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Senate

The Senate met at 10 a.m. and was called to order by the PRESIDENT pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, we begin this day with three liberating convictions: You are on our side, You are by our side, and You are the source of strength inside. Help us to regain the confidence that comes from knowing that You are for us and not against us.

We continue to remain awed by the knowledge that You have created us to know and love You and have called us to serve You wherever You lead us. You have programmed us for greatness by Your power, so help us to place our trust in You and live fully for You.

We thank You that You are with us, seeking to help us know and do Your will. Guide us today in all that we face. We invite You to take up residence in our minds so that we may see things from Your perspective. And grant us the courage to give You our all. May Your justice, righteousness, integrity, honesty, and truth be the identifiable qualities of our character.

Lord, we commit all that we have and are to glorifying You with all that we do today. In the name of our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

SCHEDULE

Mr. ENZI. Mr. President, for the information of all Senators, the Senate will be in a period of morning business until 10:30 a.m. today. Following morning business, the Senate will resume consideration of S. 903, the State Department reauthorization bill. By previous consent, there will be two stacked rollcall votes beginning at 12 noon. The first vote will be on the DeWine amendment dealing with Haiti, followed by a vote on the Lugar amendment regarding U.N. funding. Also by consent, following the stacked votes, the Senate will recess until 2:15 p.m. for the weekly policy luncheons.

When the Senate reconvenes at 2:15 p.m., the Senate will resume the State Department authorization bill and hopefully complete action on the bill at a reasonable hour this evening.

In addition, this week the Senate may begin consideration of the defense authorization bill following disposition of S. 903. I thank my colleagues for their attention.

Mr. LEAHY addressed the Chair.

The PRESIDENT pro tempore. The distinguished Senator from Vermont is recognized.

COMPLIMENTING THE PRESIDENT PRO TEMPORE

Mr. LEAHY. Mr. President, I might note for my colleagues, the distinguished President pro tempore, the senior Senator from South Carolina, has set a remarkable example. In my 23 years here in the Senate, I think I have seen him as President pro tempore opening the Senate more times than I have seen anybody else. I note that this happens whether we have been in session half the night and coming in early in the morning, or whenever it is. I compliment my good friend from South Carolina. I am glad, however, to see that he does not carry the baseball bat here that was presented to him by the distinguished senior Senator from Utah and myself at the Judiciary Committee meeting last week.

Mr. President, what is the parliamentary situation?

MORNING BUSINESS

The PRESIDING OFFICER (Mr. ENZI). We are under a period of morning business until the hour of 10:30 a.m. Then we will be considering S. 903.

Before the Senator begins, the time for morning business is divided and under the control of the Senator from Nebraska [Mr. HAGEL] and the Senator from Vermont [Mr. LEAHY].

The Senator from Vermont is recognized.

PRIVILEGE OF THE FLOOR

Mr. LEAHY. Mr. President, I ask unanimous consent that Lesley Carson, a fellow with the Foreign Ops Subcommittee, be given privileges of the floor.

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

BANNING ANTIPERSONNEL LANDMINES

Mr. LEAHY. Mr. President, I will speak very briefly because I see the distinguished Senator from Nebraska [Mr. HAGEL], on the floor. But I will reserve such time as I may need.

Mr. President, the Leahy-Hagel bill on antipersonnel landmines is the result of years of work. I commend the Senator from Nebraska for his efforts in this. We have talked about the need to have a ban on these weapons, a need that is felt throughout the world, both by countries that have used landmines, such as ours, and also by countries that have been devastated by what has become a plague of landmines. As I have said on the floor many times, this human disaster was described to me by a Cambodian I had in my office on a snowy winter afternoon at Christmastime in Vermont—one of the most beautiful times of year in our State—and it became far less beautiful as he said, ''We clear our landmines in Cambodia an arm and a leg at a time.''

Fifty-seven Senators—Democrats, Republicans, conservatives, men and women alike—joined together last Thursday to introduce legislation to

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ban new deployments of antipersonnel landmines beginning in the year 2000. Our purpose is to enable the United States to join other nations around the world that have already shown both the moral and strategic courage and leadership by saying that they will ban unilaterally ban antipersonnel landmines. Senators like BOB KERREY and JOHN MCCAIN, CHUCK ROBB, and MAX CLELAND, decorated Vietnam veterans, along with Senator HAGEL, know far better than I what landmines have inflicted on our own soldiers. Senator HAGEL has even been injured by them.

All of us know that landmines have some marginal value, but so do chemical weapons. But we banned them. The problem with landmines is that wars end, peace treaties are signed, armies march away, the guns grow silent—but the landmines stay. To the child who steps on a mine on the way to school a year after the peace agreement is signed, that peace agreement is no protection. To the farmer who cannot raise crops to feed his or her children because the fields are strewn with landmines, that peace agreement is worth nothing. To the medical personnel and humanitarian workers who cannot get polio vaccine to a village where it is needed because of the landmines, that peace agreement is useless.

What we have, Mr. President, is a weapon that has grown so grotesque, the use of which has gotten so out of balance that most responsible nations are uniting in one voice to say: Stop the horror of landmines. There are 100 million of them in the ground in some 68 countries that are waiting for a person to step on them and die, innocent civilians. There were over 64,000 American casualties from landmines in Vietnam. If that is not appalling enough, the majority of those landmines were built here in the United States and were killing American men and women half way around the world. In Bosnia, 279 U.N. and NATO soldiers have been injured or killed by landmines. Every American casualty in Bosnia from enemy causes has been from a landmine. Then you have thousands of innocent civilians that have lost arms, legs and so on.

Sixty-eight countries have a bridge to the 21st century, Mr. President, but that bridge is strewn with landmines. The United States has the responsibility, as a moral leader, to help stop that. Great Britain, Canada, Germany, South Africa are all countries that can claim a greater need for landmines than we can because they do not have the power of the United States. They have unilaterally renounced the use of these landmines and are destroying stockpiles. But a White House official, who apparently has an extreme case of myopia—and I say that only because in polite dialog we would not say he has an extreme case of stupidity—had the audacity to say that our legislation undermines their negotiations on a global ban rather than a unilateral measure.

Frankly, I don't think that he reflects the views of the President. I have to tell you that this is the most asinine comment issued by the administration yet on this issue. Why does the White House think a treaty banning these weapons is going to be signed in Ottawa this December? Countries are coming together to sign a treaty banning antipersonnel mines in Ottawa, not because of the United States or because of this administration's negotiating strategy; to the contrary, they are signing it in spite of the United States. While the United States has sat on the sidelines and forsaken the kind of moral leadership we can bring, dozens of other countries have taken strong, unilateral action by renouncing the use of these weapons and are pledging to sign a treaty in December. We showed great moral leadership on the Chemical Weapons Convention and on the Nuclear Test Ban Treaty. But, Mr. President, far, far more civilians have died or have been injured by landmines than nuclear weapons or chemical weapons. Every Member of this Senate who is a combat veteran from Vietnam is a cosponsor of this bill.

I have more to say, but the distinguished Senator from Nebraska, my chief cosponsor, is on the floor. I yield the floor to Senator HAGEL.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nebraska.

Mr. HAGEL. Thank you, Mr. President.

Mr. President, first, I want to commend my distinguished colleague from Vermont for his leadership over the years. This has been an issue that has been worked with some difficulty with a certain intenseness to develop, first of all, an awareness of the problem.

This is an issue that, like all difficult issues, should always come with a certain amount of information. And through the process over the years, Senator LEAHY; my friend and colleague from Nebraska, Senator KERREY; and others, have been remarkable in their tenacity and their effort to focus on this issue of landmines. Today, I continue with my friend from Vermont; my distinguished senior Senator, BOB KERREY; and others in our efforts to ban antipersonnel landmines. The legislation that we are introducing this morning would permanently ban new deployments of antipersonnel landmines.

Now, my colleague talked a little bit about why it is important. But I think there are a couple of primary reasons, Mr. President, that we owe this country the world leadership on this issue. First, America has always taken the moral high ground over its brief 200-year history. There is some debate and argument about the military necessity, the military use, the viability of landmines. But as we enter a new century, a bold new century full of hope and promise, in my opinion—and I have some experience in this business—I do not really believe, nor do many former commanders and present commanders believe, that to continue to use antipersonnel landmines in our arsenal is in the best interest of anyone.

So I take up this debate as a conservative Senator from Nebraska, a combat veteran. There is no U.S. Senator in this body who supports more strongly the U.S. military, what we must do to always arm our military, never taking away the capabilities of our military. So I come at this as a very strong advocate of our national defense forces and the awesome responsibility our military has to protect our people and freedom worldwide.

However, I believe the issue here regarding the banning of antipersonnel landmines is no longer the argument of whether we should or shouldn't. The issue now is when and how. I believe the time is now. The time is now for this country and for this body to provide leadership, as so many other nations around the world are providing leadership on this issue.

We can change the face of warfare. We must not make the mistake in believing that this act alone will do away with landmines. It is a beginning. We must understand and face the fact that there are over 110 million landmines in the ground today all over the world. This act today will not dig those 110 million mines up. But it is a beginning. It is a moral beginning. It is a beginning that sends a message to the world that we are a moral nation, that we will defend freedom as we always have, and that we will defend the rights of individuals, but we do not need indiscriminate killing machines like antipersonnel mines in order to defend those liberties.

Mr. President, there are colleagues other than Senator LEAHY and I on the floor, and I wish to ensure that they have time to express themselves on this issue.

With that, I will summarize by saying that those of us in Congress—especially those of us who have served in combat—have a responsibility to those Americans who now serve in our military to give our best judgment on all weapons systems, including landmines, to the future. We owe no less to the countless thousands of civilians, including many men and women who will yet suffer from the indiscriminate use of these weapons.

It is significant, as I see my friend and colleague, Senator BOB KERREY, the recipient of the Congressional Medal of Honor, walk around on the floor of the Senate, that my other five Vietnam combat veterans have joined Senator LEAHY and I in cosponsoring this important initiative. It is time for America to lead.

Mr. President, thank you. I yield my time to Senator LEAHY.

Several Senators addressed the Chair.

Mr. BENNETT. Mr. President, could I have 5 minutes from either side to both speak to this issue and raise one other related issue?

Mr. LEAHY. I am perfectly willing to, and I want to yield to the Senator

from Utah for that. We were sort of flipping side to side, if that will be OK.

Mr. BENNETT. Absolutely. I appreciate the courtesy of the Senator.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Thank you, Mr. President. I thank the senior Senator from Vermont and my colleague from Nebraska, Senator HAGEL.

