make it more difficult for would-be proliferators, including terrorists, to acquire or use chemical weapons.

(3) The START II Treaty negotiated and signed by President Bush would help reduce the danger of potential proliferators, including terrorists, acquiring nuclear warheads and materials, and would contribute to U.S.-Russian bilateral efforts to secure and dismantle nuclear warheads.

(4) It is in the national security interest of the United States to take effective steps to make it harder for proliferators or would-be terrorists to obtain chemical or nuclear materials for use in weapons.

(5) The President has urged prompt Senate action on, and advice and consent to ratification of, the START II Treaty and the Chemical Weapons Convention.

(6) The Chairman of the Joint Chiefs of Staff has testified to Congress that ratification of both treaties is in the U.S. national interest, and has strongly urged prompt Senate advice and consent to their ratification.

(b) **SENSE OF THE SENATE.**—It is the sense of the Senate that the Senate should promptly consider giving its advice and consent to ratification of the START II Treaty and the Chemical Weapons Convention.

#### PRYOR AMENDMENT NO. 2452

Mr. NUNN (for Mr. PRYOR) proposed an amendment to the bill, S. 1026, *supra*; as follows:

On page 49, between lines 14 and 15, insert the following:

#### **SEC. 224. TESTING OF THEATER MISSILE DEFENSE INTERCEPTORS.**

(a) The Secretary of Defense may not approve a theater missile defense interceptor program proceeding beyond the low-rate initial production acquisition stage until the Secretary certifies to the congressional defense committees that such program has successfully completed initial operational test and evaluation, and if found to be a suitable and effective system.

(b) In order to be certified under subsection (a) as having been successfully completed, the initial operational test and evaluation conducted with respect to an interceptor program must have included flight tests—

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

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

(c) For purposes of this section, the baseline performance thresholds with respect to a program are the weapons systems performance thresholds specified in the baseline description for the system established (pursuant to section 2435(a)(1) of title 10, United States Code) before the program entered the engineering and manufacturing development stage.

(d) The number of flight tests described in subsection (b) that are required in order to make the certification under subsection (a) shall be a number determined by the Director of Operational Test and Evaluation to be sufficient for the purposes of this section.

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

(f) The Director of 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 of Operational Test and Evaluation and Ballistic Missile Defense Organization shall include in their annual reports to Congress an assessment to how these programs satisfy planned test objectives.

#### THURMOND AMENDMENT NO. 2453

Mr. WARNER (for Mr. THURMOND) proposed an amendment to the bill S. 1026, *supra*; as follows:

On page 133, line 25, strike out “such Act” and insert in lieu thereof “the Elementary and Secondary Education Act of 1965”.

On page 195, line 15, insert “(1)” after “(d)”.

On page 195, line 15, strike out “it is a” and insert in lieu thereof “it is an affirmative”.

On page 195, line 17, strike out “(1)” and insert in lieu thereof “(A)”.

On page 195, line 21, strike out “(2)” and insert in lieu thereof “(B)”.

On page 195, line 23, strike out the end quotation marks and second period.

On page 195, after line 23, insert the following:

“(2) The accused has the burden of proving a defense under paragraph (1) by a preponderance of the evidence.”

On page 250, beginning on line 20, strike out “Not later than December 15, 1996, the” and insert in lieu thereof “The”.

On page 375, strike out lines 11 through 15. On page 375, line 16, strike out “(p)” and insert in lieu thereof “(o)”.

On page 375, line 20, strike out “(q)” and insert in lieu thereof “(p)”.

On page 376, line 1, strike out “(r)” and insert in lieu thereof “(q)”.

On page 376, line 7, strike out “(s)” and insert in lieu thereof “(r)”.

On page 376, line 13, strike out “(t)” and insert in lieu thereof “(s)”.

On page 376, line 22, strike out “(u)” and insert in lieu thereof “(t)”.

On page 377, line 3, strike out “(v)” and insert in lieu thereof “(u)”.

On page 378, between line 23 and 24, insert the following:

(c) **PUBLIC LAW 100-180 REQUIREMENT FOR SELECTED ACQUISITION REPORTS FOR ATB, ACM, AND ATA PROGRAMS.**—Section 127 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (10 U.S.C. 2432 note) is repealed.

On page 378, line 24, strike out “(c)” and insert in lieu thereof “(d)”.