Mr. President, I rise today to join with my colleagues Senator LEAHY and Senator HAGEL to express my strong support for a worldwide ban on the use of land mines. Senator LEAHY's bill, of which I am an original cosponsor, is an important step in this effort in that it will restrict the use of funds for new deployments of U.S. anti-personnel land mines beginning no later than January 1, 2000.

One only has to look at the statistics to realize that these weapons carry a legacy that lasts far longer than the wars in which they were laid. More than 26,000 people will be killed in the world this year by landmines; the vast majority of these deaths will be civilians. In fact, every 22 minutes a man, woman, or child is killed or injured by a land mine. It is impossible to truly calculate the cost of 26,000 deaths due to land mines in a single year.

Mr. President, I believe that there can be no better example of the destructive nature of these weapons than Cambodia. It is estimated that over 10 million land mines remain in that country. After years of conflict and chaos, the people of Cambodia must still fear to walk along footpaths or rice paddies; or to allow their children to play along riverbeds or around villages. Mr. President, they have reason to be afraid; current statistics show that 1 Cambodian in every 236 has lost an eye or a limb to a land mine.

Again, these are noncombatants, civilian individuals that are suffering as a consequence of the indiscriminate placing of these dangerous weapons.

My interest in this issue also extends to not only protecting civilians but protecting our own military forces.

The truth is, far too often the victims of these mines are the men and women who serve in the U.S. Armed Forces. The Department of Defense has estimated that 33 percent of United States Army casualties in Vietnam were caused by land mines. It is further estimated that 90 percent of those mines contained components made in the United States.

Today in Bosnia, the greatest threat to U.S. troops involved in the SFOR mission is not from hostile fire, but from the millions of land mines that were indiscriminately laid during the years of fighting in that country. Mr. President, not only do I believe that we can continue to protect our national security without these weapons, I believe that ridding the world of land mines would be a significant step toward our providing greater protection to our forces stationed abroad.

I want to thank Senator LEAHY for his continued leadership in this area, because I believe the bill that we have sponsored is an important first step. However, it is also important for the United States now to take the lead on a global scale. While I applaud President Clinton's support for the eventual elimination of antipersonnel land mines, I would urge him to join our closest allies around the world by supporting the so-called Ottawa process which seeks to negotiate a treaty to ban land mines to be completed no later than December 1997. I firmly believe that a treaty negotiated with U.S. leadership, and which would include many countries where land mines have been used with devastating results, would help to create the moral authority to establish a global norm that would make these weapons unacceptable forever.

Again Mr. President, I believe now is the time for the U.S. exercise its leadership role in the world to stop the use of these devastating weapons.

I thank the Senator from Vermont and the Senator from Nebraska for their leadership on this issue. I hope that the President will change and begin to see the wisdom of adopting the Ottawa process.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. Mr. President, I yield to the Senator from Utah.

The PRESIDING OFFICER. The Chair recognizes the Senator from Utah.

Mr. BENNETT. Mr. President, I congratulate the Senator from Nebraska and the Senator from Vermont for their leadership on this issue.

I ask unanimous consent that I be added to the bill as an original cosponsor.

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

Mr. BENNETT. Mr. President, I thank the Chair and I thank the two Senators.

CHINESE COMPANIES EXPORTING DANGEROUS WEAPON

Mr. BENNETT. Mr. President, if I may, Mr. President, I would like to take just a few minutes on a related but different subject. We have been talking about blowing people up here this morning with landmines. I would not intrude on that debate with another issue, except that it is hot off the press this morning.

Secretary Cohen has revealed that Chinese military companies have exported a dangerous new weapon to Iran. I have discussed this weapon on the floor before. But this is a dangerous new development, and I would like to call the attention of Senators to what Secretary Cohen has revealed this morning.

We have here a drawing of the C–802 antishipping cruise missile that is designed by the Chinese on the basis of the Exocet missile. Here is a picture of the U.S.S. *Stark* that was struck by an Exocet missile 10 years ago, in which 37 American sailors were killed. The *Stark* was out of commission for a full year. Ten years later, the C–802 is considered to be a more lethal weapon than the one that struck the *Stark*.

Here is a picture of a Chinese freighter, on the fantail of which they have loaded five missile boats which are being sent to Iran, each one of them with missile launchers, and four tubes that can be used against American shipping in the gulf. I have shown this picture to the Senate before. I have also shown this next picture to the Senate, a land-based C–802 which has been exported to Iran by Chinese companies.

This morning Secretary Cohen told us that Chinese companies have added a final dimension to their export. We have a picture from the Chinese sales brochure of a helicopter equipped with the C–802, and the Chinese sales brochure says: ''Air to Ship. The air-launched C–802, named C–801K, can be adapted to aircraft such as attackers and helicopters.'' This picture out of the sales brochure shows this missile as it has been exported to Iran.

Mr. President, there is a law against this kind of thing. It is called the Gore-McCain Act. Secretary Cohen now says that because of the actions of Chinese companies, Iranian forces can threaten American servicemen and women literally from 360 degrees—land, water, and now air.

I intend to offer an amendment to the underlying legislation that we will take up in just a few moments calling upon the administration to enforce the Gore-McCain Act against those Chinese companies that are exporting this technology to Iran in violation of American law. The Secretary of State has already invoked the other sanctions laws by bringing sanctions against Chinese companies that have exported poison gas to Iran. I want to, here, now, apply that same principle to the exportation of these missiles.

Again, Mr. President, I would not intrude on this debate on landmines with this information if it had not just come up this morning with Secretary Cohen's announcement that this export has taken place and that the dangerous new weapon is now has a dangerous new dimension in Iran.

Mr. President, I ask unanimous consent to have printed in the RECORD various press releases on this subject.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Associated Press, June 1997]

COHEN SAYS IRAN TESTING MISSILE

(By Robert Burns)

MANAMA, BAHRAIN.—Iran's air force has conducted its first test launches of a newly acquired anti-ship cruise missile, Defense Secretary William Cohen disclosed today in arguing that Iran is a threat to world commerce.

The United States is concerned about Iran's increasingly sophisticated military

clout, particularly its arsenal of cruise missiles, Cohen said at a news conference. Because they fly low, cruise missiles are difficult to detect on radar.

''Iran's words and actions suggest that it wants to be able to intimidate its neighbors and to interrupt commerce in the (Persian) Gulf,'' Cohen said. ''The United States will not allow this to happen.''

The U.S. allies in the Gulf are urging a more accommodating approach to Iran, despite U.S. misgivings. At each stop on his five-nation Gulf tour, Cohen has stressed what he calls Iran's threatening behavior and today said he had found the Gulf states ''solidly united'' with the United States.

Iran has had shore-based cruise missiles for more than a decade and last year acquired its first ship-launched version, a Chinese-made missile called C–802. Now it has begun testing a version that is fired from aircraft, Cohen said.

A senior U.S. military officer who elaborated on Cohen's disclosure on condition of not being identified by name told reporters that Iran conducted an initial test of the air-launched version on June 3 and a second test three days later. The cruise missiles, called C–801K, were launched from F–4 fighters, the officer said. He declined to predict when they would be fully operational.

''You have a 360-degree threat,'' the officer said, referring to the combination of Iranian cruise missiles that could be fired from land, sea or air.

Sophisticated radar aboard U.S. ships in the Gulf are capable of detecting, identifying and tracking any cruise missiles in Iran's arsenal, the officer said.

At his news conference, Cohen said the air-launched cruise missile ''complicates somewhat'' the military operations of U.S. forces in the Gulf, ''but not to the extent that it can't be overcome.''

Bahrain and other U.S. allies in the Gulf have not made a public issue of Iran's cruise missiles, but have long been fearful of Iran's overall military strength.

Another senior American military officer, speaking Monday on condition he not be further identified, said the moderate Gulf countries are more optimistic than the Clinton administration that the election in May of a more moderate Iranian leader offers a chance to improve relations.

Cohen, on the other hand, has said the Clinton administration will not ease its stance against Iran until Iran ends its support for terrorism, gives up trying to develop nuclear weapons and stops trying to undermine the Middle East peace process. Iran denies such conduct.

After his news conference in Manama, Cohen flew today to Abu Dhabi in the United Arab Emirates to meet with government officials. He was winding up the day in Muscat, Oman, the last stop on his Gulf tour.

At a news conference Monday morning in Kuwait City, Cohen said it was too early to judge whether new Iranian President Mohammad Khatami would bring demonstrable change. The United States refuses to trade with Iran and has no diplomatic ties.

''We would look favorably, obviously, upon changes that are real, not simply paper promises,'' Cohen said, adding that he remains to be convinced Iran will change. ''Iran continues to pose a threat to the whole region,'' he said.

In Manama, in an unrelenting heat that topped 110 degrees, Cohen strolled down a pier where three U.S. Navy ships and a U.S. attack submarine were tied up. He chatted with sailors and commanders and saw how a new remote-controlled surveillance craft skims around the pier, scanning the surface for potential security threats.

Aboard the USS Fitzgerald, a guided-missile destroyer home-ported at San Diego and on its first-ever deployment, Cohen heard the ship's commander explain current operations—including Iraq embargo enforcement—by the 26 U.S. ships in the area.

Cmdr. Charles Martoglio, the Fitzgerald's commanding officer, told Cohen that the aircraft carrier USS Constellation was operating in the northern Gulf near Iran's territorial waters. He said Iranian land-based cruise missiles could reach the Constellation in less than 10 minutes.

[From the United Press International U.S. & World, June 17, 1997]

IRAN TESTS AIR-LAUNCHED CRUISE MISSILE

(By Eric Nordwall)

MANAMA.—Iran has successfully tested an air-launched cruise missile, a development that officials say marks a dramatic upgrade in its threat to American warships controlling the Persian Gulf.

U.S. Defense Secretary William Cohen made today's surprise announcement at a news conference in Bahrain, where he was visiting as part of a goodwill tour of Gulf states. Later, a senior military official told reporters aboard Cohen's Air Force jet that the tests mean American warships will now have much less warning of an Iranian attack. The military official said U.S. ships now have seconds, instead of minutes, to respond to missile attacks.

The official, speaking on background, said Iran tested a dummy missile on June 3 and a live weapon on June 6. He would not detail what kind of warhead was used when an aging F–4 jet fired on a barge in the Gulf, saving only that it was ''a significant missile.''

He said the Chinese-made weapons have a range of greater than 20 miles, bolstering Iran's claim that it could shut down, or significantly limit, sea traffic in the strategically critical Persian Gulf.

Some 50 percent of the world's oil supply passes through Gulf waters every year.

In his toughest talk against Iran thus far on his tour of Gulf nations, Cohen told a news conference, ''Iran's words and actions suggest that it wants to intimidate its neighbors and commerce in the Gulf.'' But he said he had been briefed by Navy officials and, ''we are convinced and we have no doubt that we have the capability to defeat any weapons system that the Iranians might possess.''

With the successful test of the C801K missile Iran now has the ability to fire from the land, sea and air.

[From the COMTEX Newswire, June 17, 1997]

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[From the Reuters World Report, June 17, 1997]

U.S. SAYS NOT HEADED TOWARDS CLASH WITH IRAN

(By Charles Aldinger)

MANAMA.—The United States is not headed towards a clash with Iran unless the Islamic republic starts it, U.S. Defence Secretary William Cohen said on Tuesday during a tour of Washington's Gulf Arab allies.

But he again warned Tehran against any attempt to halt shipping in the oil-rich Gulf.

''The United States will not allow this to happen,'' he told a news conference in Bahrain, headquarters of the U.S. Fifth Fleet which keeps more than two dozen warships in the Gulf.

''The United States retains overwhelming naval strength in the Gulf and we are fully capable of protecting our ships, our interests and our allies.''

Cohen, who previously visited Saudi Arabia and Kuwait, later flew to the United Arab Emirates. Later on Tuesday he was due in Oman before returning to Washington on Wednesday.

''What we have tried to do is to indicate to all of our allies that we are here to provide security against that kind of aggression that might be directed towards them,'' he said.

The United States accuses Iran of sponsoring state ''terrorism'' and has expressed mounting concern since the 1991 Gulf War about what it describes as Iran's growing military capability and its aims in the region.

Iran opposes the U.S. military presence in the Gulf and says Washington falsely accuses Tehran of threatening regional security in order to scare its Gulf Arab allies into buying more American weapons.

Cohen said Iran ''continues to support terrorism in addition to developing weapons of mass destruction, improving missiles that can strike neighboring nations and boosting the facility to close the Strait of Hormuz.''

He said Iran this month successfully tested a new air-launched anti-ship cruise missile obtained from China.

U.S. defence officials said afterwards that Iran's air force on June 3 and 6 successfully fired two C–801K anti-ship missiles, one with a live warhead, from an aging U.S.-built F–4 Phantom jet and both test missiles struck barge targets.

''Iran's words and actions suggest it wants to be able to intimidate its neighbours and to interrupt commerce in the Gulf,'' Cohen said.

But he said the U.S. military was confident that sophisticated American warships in a force of 26 vessels now in the Gulf could shoot down such missiles.

''We seek to deter any action by either Iraq and Iran. If there is going to be any clash it will have to be precipitated by actions on the part of Iranians.

''Our policy is not to clash with Iran, but rather to discourage and deter any action on their part that would seek to destabilise the region.''

In earlier stops Cohen said the United States would not give up its hardline policy to isolate Iran despite the recent election of a moderate cleric as president, unless Tehran stopped supporting international ''terrorism,'' trying to develop chemical and biological weapons, and trying to wreck the Middle East peace process.

Some Gulf Arab leaders have urged the United States to open a dialogue with Iran following Mohammad Khatami's election.

Cohen also said at the news conference that Washington believed Iraqi President Saddam Hussein continued to pose a threat to stability in the region—specifically to Kuwait, where Iraq's 1990 invasion sparked the 1991 Gulf War, and potentially to Saudi Arabia.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask unanimous consent to retain the floor until such time as the Foreign Relations Committee Members are on the floor and prepared to go forward, again with the assurance that I will yield the floor to them later.

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

Mr. LEAHY. Mr. President, I yield to the distinguished Senator from Rhode Island.

The PRESIDING OFFICER. The Chair recognizes the Senator from Rhode Island.

Mr. REED. Thank you, Mr. President. I thank the Senator from Vermont and my friend and colleague from Nebraska for their leadership on this very important issue.

Mr. President, I am here to support, as an original cosponsor, the Leahy-Hagel landmine legislation, which would ban deployment of landmines after January 1 of the year 2000. The fact that this legislation has already acquired 56 cosponsors in the Senate is testimony to the compelling force of their logic and their argument. We should, in fact, ban landmines across the world, and we should begin with this legislation.

Antipersonnel landmines have always been one of the greatest dangers facing our troops—one of the most horrific weapons on the battlefield. Indeed, the only United States casualty we have sustained in operations in Bosnia was an individual who was killed by a landmine.

These landmines are scattered across the world. One hundred ten million active landmines are hidden in as many as 64 countries. And while 100,000 landmines a year are identified, deactivated and removed, another 2 million to 5 million are planted. These landmines claim about 2,000 victims a month. These are civilians. These are children. These are women. These are individuals who are not combatants but are simply at the wrong place at the wrong time.

In the military, there is a quite strict regime for using landmines: Mapping them out, putting them in place, having the records so that, at the conclusion of hostilities, they can be identified, deactivated, and removed. But what has happened is that these landmines are now being used by renegade bands, by militias, by paramilitary units, and they are literally being scattered about those countries indiscriminately.

I was in the former Yugoslavia and Bosnia a few months ago visiting our troops and visiting Russians who are participating with us. Literally within a few yards of the camp of these Russian soldiers is an area into which they cannot enter because it is strewn with landmines. They are unidentified, unable to be removed. This is just one example of the dangers that lurk because of the proliferation of landmines throughout this world.

I hope that we will move aggressively to pass this legislation. It will be a testament, I think, to those individuals who are sponsoring it. But also it will help highlight other initiatives that need to be on the table. For example, in October 1996, Canada announced the goal of completing a treaty totally banning the use, production, and stockpiling of landmines by the year 2000. In addition to that effort, two months later the United Nations General Assembly, at the urging of the United States, passed a resolution by a unanimous vote, to vigorously pursue a treaty banning the use, stockpiling, production and transfer of antipersonnel landmines. These treaty negotiations will receive, I think, tremendous impetus from the actions we take on this floor.

I hope this bill will be passed quickly into law. I hope we can essentially begin here today to outlaw the use of landmines for the protection, not only of our own forces, but for the hundreds of thousands of innocent civilians throughout the world who are, each day, subject to the dangers of landmines. This will make the world safer. It will not harm our military security. And it will give us, I think, a goal and the momentum to move forward toward a more comprehensive landmine ban.

Again I compliment and commend my colleagues, Senator LEAHY and Senator HAGEL, for their efforts and for their leadership on this important measure.

Mr. LEAHY. Mr. President, I will yield to the Senator from Maine.

But I do want to note, this involves not just the Congress and other governments. Diana, Princess of Wales is in Washington today to support the efforts of the American Red Cross in raising money to aid the victims of landmines. I commend Elizabeth Dole, President of the American Red Cross, and the Princess, for doing that. The Princess has done so much, since she went to Angola and saw the terrible effects of landmines there, to call attention to the plight of the victims and to speak out in support of a global ban. What we all want to do, of course, is do everything possible to make sure that someday there will be no such victims.

I yield to my good friend from Maine.

The PRESIDING OFFICER. The Chair recognizes the Senator from Maine.

Ms. COLLINS. Mr. President, first let me say that I applaud the leadership and the determination of Senator LEAHY and Senator HAGEL to bring this very important issue of landmine deployment before the Senate. We speak today on behalf of people around the world whose lives are imperiled by deadly explosive devices each day as they till their fields, care for their livestock, or, most tragically of all, walk to school. Antipersonnel landmines have been sown in the Earth in such numbers and spread so broadly and indiscriminately over the planet that they have become a very serious health and safety problem for civilians. According to the International Red Cross, landmines kill or maim someone, often children, every 22 minutes. There are an estimated 100 million mines scattered throughout 68 nations. These weapons of terror inflict injury to little children, to farmers, and to our own service men and women serving the cause of peace far from home. Thus far, in Bosnia, landmines have injured more than 250 soldiers under United Nations or NATO command, and they have killed 29 peacekeepers. In fact, landmines are responsible for every single death of American troops in the Balkans.

I have cosponsored the Leahy-Hagel legislation because it is the right thing to do. Passing this legislation would be an act of moral leadership for this country. Although our attention may be focused on our own American men and women put in harm's way as international peacekeepers, the extent of the global epidemic of injury inflicted by these devices is truly astounding and tragic. Each month, 800 people are killed and 1,200 others are maimed by small mines whose triggers cannot tell the difference between the foot of a child and the foot of a soldier. As a Maine newspaper, the Kennebec Journal, pointed out in an editorial this weekend, the landmine is one of the most insidious and pernicious weapons ever created by man.

Across the globe, especially in Third World countries, landmines placed during long-forgotten conflicts, some as much as a half-century ago, continue to menace civilian populations. Senator LEAHY's bill would draw the line on the deployment of these weapons. This bill will help save the lives and limbs of American peacekeepers as well as of many innocent children in countries around the world.

I yield the remainder of my time.

Mr. LEAHY. Mr. President, I yield to the distinguished senior Senator from Virginia, who also wishes to speak about the Leahy-Hagel bill.

The PRESIDING OFFICER. The Chair recognizes the Senator from Virginia.

Mr. ROBB. Mr. President, I thank the Senator from Vermont and the Senator from Nebraska for sponsoring this legislation. My own experience in combat in Vietnam, having had over 100 of my men wounded and over 20 killed, seeing directly the impact of landmines and booby traps, I know exactly the kind of devastation they can inflict. In my travels around the world where landmines are a principal impediment to farming and other civilian activities in areas where combat had been previously conducted, I have seen its hideous effects, the maiming of many, many individuals. I am pleased to join Senator LEAHY and Senator HAGEL in this bipartisan effort to eventually eliminate antipersonnel landmines.

This legislation reflects a principled first step on our part to halt the spread of these dangerous weapons. If an international consensus is to be achieved ultimately banning their manufacture and deployment, the United States will have to lead by example and restrict its own activities in this area. During peacetime, most Americans reasonably assume that military weapons are safely stored away. That is not the case, regrettably, with landmines. Many countries, particularly developing countries, continue to actively lay mines with tragic consequences. These devices indiscriminately kill or maim an average of 70 individuals a week, or some 26,000 civilians annually. In Bosnia alone, over 250 soldiers of various countries have been injured by landmines.

Mr. President, two-thirds of the Senate is formally on record supporting a moratorium on our use of landmines. While this does not get to the heart of the issue, in my mind, beginning the process of demining an estimated 100 or more million mines scattered across the world today, and cutting off funds for new deployments, will sharpen the debate on the utility derived from placing landmines, compared to the damage they inflict.