On page 379, line 5, strike out “(d) and insert in lieu thereof “(e)”.

On page 379, line 14, strike out “(e) and insert in lieu thereof “(f)”.

On page 379, line 20, strike out “(f)” and insert in lieu thereof “(g)”.

Beginning on page 379, line 24, strike out “106 Stat. 2370;” and all that follows through page 380, line 2, and insert in lieu thereof “106 Stat. 2368; 10 U.S.C. 301 note) is amended by striking out paragraphs (4) and (5).”

On page 380, line 3, strike out “(g)” and insert in lieu thereof “(h)”.

#### BYRD AMENDMENT NO. 2454

Mr. NUNN (for Mr. BYRD) proposed an amendment to the bill S. 1026, *supra*; as follows:

On page 137, after line 24, insert the following:

#### **SEC. 389. ALLEGANY BALLISTICS LABORATORY.**

Of the amount authorized to be appropriated under section 301(2), \$2,000,000 shall be available for the Allegany Ballistics Laboratory for essential safety functions.

#### THURMOND AMENDMENT NO. 2455

Mr. WARNER (for Mr. THURMOND) proposed an amendment to the bill S. 1026, *supra*; as follows:

On page 69, line 20, strike out “\$18,086,206,000” and insert in lieu thereof “\$18,073,206,000”.

On page 69, line 21, strike out “\$21,356,960,000” and insert in lieu thereof “\$21,343,960,000”.

On page 69, line 23, strike out “\$18,237,893,000” and insert in lieu thereof “\$18,224,893,000”.

On page 69 line 25, strike out "\$10,060,162,000" and insert in lieu thereof "\$10,046,162,000".

On page 407, between lines 19 and 20, insert the following:

**SEC. 2105. REDUCTION IN AMOUNTS AUTHORIZED TO BE APPROPRIATED FOR FISCAL YEAR 1992 MILITARY CONSTRUCTION PROJECTS.**

Section 2105(a) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102-190; 105 Stat. 1511), as amended by section 2105(b)(2)(A) of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103-160; 107 Stat. 1859), is further amended in the matter preceding paragraph (1) by striking out "\$2,571,974,000" and insert in lieu thereof "\$2,565,729,000".

On page 417, in the table preceding line 1, in the amount column of the item relating to Spangdahlem Air Base, Germany, strike out "\$8,300,000" and insert in lieu thereof "\$8,380,000".

On page 419, line 24, strike out "\$49,450,000" and insert in lieu thereof "\$49,400,000".

On page 420, after line 21, add the following:

**SEC. 2305. REDUCTION IN AMOUNTS AUTHORIZED TO BE APPROPRIATED FOR FISCAL YEAR 1992 MILITARY CONSTRUCTION PROJECTS.**

Section 2305(a) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102-190; 105 Stat. 1525), as amended by section 2308(a)(2)(A) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2598) and by section 2305(a)(3)(A) of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103-160; 107 Stat. 1871), is further amended in the matter preceding paragraph (1) by striking out "\$2,033,833,000" and inserting in lieu thereof "\$2,017,828,000".

On page 424, line 22, strike out "\$4,565,533,000" and insert in lieu thereof "\$4,466,783,000".

On page 425, line 9, strike out "\$47,950,000" and insert in lieu thereof "\$47,900,000".

On page 426, line 13, strike out "\$3,897,892,000" and insert in lieu thereof "\$3,799,192,000".

On page 427, line 25, add the following:

**SEC. 2407. REDUCTION IN AMOUNTS AUTHORIZED TO BE APPROPRIATED FOR PRIOR YEAR MILITARY CONSTRUCTION PROJECTS.**

(a) FISCAL YEAR 1991 AUTHORIZATIONS.—Section 2405(a) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101-510; 104 Stat. 1779), as amended by section 2409(b)(1) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102-190; 105 Stat. 1991), is further amended in the matter preceding paragraph (1) by striking out "\$1,644,478,000" and inserting in lieu thereof "\$1,641,244,000".

(b) FISCAL YEAR 1992 AUTHORIZATIONS.—Section 2404(a) of the Military Construction Authorization Act for Fiscal Year 1992 (105 Stat. 1531), as amended by section 2404(b)(1)(A) of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103-160; 107 Stat. 1877), is further amended in the matter preceding paragraph (1) by striking out "\$1,665,440,000" and inserting in lieu thereof "\$1,658,640,000".