I recognize this is a debate underway for expedited consideration of a comprehensive ban treaty this year through what is known as the Ottawa conference, or embracing the United Nations approach of negotiating a multilateral agreement over a longer period of time. This legislation steers clear of the controversy by formally endorsing neither, but noting each in hortatory language. Moreover, given the belief of some that landmines continue to function as a useful deterrent on the Korean Peninsula, the legislation creates a national security exception for that particular situation.

We have a long way to go before we rid ourselves of these insidious devices. Someday I look forward to considering a permanent and international treaty banning the production, stockpiling, sale, and use of these weapons. For now, the legislation proposed by Senator LEAHY and Senator HAGEL is a modest proposal, eliminating funding for new deployments and, in my judgment, it heads us in the right direction and it has my full support.

With that, I yield the floor. I yield any time I may have.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. Mr. President, I yield as much time as necessary to the distinguished Senator from Illinois.

The PRESIDING OFFICER. The Chair recognizes the Senator from Illinois.

Mr. DURBIN. Mr. President, at the outset, let me say this is a serious matter and one in which I heartily concur with Senators LEAHY and HAGEL over the issue before us. In the recorded history of humankind, there were many instances of conflict leading to wars of devastation and great loss. Most people believe those wars come to an end, and with the end of the war there is at least some finality and some peace. Those who have been injured, of course, carry those scars for a lifetime. Those who lost their lives are remembered. Those who served look back with sometimes horror, sometimes fondness, to the experience.

We in the United States think at the end of the great wars, and after the tickertape parades, the finality is finally evidenced by something as significant as a memorial. But what we are speaking of today is a legacy of war that does not end. After the decisions are made, the foreign policy decisions which go awry and lead to a war or a conflict, those decisions end up creating situations which live on forever. In this case, we are dealing with a specific challenge and a specific issue of landmines.

In a visit to Central America about 7 years ago, I went to Costa Rica, to a clinic which was being sustained by contributions from the United States. It was an orthopedic clinic where, primarily children, but adults as well, were brought in to be fitted for orthopedic devices. These are young men, children, young women who walked the streets and the dusty roads in Honduras, El Salvador, and Nicaragua, and innocently stepped on a landmine and lost one of their limbs.

These were not combatants or soldiers, these were ordinary people. The wars were over. Yet, for them, the war continued. Each and every day they faced hostilities, hidden hostilities in these landmines. We rallied, in the United States, as we do so often, to provide medical assistance, as we should.

The decisions of foreign policy that led to those conflicts meant nothing to these people, nothing whatsoever. The important thing is that they had been maimed and had lost a limb because of that war and because of its legacy. Many of us think of someone losing a leg or a foot and, of course, in the United States, assume they will go through rehabilitation, they will be fitted with some type of orthopedic device, and life will go on. But in a developing country, a poor country, that kind of injury can be devastating for a lifetime. People who once had great potential can find themselves at that point relegated to impoverishment, relegated to always being a ''cripple.'' We take for granted that they will receive help, and many times they do not.

There are now 110 million landmines in 64 countries around the world. The conflicts which led to the planting of those landmines may have been long forgotten, but they still sit there, waiting for an innocent civilian or passerby to come through and become a victim. The Leahy-Hagel proposal is a good one, to put an end to this devastation and an end to this legacy of war.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The period of morning business is closed.

FOREIGN AFFAIRS REFORM AND RESTRUCTURING ACT OF 1997

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 903. There will be a vote, under the previous order, scheduled for 12 noon. The time between now and then will be equally divided between the Senator from North Carolina, Mr. HELMS, and the Senator from Delaware, Mr. BIDEN, and the Senator from Indiana, Mr. LUGAR.

The clerk will report.

The bill clerk read as follows:

A bill (S. 903) to consolidate the foreign affairs agencies of the United States, to authorize appropriations for the Department of State for the fiscal years 1998 and 1999, and to provide for reform of the United Nations, and for other purposes.

The Senate resumed the consideration of the bill.

Pending:

Lugar amendment No. 382, relating to the payment of United Nations arrearages without conditions.

DeWine/Graham Amendment No. 383, to deny entry to the United States to Haitians who have been credibly alleged to have ordered, carried out, or sought to conceal extrajudicial killings.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Carolina.

Mr. HELMS. Mr. President, I ask unanimous consent that no amendments be in order to either the pending DeWine amendment, No. 383, or the Lugar amendment, No. 382.

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

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 382

Mr. LUGAR. Mr. President, Members who have followed this debate will recall that yesterday afternoon I offered

an amendment to the division C of this bill, that portion dealing with the United Nations. Essentially, the task before the Senate, and before our Government as a whole, is how do we relate the United Nations as an organization we have supported, and one important to our foreign policy. It is an international organization that has been under attack in this country. And, we have not paid our bills.

As I pointed out yesterday, the legislation before us attempts to remedy the situation over a 3-year period of time with 18 pages of very substantial conditions that must be met by the United Nations in order for the United States debt repayment money to flow to that body.

Mr. President, my amendment is very straightforward. It substitutes for the 18 pages of conditions in the bill my amendment which says there are no conditions for our payment and we will, in fact, make the payment of $819 million in two installments in 2-years' time. The $819 million has been a sum the administration and the Foreign Relations Committee has agreed that we owe. In addition, we would be receiving approximately $107 million back from the United Nations for peacekeeping services we have offered.

The two ideas before the Senate are important because this is a turning point of some significance in our foreign policy. In order to understand the amendment today and the bill that it amends, I think it is necessary to go back to square one and ask, why are we in such a predicament? How could the United States fail to pay the United Nations over $1 billion over the course of several years?

I think the answer, quite frankly, is that there has been a pervasive feeling in the U.S. Senate which we, as Senators, thought were reflecting the country's antipathy to the United Nations, antipathy to bureaucracies and organizational inefficiencies. Many Americans have been told, at least in our Senate debates, that the United Nations preys upon the United States and that we are not in control. But, of course, the leadership the United States has exerted to obtain control of that body is certainly suspect.

Mr. President, to set the record straight at the outset, a number of national polls have been taken that reflect a 2-to-1 majority of Americans believing the United Nations is very important and that we ought to pay our bills. The polling data goes for many years, but I found especially instructive a poll that indicated on the question: ''Do you believe that U.N. member states should always pay their full dues to the U.N. on schedule, or should a state hold back its dues to pressure other members to agree to changes it believes are needed?'', Americans, in a Wirthlin Group poll in 1989 conducted for the United Nations Association, 60% of Americans responded that we should always pay the United Nations, pay other countries, whoever. Only 14 percent said you ought to hold back.

In April 1996 jumping about 7 years ahead, 78 percent of Americans believe that a nation should always pay; 13 percent believe you ought to be able to hold back.

The American public understands what is fair. They understand what a contract is, what our obligations are as a nation.

Furthermore, Mr. President, they understand the work the United Nations does, and by an overwhelming majority, the public believes we should not only stay in the United Nations but, as a matter of fact, in a polling item of a Times Mirror poll, the question was, ''Do you agree or disagree with the following statement: The United States should cooperate fully with the United Nations?,'' 65 percent of Americans agree, 29 percent disagree—well over two-thirds.

I make that point because I believe we have come to this particular pass because public servants believe somehow it is popular to withhold money from the United Nations; to, in essence, say to the United Nations, ''Reform, repent or we will not pay our dues.''

This is understandable, and the amount of reform needed by the United Nations is sizable. The new Secretary General Kofi Annan, who has supported the United States, who has come to visit with our own Foreign Relations Committee, has not only pledged to make reforms, he is doing that job. Our Ambassador, Mr. Richardson, will have a full-time job working with him to make certain that occurs.

There are 184 nations involved. We are one of them, ostensibly the most powerful of those nations. Essentially, we are going to have to work with that bureaucracy to pare it down, to pare the budget down. The signs of progress are promising.

Let me make a major point I hope Members will follow. Of the more than $1 billion the United States agrees that we owe, only 5 percent has anything to do with the bureaucracy, the Secretariat of the United Nations, only 5 percent, some $54 million.

Now, if Members ask, ''Well, then, what is the argument about?'' The argument is about $650 million or so of peacekeeping expenses that were assumed by our allies for which the United Nations is simply a passthrough for money that we, the United States of America, said we would pay and now we owe to friendly countries.

Let me cite, so it is not obscure, who we owe money to. We owe money to France, $60.1 million; we owe Great Britain $41 million; the Netherlands $21.3 million; Pakistan $20.1 million; Germany $18.3 million we owe; Belgium $17.3 million; Italy $17.2 million; India $16.1 million; Canada our near neighbor, $14.2 million. This is money we owe to them, not to Kofi Annan, the Secretary General, or the U.N. Secretariat or the organization so frequently criticized on the floor of this body. We owe more than $650 million to other countries who sent their troops out to do work that we wanted them to do. We voted for the peacekeeping resolutions. We said we would send money if they would send men and if they would take on the fighting obligations, or at least the dangers that were involved in often hazardous duty that went beyond simple peacekeeping. That is the money, Mr. President, that is at risk.

I am not certain Senators understand that we are, in essence, saying to our allies, we will not pay you unless you change the dues structure for us, for the United States. In essence, we not only have failed to pay our allies, but we have said, as a matter of fact, we are not going to pay you. This bill says we won't pay you unless you reduce our U.N. dues to only 20 percent of the budget, as opposed to 25 percent, and unless you reduce our peacekeeping dues to 25 percent as opposed to around 31 percent. Unilaterally, arbitrarily, take it or leave it. That is what is proposed in the legislation in front of us.

In addition, the legislation, Members will note if they read through the 18 pages of agate type, has at least 38 conditions and hoops other countries and the United Nations must go through in order for us to pay our debts.

Mr. President, it is strange that we came to this situation through, I think, a misperception of who ought to be paid. Most Americans who understand we owe Great Britain, France, Canada, and Italy, will say, ''Why haven't we paid?'' And most Americans would understand that our failure to pay will have consequences because we are dealing with these same nations in NATO reform and NATO expansion in trying to determine what the fair shares will be. We are dealing with most of these countries every day in terms of agricultural exports which are very difficult bread-and-butter issues for America. Yet, we take an arbitrary position with regard to the United Nations that we simply will not pay until they go through the hoops of implementing the reforms we insist upon in this bill.

Mr. BIDEN. Excuse me. Will the Senator yield for a question on one point on my time?

Mr. LUGAR. I will be happy to yield.

Mr. BIDEN. The Senator's amendment calls for the payment of $819 million over 2 years; is that correct?