(c) FISCAL YEAR 1993 AUTHORIZATIONS.—Section 2403(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2600), is amended in the matter preceding paragraph (1) by striking out "\$2,567,146,000" and inserting in lieu thereof "\$2,558,556,000".

**FEINSTEIN AMENDMENT NO. 2456**

Mr. NUNN (for Mrs. FEINSTEIN) proposed an amendment to the bill S. 1026, supra; as follows:

On page 487, below line 24, add the following:

**SEC. 2838 LAND CONVEYANCE, NAVAL COMMUNICATIONS STATION, STOCKTON, CALIFORNIA.**

(a) AUTHORITY TO CONVEY.—The Secretary of the Navy may, upon the concurrence of the Administrator of General Services and the Secretary of Housing and Urban Development, convey to the Port of Stockton (In this section referred to as the "Port"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 1,450 acres at the Naval Communication Station Stockton, California.

(b) INTERIM LEASE.—Until such time as the real property described in subsection (a) is conveyed by deed, the Secretary may lease the property, along with improvements thereon, to the Port under terms and conditions satisfactory to the Secretary.

(c) CONSIDERATION.—The conveyance may be as a public benefit conveyance for port development as defined in Section 203 of the Federal Property and Administrative Services Act of 1949, (40 U.S.C. 484), as amended, provided the Port satisfies the criteria in section 203 and such regulations as the Administrator of General Services may prescribe to implement that section. Should the Port fail to qualify for a public benefit conveyance and still desire to acquire the property, then the Port shall, as consideration for the conveyance, pay to the United States an amount equal to the fair market value of the property to be conveyed, as determined by the Secretary.

(d) FEDERAL LEASE OF CONVEYED PROPERTY.—Notwithstanding any other provision of law, as a condition for transfer of this property under subparagraph (a), the Secretary may require that the Port agree to lease all or a part of the property currently under federal use at the time of conveyance to the United States for use by the Department of Defense or any other federal agency under the same terms and conditions now presently in force. Such terms and conditions will continue to include payment (to the Port) for maintenance of facilities leased to the Federal Government. Such maintenance of the Federal premises shall be to the reasonable satisfaction of the United States, or as required by all applicable Federal, State and local laws and ordinances.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by Port.

(f) ADDITIONAL TERMS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) or the lease under subsection (b) as the Secretary considers appropriate to protect the interests of the United States.

(g) ENVIRONMENTAL QUALITY OF PROPERTY.—Any contract for sale, deed, or other transfer of real property under this section shall be carried out in compliance with section 120(h) of the CERCLA (42USC9620(h)) and other environmental laws.

**HARKIN (AND BOXER)  
AMENDMENT NO. 2457**

Mr. NUNN (for Mr. HARKIN, for himself and Mrs. BOXER) proposed an amendment to the bill S. 1026, supra; as follows:

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

**"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.

"(b) It is the Sense of the Senate that the Congress should consider extending the restriction described in section (a) permanently."

**JOHNSTON AMENDMENT NO. 2458**

Mr. NUNN (for Mr. JOHNSTON) proposed an amendment to the bill S. 1026, supra; as follows:

On page 535, at the end of subtitle A, add the following new sections:

**"SEC. . STANDARDIZATION OF ETHICS AND REPORTING REQUIREMENTS AFFECTING THE DEPARTMENT OF ENERGY WITH GOVERNMENT-WIDE STANDARDS.**

"(a) REPEALS.—(1) Part A of title VI of the Department of Energy Organization Act and its catchline (42 U.S.C. 7211, 7212, and 7218) are repealed.

"(2) Section 308 of the Energy Research and Development Administration Appropriation Authorization Act for Fiscal Year 1977 (42 U.S.C. 5816a) is repealed.

"(3) Section 522 of the Energy Policy and Conservation Act (42 U.S.C. 6392) is repealed.

"(b) CONFORMING AMENDMENTS.—(1) The table of contents for the Department of Energy Organization Act is amended by striking out the items relating to part A of title VI including sections 601 through 603.

"(2) The table of contents for the Energy Policy and Conservation Act is amended by striking out the matter relating to section 522."