Mr. LUGAR. That's correct.

Mr. BIDEN. How would the Senator's amendment pay our allies any more money than our mark, than this legislation does?

Mr. LUGAR. I respond to the distinguished Senator by pointing out, I have doubts under the bill we are about to pass that very much money get through the United Nations to our allies. The money will most certainly get to our allies through my amendment. I suspect, if the other conditions that are in title XXII are imposed, the odds are slim that the money will get through.

Mr. BIDEN. If the Senator will yield, Mr. President, I am sorry, I didn't phrase the question well and clearly enough. Even if the money gets through, as the Senator is suggesting his amendment would accommodate, how would the Senator's amendment fully fund and pay the arrearages the Senator believes we owe our allies? Is there enough money in the Senator's amendment to fully pay the money the Senator believes that we owe our allies through the United Nations as it relates to the United Nations peacekeeping?

Mr. LUGAR. I will respond to the Senator by saying the money paid to our allies is our assumption of how much we owe. It is based upon the $1.021 billion that the administration and the Foreign Relations Committee has agreed is the sum we owe. Many of our allies believe we owe a lot more.

Mr. BIDEN. If the Senator will yield again, but the Senator's amendment only provides $819 million, not $1.021 billion. What I am confused about is, how does the Senator's amendment in this regard differ from the bill that the chairman and I have brought before the Senate?

We have $819 million in our bill, which you don't like, nor do I, and the fact that we make the United Nations meet benchmarks before it is released. But assuming it was released, how does the Senator's amendment provide any more money to pay the arrearages that the Senator believes that we owe?

Mr. LUGAR. My amendment would not provide more money. It simply provides certainty that payment is received at all. Let me just continue—

Mr. BIDEN. I thank the Senator.

Mr. LUGAR. The distinguished Senator from Delaware yesterday, in responding to a similar argument that I have made today, made the point that, all things considered, he agrees that we ought to pay our debts, that we ought to respond to our contractual obligations, that, in the best of all worlds, this is a principled stand, as I recall his description of it. But the Senator from Delaware said the trail that I am following leads to no payment.

Now, if I were to ask with some incredulity why a fairly straightforward amendment adopted by the Senate—obviously the House must act and the President must sign the bill—why my course will lead to zero, as the Senator from Delaware characterized it. It is because, as the Senator from Delaware pointed out, he has been negotiating with the chairman of the committee and the chairman of the committee has said, in essence, we are not going anywhere without accommodation of these conditions—at least that was the characterization. Essentially, he was saying that we have gone nowhere for several years, and that we have accumulated debts and will continue to accumulate debts.

In short, the distinguished Senator from Delaware said, and he described, very candidly, the negotiations that he came to the chairman suggesting a sum of money the administration felt we owed, and the chairman took a very adverse view to that. The Senator from Delaware has been negotiating for quite a long while in trying to get that figure up.

The Senator from Delaware finally comes to the body yesterday and says essentially, ''This is the best I can do. In essence, hopefully, these conditions will be met. Countries, in fact, will meet them and the money will flow, $100 million in the first year fairly easily,'' as the Senator characterized, ''and it gets tougher in the second and third years. But, nevertheless, somehow this is going to occur.'' That is the judgment Senators have to make.

I will just say very frankly, Mr. President, that we ought to face the situation in a much more straightforward way, because this debate has not occurred in private, nor have our failures to pay our debts occurred in private. It is a very public embarrassment in which the United States of America is stiff-arming our friends, quite apart from whatever damage we are doing to the United Nations. If, in fact, we want to get out of the United Nations, withdraw from it, saying essentially this is a group of people constantly preying upon us and we are tired of that, that is one basic decision Senators might want to make. I am suggesting, Mr. President, this bill veers very close to making that decision for us.

What if the rest of the world, 183 nations, decides that our arbitrary decision here in the Senate is not really where they want to go? What if the United Nations goes bankrupt? What if our allies no longer trust us with regard to peacekeeping, fearing they will not be paid any more than they have been in the past? What if, as a matter of fact, other nations begin to doubt our word and our ability to follow through on contractual obligations we undertake? There is a lot at stake, Mr. President.

It could very well be that there are some Senators who would say, ''We ought to take advantage of our size and weight in the world now. There's no point in worrying about the sensitivities of other nations. We're paying 25 percent of the dues. Our share of the world's wealth right now is about 27 percent, but we don't want to pay that, we want to pay 20 percent. We're not going to take any fuss from any other nation about that.''

We're going to pay 20 percent of the U.N. dues arbitrarily. Not only that, we are going to take our peacekeeping from 31 percent to 25 percent of the budget. It is too high to begin with. We are tired of paying that. We will pay that, take it or leave it. In essence there are two ''take it or leave its,'' Mr. President, as the Senator from Delaware characterized the debate yesterday. In essence he has said to the Senate that we either take it or leave it or there will not be any payment at all. The chairman will not agree to it.

Second, after we get through this process, we say to the rest of the world, ''Take it or leave it, because there won't be any payment unless you take our word for what we want to pay and under the conditions that we want to pay it.''

In essence, Mr. President, this is not very good foreign policy. It is not really a very good stance for the United States at all. I will simply say, what will be the predicaments if we get our way and arbitrarily reduce our dues, and countries either get their moneys or they don't. I predict, Mr. President, the ramifications of this are likely to be very expensive for the United States.

Not only is it the right thing to do to pay our debts, it is in fact the most effective way of being persuasive at the United Nations to bring about reforms that we want there.

Mr. President, I appreciate that not all Senators have followed all of the debate as extensively as those who have been debating this yesterday and today. But let me say already there is some doubt as to precisely what this bill has to say.

For example, the Washington Post of Saturday, June 14, 1997, suggested that Ambassador Richardson and our own colleague, Senator GRAMS of Minnesota, went to the United Nations on Saturday, after our markup on Thursday, and, according to John Goshko of the Post: They denied that Congress wants to ''micromanage the United Nations,'' and they insisted that the plan is ''not a take-it-or-leave-it proposition.'' Instead, they said it is a set of ''suggestions'' aimed at helping the United Nations become, as GRAMS said, ''the best United Nations it can be.''. . .

The two officials' assertions that the conditions or so-called benchmarks in the plan are only suggestions ran counter, according to the article, and also according to remarks by Chairman HELMS on Thursday.

Quoting Senator HELMS:

> This bill will prohibit the payment by the American taxpayers of any so-called U.N. arrears until these congressionally mandated benchmarks have been met by the U.N.

Then another quote from Senator HELMS:

> The message to the U.N. is simple but clear: no reform, no American taxpayer money for arrears.

Now, Mr. President, in the Washington Times, Senator GRAMS is quoted as saying:

> ''These are broad suggestions,'' said Sen. Rod Grams, Minnesota Republican, architect of the reform package and U.S. delegate to the United Nations. ''We're not going to micromanage the U.N. by any means.''
>
> At a press conference yesterday, both [Ambassador Richardson and Mr. Grams] took pains to soften the edges of a bill most here see as an imperious ''take it or leave it'' offer. Mr. Grams plans to spend time at the United Nations this summer, selling the package to foreign envoys [according to the Washington Times of June 14, 1997].

So already, Mr. President, while we are debating the bill, our Ambassador

and a distinguished colleague are at the United Nations saying we are making some helpful suggestions that we do not want to micromanage. But back here at the Congress, the word is no reform, and according to the 18 pages of conditions in this legislation, no money.

Senators will have to make up their minds. The suggestion has been two ''take it or leave its,'' in my own view. This is the reason I presented the amendment. We have obligations. In a straightforward way we ought to meet them.

As the Senator from Delaware suggested in his question this morning, the amounts of money in this bill are clearly in dispute. But I accept the fact that the U.S. Government, both in its legislative and administrative branches, estimates we owe $1.021 billion. After various deductions, $819 million is on the table to be disbursed in both the Foreign Relations Committee bill and in my amendment.

But there is a large difference in how the dispersal occurs, a very large difference in our attitude to other countries, our friends in the rest of the world, and a very large difference in our presumptions about the United Nations and its usefulness to us.

Finally, Mr. President, word came yesterday in a debate that the United States of America has loaned countries a lot of money. We have spent a lot of money helping them defend themselves. And indeed we have. Our foreign policy frequently—frequently—tries to make sure the frontiers of conflict are as far away from our country as possible. We have given a lot of military aid to others who we hoped would fight our battles as our allies or as front lines for us. And that was prudent for us to do.

But now we come to a situation, Mr. President, in which the United States said we do not want to be involved in these front line activities, or certain peacekeeping chores that were controversial, but which we think ought to be done. We voted for them. We sent others forward. We said we would pay. And now we have not paid nor will we pay unless the United Nations and the members in it reduce our dues, and unless they go through the hoops of even such suggestions that international conferences of the United Nations could be held in only four cities. We even dictate the cities in which the conference might occur.

Members will be astonished, as they read through all the conditions, what is involved. But Members should read soon because we will have a vote shortly this afternoon on this amendment. I believe it is a critical vote for American foreign policy. I hope the Senators will support my amendment.

I thank the Chair.

Mr. SARBANES. Will the Senator yield 2 minutes?

Mr. LUGAR. I am happy to yield such time as I have.

Mr. SARBANES. How much time does the Senator have?

The PRESIDING OFFICER. The Senator has 4 minutes 40 seconds left under his time.

Mr. SARBANES. If the Senator will yield me 2 minutes.

Mr. LUGAR. Yes.

Mr. SARBANES. I rise in very strong support of this amendment. The Senator from Indiana stated the arguments in a very cogent and, I think, persuasive fashion.

Mr. President, we just celebrated 50 years of the Marshall Plan. A couple of years ago we celebrated the 50th anniversary of the establishment of the United Nations. If you read that history, what is clear is the marked contrast between the United States' attitude at the end of World War II, at which time we demonstrated strong leadership, and the attitude that is reflected in this legislation.

This legislation imposes a host of arbitrary and burdensome conditions on the United Nations. If the United Nations fails to achieve them, I am sure the argument will be made, ''It's too bad they didn't accede to the conditions we were imposing, and therefore it's their fault that we're not paying these arrears.'' Yet, I remind my colleagues, these are arrears which we clearly owe and which we have built up over the years.

This approach goes directly contrary to the one that was reflected in the exercise of American leadership in both the United Nations and the Marshall plan—an approach which I think ought to characterize our policy toward the United Nations today.

I think the able Senator from Indiana has rendered a distinct service by focusing the attention of the Senate on this issue. I very much hope my colleagues will support his amendment. It relates solely to payment of arrearages, to dues we already owe. We agreed to pay them under the Charter of the United Nations. Now we are saying, ''Well, if you want us to pay our past dues, you've got to agree to reduce our future dues.''