**"SEC. . CERTAIN ENVIRONMENTAL RESTORATION REQUIREMENTS.**

It is the sense of Congress that—

"(1) No individual acting within the scope of that individual's employment with a Federal agency or department shall be personally subject to civil or criminal sanctions, for any failure to comply with an environmental cleanup requirement under the Solid Waste Disposal Act or the Comprehensive Environmental Response, Compensation, and Liability Act or an analogous requirement under comparable Federal, State, or local laws, where the failure to comply is due to lack of funds requested or appropriated to carry out such requirement. Federal and State enforcement authorities shall refrain from enforcement action in such circumstances.

"(2) If appropriations by the Congress for fiscal year 1996 or any subsequent fiscal year are insufficient to fund any such environmental cleanup requirements, the Committees of Congress with jurisdiction shall examine the issue, elicit the views of Federal agencies, affected States, and the public, and consider appropriate statutory amendments to address personal criminal liability, and any related issues pertaining to potential liability of any Federal agency or department or its contractors."

**DORGAN (AND CONRAD)  
AMENDMENT NO. 2459**

Mr. NUNN (for Mr. DORGAN, for himself and Mr. CONRAD) proposed an amendment to the bill S. 1026, supra; as follows:

On page 487, after line 24, add the following:

**SEC. 2838. LAND CONVEYANCE, WILLIAM LANGER JEWEL BEARING PLANT, ROLLA, NORTH DAKOTA.**

(a) **AUTHORITY TO CONVEY.**—The Administrator of General Services may convey, without consideration, to the Job Development Authority of the City of Rolla, North Dakota (in this section referred to as the "Authority"), all right, title, and interest of the United States in and to a parcel of real property, with improvements thereon and all associated personal property, consisting of approximately 9.77 acres and comprising the William Langer Jewel Bearing Plant in Rolla, North Dakota.

(b) **CONDITION OF CONVEYANCE.**—The conveyance authorized under subsection (a) shall be subject to the condition that the Authority—

(1) use the real and personal property and improvements conveyed under that subsection for economic development relating to the jewel bearing plant;

(2) enter into an agreement with an appropriate public or private entity or person to lease such property and improvements to that entity or person for such economic development; or

(3) enter into an agreement with an appropriate public or private entity or person to sell such property and improvements to that entity or person for such economic development.

(c) **PREFERENCE FOR DOMESTIC DISPOSAL OF JEWEL BEARINGS.**—(1) In offering to enter into agreements pursuant to any provision of law for the disposal of jewel bearings from the National Defense Stockpile, the President shall give a right of first refusal on all such offers to the Authority or to the appropriate public or private entity or person with which the Authority enters into an agreement under subsection (b).

(2) For the purposes of this section, the term "National Defense Stockpile" means the stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98(c)).

(d) **AVAILABILITY OF FUNDS FOR MAINTENANCE AND CONVEYANCE OF PLANT.**—Notwithstanding any other provision of law, funds available in fiscal year 1995 for the maintenance of the William Langer Jewel Bearing Plant in Public Law 103-335 shall be available for the maintenance of that plant in fiscal year 1996, pending conveyance, and for the conveyance of that plant under this section.

(e) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the property conveyed under this section shall be determined by a survey satisfactory to the Administrator. The cost of such survey shall be borne by the Administrator.

(f) **ADDITIONAL TERMS AND CONDITIONS.**—The Administrator may require such additional terms and conditions in connection with the conveyance under this section as the Administrator determines appropriate to protect the interests of the United States.

**NUNN AMENDMENT NO. 2460**

Mr. NUNN proposed an amendment to the bill S. 1026, supra; as follows:

On page 487, below line 24, add the following:

**SEC. 2838. LAND EXCHANGE, UNITED STATES ARMY RESERVE CENTER, GAINESVILLE, GEORGIA.**

(a) **IN GENERAL.**—The Secretary of the Army may convey to the City of Gainesville, Georgia (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real prop-

erty (together with any improvements thereon) consisting of approximately 4.2 acres located on Shallowford Road, in the City of Gainesville, Georgia.