Now, I support an effort to reduce our future dues, but I do not think it ought to simply be imposed through this unilateral action on the part of the United States.

The United Nations serves important interests of ours. I think it is critical for the United States to help sustain and preserve a strong United Nations. I very much hope that the amendment of the Senator from Indiana will be adopted.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Delaware.

Mr. BIDEN. I yield myself as much time as I am able to consume. I think I have about 20, 25 minutes left, in that range.

The PRESIDING OFFICER. Twenty-two minutes.

Mr. BIDEN. Mr. President, to state the obvious, there are no two Senators of whom I have higher regard than the two Senators who are proposing this amendment. We use those kinds of phrases around here, but I know they both know that I mean it.

Now, I have a little difficulty with their approach here, not the principle that they are proposing, because, as I said from the outset and as the chairman will tell you repeatedly, and I suspect the Senator from New Hampshire, who is on the floor, may tell you, and I know our new colleague from Nebraska will tell you, I am not one who thinks we should be attaching conditions. I am a minority in that view, along with my two colleagues, but I am not one who thinks we should be attaching conditions. So I agree with them on that.

But I do think they overplay the point a bit in making it appear as though the Senator from North Carolina has in effect co-opted the Senator from Delaware into signing on to these conditions and that this is something totally new. Let me remind people of a few historical facts about conditions.

I have here—and I will ask in a moment that I be able to submit this for the RECORD—the number of occasions on which the U.S. Congress or Republican or Democratic Presidents have withheld the payment of moneys to the United Nations that were duly owed because of policy decisions made by our Government, notwithstanding the fact that we owed it, that we would not pay our dues unless the United Nations changed their view—conditions, conditions.

I will just list them all. The PLO and Palestinian-related condition that we withheld funds of $16,556,000 because we voted on this floor—I do not know how my colleagues voted, but I bet they voted the same way—we voted on this floor to say that as long as the PLO was getting a special kind of treatment in the United Nations, which we viewed to be unfairly against the interest of our ally Israel, we were going to withhold funds. That is $16.556 million. SWAPO. Remember old SWAPO? Well, we had that. You know, that was the debate relating to Southern Africa, Angola, South Africa, et cetera. We withheld $68 million. The Law of the Seas preconference, another policy dispute, we withheld $7.56 million. The South African-Israel conference, we withheld $200,000. The Kasten amendment, we withheld $1,300,000. The appropriations shortfall of fiscal years 1986, 1987, 1988, 1989, and 1996 accounts for $168.64 million, there was those—anyway I will go back over this. The deficit-reduction plan withheld $12,860,000. The Kassebaum-Solomon amendment withheld $42 million. And it goes on.

Guess what? We withheld, based on conditions that this body or Republican or Democratic Presidents placed on the United Nations, $164,111,000. So of the arrearages, this body was complicit in over $100 million of those arrearages. Now, all of a sudden they look at the Senator from North Carolina and me and say, ''Oh, my lord,

what are you doing? You're attaching conditions?'' Mea culpa, mea culpa, mea maxima culpa.

I did not think we should attach conditions then or now. But this is not anything new. And so of the money that we say is owed—our administration says we owe $1.021 billion, and the United Nations says we owe $1.361 billion. Of that, $1.021 billion, $164 million of it is previously attached conditions.

Now, I would like my colleagues who think we should not attach conditions to look at this list, stand on the floor and acknowledge why we should not have done any of this, and how they voted on it. I do not know how they voted on it. I do not even know how I voted on every one.

So, I am a little bit surprised at the manner in which this argument is being presented as if oh, my lord, we are about to do this awful thing we have never done before, and the United Nations is going to crumble when we do it. That is No. 1.

No. 2, how did I arrive at $819 million, to badger my friend from North Carolina to say I would not sign on to this unless it got to $819 million? The way I arrived at that number—there is nothing original on my part—I asked the administration, what do we need to pay our friends, and what do we need to meet our obligations?

Let me tell you, and this gives my friend some ''agitato'' here, as they say in the Italian communities in my State, let me tell you what I understand the facts to be. Let me point out that my friend from Maryland and my friend who is the leader of this effort, Senator LUGAR from Indiana, are not providing one more penny than I am providing. So this is all about principle. You ought to come and ask for all the money because you are doing the same thing I am doing, trying to get the best deal you can—not that either one of them have suggested that what I am doing is unprincipled, I just point out that their approach is no more or less principled than what I am suggesting. We are trying to get a job done. They do not provide one more penny.

Now, how did they arrive at my $819 million? Why did they not arrive at $1.021 billion like they say we need? Because they know what I know, that $819 million will pay our allies. Now, let's go back and talk about how it is owed and what is owed. Peacekeeping arrears—that we acknowledge, the President acknowledges, and even if we paid more money, the President would not pay any more of it—peacekeeping arrears amounts to $658 million; regular budget arrears amounts to $54 million; arrearages in specialized agencies amounts to $254 million; and arrears to international organizations amount to $55 million. Let me repeat that now: Peacekeeping $658 million; regular budget, $54 million; specialized agencies, $254 million; and international organizations, $55 million.

Now, I share the same concern my friend from Indiana does. However, if we appropriate $819 million the way the Senator from North Carolina and I are proposing, there are relatively easy conditions that have to be met the first 2 years. Let me make sure everybody remembers. The first year, we get about $100 million, and the second year we are up to $475 million. The United Nations owes us $107 million, and the United Nations will pay the United States from a tax equalization fund, $27 million. Now, you got that? I do not want to turn this into a math class but I want to be simple—these numbers are real important. Mr. President, $100 million goes out the first fiscal year this takes effect; $475 million the second year; the United Nations owes us, we say, $107 million for peacekeeping; and $27 million for the tax equalization. You add up all that money and it pays virtually every single penny that we owe to all of our allies for peacekeeping and the only thing it does not do in the first 2 years is it does not pay what we are said to owe to an international organization called UNIDO, the U.N. Industrial Development Organization, from which we have formally withdrawn. The Senator from Maryland, the Senator from Indiana, the Senator from Delaware, and the Senator from New Hampshire did not say you had to withdraw from it. The President withdrew. Ambassador Richardson delivered the papers and said, ''We're out.'' That is the only organization we do not have the money to pay but we are already out of it.

So, come on. Come on. I do not like doing it this way either, but it doesn't come out the way you all are saying it comes out. Our allies have nothing to fear. They reason they are not squawking, the reason there are not yelling out there, the reason neither the United Nations nor the Secretary-General is holding a protest and jumping up and down and screaming, is because they know and we know and the administration knows that the money in year 1 and year 2 combined with the money owed us will pay the deal, will meet our obligations.

Now, the last point I will raise, and I will not use all my time because others wish to speak, the last point I will raise are these conditions. Let me just tick off what the conditions are that the chairman has graciously agreed will be the ones required in the first 2 years to allow all of the money I just mentioned to be released. I may lose his vote if I keep pointing this out, but these are the facts.

First, a very difficult condition in the first year, the United Nations has to acknowledge, we have to acknowledge, the President has to acknowledge that our sovereignty will not be diminished by membership in the United Nations. That is a very difficult condition to meet. Come on. Come on. That is the first condition for the first year. Then we have to get the United Nations to reduce—and they say they can do this—our regular budget assessment from 25 to 22 percent, 25 to 22 percent in year 2, not year 1, year 2. So, we have 2 years to get that done. I might add, it was Ambassador Richardson testifying before our committee that said it should be 20 percent, Madeleine Albright said it should be 20 percent, the President has said it should be 20 percent. We did not pick 20 percent out of the air. Granted, I would rather it not be a mandate, but this is not something we are making up out of whole cloth. This is what this administration thinks is a fair assessment. They do not want us to mandate it, but they acknowledge it is fair. Now, roughly $709 million in the first 2 years would be available.

Another condition met which we already have unilaterally done and our allies have acknowledged is that we have been assessed 30 percent for peacekeeping. We do a whole heck of a lot of peacekeeping around the world and no one else chips in on it at all. We say that is too high, it should be 25 percent. The administration says that is not a problem, we can get it down there. So that is another condition. We only pay 25 percent, not from this point on, but from 2 years out. From that point on, 25 percent for peacekeeping.

The administration says in testimony that these are easy conditions to meet. This is not something we are asking them to jump through some hoop they cannot meet. Now, when the condition of sovereignty, which is restating the obvious, when the condition of 22 percent for our annual dues, and when the condition of 25 percent for peacekeeping are met, and they have 2 years in which to meet that, all the money needed to pay all our allies, all the money we owe them will be released.

So what is the deal here? Neither of my colleagues said this, but some have written that somehow I have made this pact with the ultimate enemy of the United Nations to undermine the United Nations and we are just going to rip its throat out and so on and so forth, and we compromised. And isn't that a horrible thing? Look, anybody who comes over here looking to be bathed in the waters of legislative purity, Senator LUGAR's amendment does not help you a bit, because he jumps right into that swamp with the rest of us. He is not asking for the $1.3 billion that the United Nations says we owe. He is not asking for $1.021 billion, the amount the administration says we owe. He is asking for the same amount of money that the chairman of the committee and I are asking for. So much for the notion of paying everything they say we owe.

Now, there is a distinction, you should be aware of when you vote. The distinction is that there are mandates in there, all of which can be met, and, in my view, reasonably can be met and should be met. I would rather not mandate them. That is the matter of principal distinction between the Senator and I. I would rather not mandate

them, but they are mandated. Now, understand what the Senator from North Carolina has done here, and again I'm not being facetious when I say this, and maybe it is not helpful to point out what he has done, he has been eminently reasonable. In the first distribution scheme we had for this $819 million, in the first distribution scheme we had, the way it was laid down is there would be $100 million, there would have been $419 million, and then the remainder in the third year. I went to him and said, look, I need $475 million in that second year, and he said OK, as the final element of compromise. The reason I needed $475 million was to do just what I just laid out for you. So there is a distinction.

The Senator from Indiana says it all gets paid out of the $819 million and paid out in 2 years and he is worried about our allies. I am saying we pay out the $710 million if they meet the conditions in the first 2 years and all our ally obligations are met. This is a distinction without a gigantic difference here. There is, as they might say, much ado about something, but it ain't much.

Mr. SARBANES. Will the Senator yield?

Mr. BIDEN. I am delighted to yield.

I want to save 4 minutes for my friend from Virginia. I have how much time?

The PRESIDING OFFICER. The Senator has 4½ minutes.

Mr. SARBANES. Where does the Senator get the $710 million?

Mr. BIDEN. In three places. I get $100 million the first year, $475 million the second year on the arrearages.

Mr. SARBANES. The Senator said we would have——

Mr. BIDEN. I am going to explain that, I will tell you where I get the rest.

I get $107 million from the money the United Nations acknowledges they owe the United States for peacekeeping, and I get $27 million for money that the United Nations owes the United States for tax equalization.

That is how I get it. It is not out of the $819.

Mr. SARBANES. Where do I find this in the bill?

Mr. BIDEN. You find it in acknowledgments. It does not have to be in the bill. They owe us $107 million for peacekeeping and $27 million for tax equalization. That is money the administration has to use to meet its obligations.

Mr. SARBANES. So these figures that are in the bill on page 180—$100 million, $475 million, and $244 million—are correct?

Mr. BIDEN. Absolutely correct, but I was making the point in response to the question will there be enough money to pay our allies in the first 2 years? And the answer is yes because of the $575 million out of this bill and roughly $134 million that is owed to us.

Mr. SARBANES. Well, how does that enable them to pay our allies?

Mr. BIDEN. It's very simple.

Mr. SARBANES. They are operating on a deficit now. So if we forgive their debt to us, how does that give them money to pay our allies?

Mr. BIDEN. The reason is because, just like when the bank owes you money, they owe you money—the question is how much we owe them. You are saying we owe them $1.370 billion. My time is running out. Maybe later the Senator from North Carolina might yield me a few minutes.

I reserve the remainder of my time for my friend from Virginia, Senator ROBB. I am out of time.

I yield the floor.

Mr. HELMS. How much time is remaining, Mr. President?

The PRESIDING OFFICER. The Senator has 25 minutes remaining.

Mr. HELMS. I have three Senators on the floor wishing to speak. I ask them to stay as close as they can to 5 minutes. If they need to go a little over that, fine. First, Senator HAGEL of Nebraska, then Senator GREGG of New Hampshire, and Senator GRAMS of Minnesota, all three of whom have been so helpful in the creation and production of this bill.

I yield to Senator HAGEL and then automatically the floor is yielded to the other two.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. HAGEL. I will be brief, Mr. President. I know there are others who want to speak on this issue. There is an old North Carolina adage that goes like this: Don't make the perfect the enemy of the good.

The Senator has heard that, I know. I think that is what we are talking about this morning. This is rather remarkable. What has been pieced together over 5 months of very diligent effort, leadership, and hard work, making something work based on a bipartisan foreign policy effort and a commitment made by Chairman HELMS, Senator BIDEN, Secretary of State Albright, and the administration, who all have worked very hard on this. When you add to that Senator GRAMS from Minnesota, as the subcommittee chairman, who has put his imprimatur and worked hard and given his leadership to this effort, this is a remarkable effort.

Mr. President, I don't know about you or other Senators in this body, but for years and years, as a private citizen, as a taxpayer, and as a businessman, I would hear constantly, and I have heard over the last 2 years during my campaign: What about the United Nations? What are we doing? The United Nations says we owe money. Do we owe money? How much? What about the peacekeeping efforts? Are our peacekeeping dollars counted? How do we account for that? Isn't it true that we put American men and women in harm's way and we paid the bill and we are in Bosnia and all over the globe?

So what is the correct way to assess our dues, our commitment to this very important organization? The debate, ladies and gentlemen—don't be mistaken here—is not whether the United Nations is good, bad, or whether we want to be in it or not. Of course it is good. The world is better because of the United Nations. But we need to get this issue cleared up. We need to take the negotiations that have been held by the leaders in this and hold negotiations. I think it was rather evident in our committee hearings and the subsequent markup of this bill last week, when it was reported out 14 to 4. It said to me that, in fact, bipartisanship is in effect and, in fact, the commitment made by the administration and Senators BIDEN, HELMS, and others, will make this work. We need to get this behind us and we need to address this issue. I think it is a fair resolution to the issue. We can then work on the bigger issues that this country and the world must face as we move into a bold, new century.

Big issues. We have trade issues. We have treaty issues. I, for one, am not one Senator who wants to go back and replay this. I say this with the greatest respect for Senator LUGAR and others who have been involved in this. Hardly an individual in this body is as aware and provided as much leadership on foreign relations as Senator LUGAR. But I think the time is now to make what we came up with—the good effort of bipartisan leadership—the bill that we move forward with and, therefore, allowing this body, the committee, and all those responsible for policy in this country, as we move into the next century, the freedom to focus on that. I rise today in strong support of the Helms-Biden bill. I hope my colleagues will take what I and my colleagues have said this morning into consideration as they vote today.

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, I join the Senator from Nebraska and the Senator from North Carolina and the Senator from Delaware and the Senator from Minnesota in endorsing this really excellent effort that has been developed through a great deal of negotiation between the Senators from North Carolina and Delaware, the Secretary of State, the Ambassador to the United Nations, the Senator from Minnesota, and the majority leader.

This effort was not easy. There were a lot of disagreements as to how we should address the U.N. arrearages issue. I am speaking from the perspective of the Appropriations Committee, where I chair the subcommittee with jurisdiction over the funding of the United Nations. From my viewpoint, I and I think many of my colleagues were not really willing to simply give carte blanche to the United Nations again.

The fact is that the United Nations has, regrettably, been fiscally mismanaged. That mismanagement has meant that American tax dollars have

been wasted. That is not right. We as a Senate have an obligation to make sure that the tax dollars that are sent to us out of the hard earnings of our constituents are effectively spent. This proposal includes in it conditions that will require the United Nations to finally straighten out its fiscal house. Today, you really can't tell where a dollar goes that is sent to the United Nations. More importantly, there is a distinct sense that when a dollar goes to the United Nations today, a great deal is misspent on patronage, on promised services that are not delivered, on programs that don't work, and on agencies which have an excessive amount of personnel.

So we are requiring, under this proposal, that the United Nations put in very basic accounting procedures, that they actually be able to tell us where the dollars go, that they have a personnel policy that is accountable, a system of accounting for the programmatic activity they undertake.

More importantly, we are requiring and putting in conditions that allow us to determine that their procedures and structures work well, from a GAO auditing of their procedures.

In addition, we have seen the other conditions outlined by the Senator from Delaware and, I am sure, will be outlined by other Senators here, which will make the United Nations fee system, or payment system, or dues system more reflective of the burdens of other nations, as well as the United States. We pay a disproportionate amount of the cost for peacekeeping and for the fees at the United Nations and the dues of the United Nations. We are not talking about dramatic reduction in either our commitment to the United Nations, in peacekeeping, or in our commitment to the area of dues. But we are talking about bringing it more in line with the fact that other nations, since the initiation of the United Nations, have risen in their economic capability to bear some of this burden. That is reflective in this amendment.

So this is a good amendment. It is an amendment that brought together the various parties. And, believe me, when we started the negotiations, we were a long way apart. There wasn't much expectation that an agreement would be reached. But through the good counsel of the Senator from North Carolina, the Senator from Minnesota, the majority leader, and through the hard effort of the Secretary of State and the Ambassador to the United Nations, we have reached an accommodation and agreement. It is a positive one, one that will help the United Nations be a stronger institution that people can have confidence in, especially as to how and where it spends the dollars sent to it.

So it is a positive step forward to have these conditions in this bill. I, as an appropriator, would have a lot of problems passing any appropriation that didn't follow the outline set forth by this committee and set forth in the work of Senator HELMS and Senator BIDEN.

I yield the balance of my time.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. GRAMS. Mr. President, as the subcommittee chairman with jurisdiction over the bill before us today, I worked diligently with members on both sides of the aisle, and with the administration, to craft legislation which will strengthen America's leadership role in the international arena. This package reorganizes our foreign relations bureaucracy, establishes benchmarks for the payment of U.N. arrears, and prioritizes our international affairs expenditures. We need a more effective foreign affairs apparatus, both at home and at the United Nations, in order to confront the challenges to peace and security in the future.

This bipartisan agreement is the result of a good-faith effort to accommodate conflicting perspectives on how we, as a nation, should mobilize our resources. There were tough, lengthy negotiations on this package. We had to reconcile competing interests, and as a result, nobody is completely satisfied with the final product. I will be the first to say that this bill is not perfect. I would have preferred much more in the way of reforms and budget discipline. But this is a good agreement; and in this case, we should not let the perfect be the enemy of the good. I want to reassure my colleagues that I am open to oversight hearings that would address their concerns and closely examine the implementation of the changes we have made.

In order to effectively safeguard the national interest, we must reorganize our foreign policy apparatus. This nation is saddled with an unwieldy Cold War foreign policy bureaucracy in which many of the functions of AID, ACDA, USIA and the International Development Cooperation Agency could be better handled by the State Department. This legislation does not go as far as I would like in consolidating our foreign relations bureaucracy. But for now, this package has a major advantage over a more complete consolidation—this package is achievable. It is a solid first step. Hopefully, these reforms will lead to further streamlining in the future—the American people want our Government to not only reflect their wishes abroad, but they want it to do so coherently. We are more likely to achieve our goals if we have a single voice representing the administration's position in the conduct of foreign relations, rather than a number of competing fiefdoms which undercut the authority of the Secretary of State.

For example, under the new structure, we no longer should be stymied by a good-cop, bad-cop approach to foreign policy, whereby the entities who hand out U.S. foreign aid maintain good relations with client nations, while the Department of State essentially holds the line in protecting U.S. interests. We should not be handing out foreign aid to a country at a time when that very country is clearly acting against our interests. When we distribute foreign aid, it should be with an understanding that the United States entity asking for cooperation from a country in one arena is coordinating with the United States entity that will be delivering assistance to that country. Under this plan, the different parts of our foreign policy apparatus have a structural imperative to act in concert.

Granted, the United States is not alone in the need to downsize its bureaucracy and eliminate waste. The United Nations must do the same. My visits to the United Nations as the United States Congressional Delegate to the U.N. General Assembly served to reinforce my commitment to salvage this organization. In this age, any organization burdened with a bloated bureaucracy and no mechanisms to control spending, will collapse under the weight of its own inefficiency. Most United Nations officials recognize the need for reform, and have started to work to achieve some of them. Indeed, in her former position as Ambassador to the United Nations, Secretary Albright was an outspoken critic of waste, fraud, and abuse and was instrumental in initiating an oversight process. However, most of her efforts were stymied by an entrenched bureaucracy. True reform will only occur when there are tangible incentives to change. I believe that the United Nations needs the discipline of actual benchmarks tied to the arrears to provide the impetus for fundamental change. We have seen how difficult it is to streamline our own bureaucracy. It is even more difficult to streamline an international organization where each member is involved in these decisions. We are not seeking to micro-manage U.N. reforms. We want to work with our fellow U.N. members to make the organization the best it can be.