(b) **CONSIDERATION.**—As consideration for the conveyance authorized by subsection (a), the City shall—

(1) convey to the United States all right, title, and interest in and to a parcel of real property consisting of approximately 8 acres of land, acceptable to the Secretary, in the Atlas Industrial Park, Gainesville, Georgia;

(2) design and construct on such real property suitable replacement facilities in accordance with the requirements of the Secretary, for the training activities of the United States Army Reserve;

(3) fund and perform any environmental and cultural resource studies, analysis, documentation that may be required in connection with the land exchange and construction considered by this section;

(4) reimburse the Secretary for the costs of relocating the United States Army Reserve units from the real property to be conveyed under subsection (a) to the replacement facilities to be constructed by the City under subsection (b)(2). The Secretary shall deposit such funds in the same account used to pay for the relocation;

(5) pay to the United States an amount as may be necessary to ensure that the fair market value of the consideration provided by the City under this subsection is not less than fair market value of the parcel of real property conveyed under subsection (a); and

(6) assume all environmental liability under the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9620(h)) for the real property to be conveyed under subsection (b)(1).

(c) **DETERMINATION OF FAIR MARKET VALUE.**—(1) The determination of the Secretary regarding the fair market value of the real property to be conveyed pursuant to subsection (a), and of any other consideration provided by the City under subsection (b), shall be final.

(d) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the parcels of real property to be conveyed under subsections (a) and (b) shall be determined by surveys satisfactory to the Secretary. The cost of such surveys shall be borne by the City.

(e) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require any additional terms and conditions in connection with the conveyances under this section that the Secretary considers appropriate to protect the interest of the United States.

**ADDITIONAL STATEMENTS**

**BULLYING TAIWAN**

● Mr. SIMON. Mr. President, recently, the New York Times had an editorial titled, "Bullying Taiwan," which appeared while Congress was not in session.

It comments on what is taking place in China and that country's irresponsible conduct toward Taiwan.

For years before the United States recognized the People's Republic of China, I had favored dual recognition, as we did with East Germany and West Germany.

But for reasons I understand, in part to keep China on an anti-Soviet course, the United States continued to follow a one China policy. It was wrong before, and it is wrong now.

As the editorial points out, Taiwan has been under Beijing's rule only 4 years in the last century.

I ask that the New York Times editorial be printed in the RECORD at this point, and I urge my colleagues to read it, if they have not already.

The editorial follows:

**BULLYING TAIWAN**

China has embarked on an escalating campaign of military maneuvers meant to intimidate Taiwan and undermine its President, Lee Teng-hui. Washington, as much as it wants to calm troubled relations with Beijing, must firmly signal its opposition to this campaign. Ties with China cannot be built on tolerance for provocative displays of military force and efforts to destabilize Taiwan.

Last week China began its second missile exercise this summer in the waters surrounding Taiwan. More are planned in the weeks ahead, timed to coincide with the campaign to choose Taiwan's first democratically elected President next March.

Mr. Lee, who led Taiwan from dictatorship to democracy after coming to power as the handpicked successor of Chiang Kai-shek and his son, is now the front-runner in that election. But Beijing hopes its military muscle can frighten Taiwan into choosing someone more malleable.

Mr. Lee has drawn China's ire by a series of personal visits abroad, most prominently a May trip to attend his college reunion in the United States. Beijing is upset because these actions challenge its contention that Taiwan is an integral part of China and that any separate political identity for Taiwan diminishes China's sovereignty.

This "one-China policy" had its origins in 1949, when Chiang moved the seat of his defeated Government to Taiwan. From then on, Chiang in Taipei and Mao Zedong in Beijing each insisted his own regime was the legitimate government of China, with authority over both the mainland and Taiwan.

When it recognized Chiang, the United States found the one-China formula convenient. When America switched recognition to the Communists in 1979, Beijing insisted that Washington continue to honor the point. The United States therefore has no formal diplomatic ties with Taiwan.

For Beijing, the one-China concept has been the cornerstone of normalized relations with Washington. Tampering with it would throw the entire relationship into turmoil. Yet continued Chinese military provocations could force the United States to re-evaluate its position.

While diplomatically convenient, the formula has never corresponded very closely to reality. While most of Taiwan's people are descended from Chinese who migrated there several centuries ago, the island, 100 miles off the Chinese coast, has been under Beijing's direct rule for only four years in the last century.

Today Taiwan, with 21 million people, is a prosperous democracy and America's seventh-largest trading partner. Though its businessmen have strong economic ties with the mainland, few of its citizens want to come under the rule of the harsh Communist regime in Beijing. But most Taiwanese also believe it would be a fatal mistake for Taiwan to provoke China by pushing too hard for the diplomatic trappings of independence.

China is trying to intimidate Taiwan into reining in its diplomacy. It is also trying to warn outside powers against