This bill provides a 3-year payment of $819 million in arrears to the United Nations in conjunction with the achievement of specific benchmarks that will help us enhance the vitality of the United Nations. I joined Ambassador Richardson at the United Nations late last week to brief Secretary General Kofi Annan and the Permanent Representatives of many of our allies' delegations on the details of this package. I was repeatedly asked whether the $819 million was a firm number. I indicated that it is a carefully negotiated figure that I believe will remain firm. I would like to remind my colleagues that the House bill contains no provision at all for the payment of arrears. The U.N. officials also wanted to know whether the benchmarks were conditions or suggestions. The benchmarks are what I call, somewhat tongue-in-check, ''mandatory suggestions.'' They are suggestions in the sense that the United Nations can

choose whether or not to adopt them, and mandatory in the sense that if the U.N. wants the money it will have to implement the reforms.

If the United Nations ignores the need for reform, than the United Nations will have to forgo the $819 million.

I regret that a statement I made in New York last week was misinterpreted to suggest that somehow benchmarks were negotiable or optional.

My intent was to indicate that the details regarding the implementation of certain conditions could be worked out with our fellow U.N. members—as long as the benchmark goals are achieved.

You know, there is a difference here. Many of the benchmarks establish broad parameters on the direction we believe the United Nations should be going. The final small details and the micromanaging of how those are accomplished and reached will be the work of negotiations between member states. We are setting out a macropackage of reforms that I believe most members at the United Nations recognize need to be made. These reforms are heading the United Nations in the direction that it needs to go in order to become a very efficient organization.

There is significant interest in the Congress to withhold the payment of arrears until there is tangible evidence that reform has occurred. After all, this is not the U.S. Government's money, it is the taxpayers money. Americans should be able to ensure that their hard earned money will not be squandered.

I was greatly encouraged that the Secretary General remains committed to reforms and will work with us to achieve them.

I strongly believe that the United Nations is an important forum for debate between member states and a vehicle for joint action when warranted. It is not a world government.

However, the United Nations must endorse reforms that provide transparency and accountability so it is embraced as the former, instead of feared as the latter. I firmly believe that this package will improve the United Nations to the point where the United Nations can win back public support which has eroded over the years.

These reforms are critical to ensure the United Nations is effective and relevant.

I urge my colleagues to support the entire bipartisan package and, especially, to understand how difficult it was to arrive at an agreement on the arrears.

I commend the chairman and the ranking member of the Foreign Relations Committee for their diligence and perseverance in effecting this compromise, an effort which took many months. I am pleased that the Administration has agreed, albeit reluctantly, to this agreement.

I look forward to the implementation of the measures which will enhance America's ability to exert leadership in the international arena through the consolidation of our foreign relations apparatus.

I am hopeful that the United Nations will accept the reforms and in doing so, will increase its ability to perform its mission. This agreement is in America's best interest, and the best interest of the entire international community.

Thank you, very much. Mr. President, I yield the floor.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, just for the Record, I think I should emphasize that JUDD GREGG from whom we just heard, the chairman of the Commerce, Justice, State Subcommittee of the Senate Appropriations Committee, has worked with us every step of the way in crafting this U.N. reform provision.

Senator GRAMS, from whom we just heard, is chairman of the International Operations Subcommittee of the Foreign Relations Committee, and is our congressional delegate to the United Nations. He has been so instrumental in negotiating the provisions on U.N. reform.

I believe that Senator ROBB is prepared to speak. If he needs an extra couple of minutes, I will yield them to him.

Mr. ROBB addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Virginia.

Mr. ROBB. Thank you, Mr. President. I thank the distinguished Senator from North Carolina.

Mr. President, it's hard to argue with the spirit of Senator LUGAR's amendment. And indeed I don't argue with its spirit. We owe the United Nations hundreds of millions of dollars. Our deadbeat status is an embarrassment for the country and undermines our standing and the vital work of this international organization.

That said, the political reality of the situation we find ourselves in is that a majority of this body is prepared only to pay our debts conditioned on comprehensive reforms being implemented at the United Nations. And I certainly don't disagree with reforming the United Nations, and making it more efficient and effective. Still, we are holding hostage money already owed to changes being invoked that suit our unilateral demands.

But the will of the majority is clear. While I may disagree with my friend the chairman of the Foreign Relations Committee on the unilateral means which he has chosen to affect reform at the United Nations, the negotiated package providing $819 million over 3 years I believe is the best we can hope for. Half a loaf is better than no loaf at all. And that is the alternative. This is a classic example of a situation where the perfect can become the enemy of the good.

Mr. President, I would favor an approach that pays our arrearages in full, not in the 2 years proposed by the distinguished Senator from Indiana or the 3 years sought by our distinguished chairman while conditioning future payments on reform. But that strategy fails the political litmus test laid down by the majority. I understand that reality, and I want an authorization bill that can become law. Hence, the circumstances persuade me that the only approach that can accomplish that objective, even though I may substantively disagree with part of it—is the one negotiated between and offered by Senator HELMS and Senator BIDEN.

It represents a compromise in good faith on both sides to achieve an objective that we have not achieved in this body in some period of time. And for that reason, I support the bill and I oppose with regret the amendment that is offered by my distinguished friend, the Senator from Indiana.

With that, Mr. President, I yield back any time remaining.

Again, I thank the distinguished chairman of the Senate Foreign Relations Committee for yielding me an additional minute.

Mr. HELMS. The Senator is quite welcome.

Mr. President, I am very pleased with the progress that we are making today.

Mr. President, just for the record, in 1985 a very distinguished Senator named Nancy Kassebaum, and Mr. SOLOMON on the House side, offered legislation using this very same approach. And it was in enacted into to law for the State Department Authorization Act for fiscal years 1986 and 1987. Who do you reckon was the chairman of the Senate Foreign Relations Committee at that time? It was my very good friend, Senator LUGAR of Indiana. If my memory serves me correctly, he supported Nancy Kassebaum, I, and all the rest of us who were interested in the same thing.

The Clinton administration never requested some of the larger amounts of money involved in the so-called arrearage. Through a normal process of budgeting, the Congress overlooked paying this enormous sum for peacekeeping, principally to our allies in Europe. In fact, the nonpayment of U.N. peacekeeping expenditures in Bosnia was an explicit rebuff by the Congress to a policy, and any suggestion to the contrary is simply not so. But the Clinton administration never requested most of the funds in that budget. It never received congressional approval. The Congress to the contrary explicitly opposed these peacekeeping expenditures. But through a flawed mechanism at the United Nations the Clinton administration at that time could vote for the peacekeeping mission and then after the fact demand the Congress meet the so-called United States obligation to pay.

So it is a confusing set of circumstances. But the argument that we are somehow being less than honorable in applying some demands is just not reasonable.

Let's look at another thing. Do we really want to start down the path of

who has spent how much on Bosnia? This is an argument which our allies are not going to win. Less than 2 years ago two Cabinet-level officials from the Clinton administration told the Foreign Relations Committee, of which Senator LUGAR is a member, and I believe he was present at that time, that the cost incurred for the peacekeeping mission in Bosnia is ''going to be in excess of $1 billion, probably $1.5 billion.'' Just for the record, the United States has to date spent—guess how much on Bosnia? Mr. President, $6.5 billion. Who is going to reimburse our military and our taxpayers for this expenditure? So where does anybody get off saying we are doing something dishonorable, or unwise, or unreasonable if we are protesting a lot of this stuff that is going on at the United Nations?

Over $533 million of the so-called United States arrearages for peacekeeping is specifically related to the failed U.N. mission in Bosnia. In support of the amendment, it has been said that the United States did not have troops in Bosnia and, therefore, the United States has an obligation to pay those who did. That argument is not correct either.

During the period of the U.N. effort in Bosnia, the United States maintained an aircraft carrier battle group off the coast of the former Yugoslavia, a substantial commitment of aircraft to police the no-fly zone over Bosnia, and a military hospital unit in Croatia at an estimated cost of at least $3 billion. Because the Congress prohibited President Clinton from associating our military with the U.N. disaster, the United States did not seek reimbursement for our efforts to contain hostilities in Bosnia.

If we are going to start talking about paying bills for Bosnia and things like that, we can really, really have a strong argument, and I am going to insist that our military and our taxpayers get reimbursed as well.

So, for me the alternative to the payment of these funds with the conditions in the reform package will not be the no strings attached approach advocated by the Lugar amendment. I will instead oppose any amendment for any reimbursement for the failed U.N. peacekeeping effort in Bosnia. And that is a debate, Mr. President, if we have it, that will be worth having.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I ask that Senators support my amendment because it is the right thing to do. It is the right thing to pay our debts and to meet our contractual obligations in support of the United Nations, a vigorous vehicle for the conduct of our foreign policy.

The dispute that we have today is over two different tacks on which the Senators differ in terms of our effectiveness. I believe that the Lugar amendment is not only the right thing to do but I believe it is the most effective way to bring about reform, and to bring about cooperation with our allies, not only at the United Nations but in a host of international trade issues, in NATO and NATO-related concerns, and all of the planning that is vital to our foreign policy.

It makes no sense, Mr. President, to deny our allies funds that we owe them and to expect that they are going to be generous or thoughtful in negotiating settlements with us in a range of agreements around the globe.

So in terms of both the principle as well as its practicality, I believe the best course is to pay our debt and to do so promptly in a straightforward way and to negotiate firmly for reform of the United Nations, as we are doing, and as we will continue to do, after recognizing that 183 other countries are involved. There must finally be agreement with them, too.

I thank the Chair.

Mr. CHAFEE. Mr. President, I commend the Senators from North Carolina and Delaware for bringing this very important piece of legislation to the Senate floor. It has been many years since Congress has passed and the President signed a State Department Authorization bill. U.S. interests will be very well served if we are able to accomplish this very difficult but important task.

I would like to address a key provision within S. 903, that being the U.N. reform plan. I have long had a deep interest in the world body, and this legislation offers the Senate an opportunity to better understand the many complex issues surrounding U.S. membership in the United Nations.

There have been a number of what I consider to be unfortunate misconceptions raised about the United Nations in recent years that, in the context of this legislation, ought to be addressed in a forthright manner. American taxpayers deserve to know what benefits does the United States derives from its participation in the United Nations? A misconception one hears repeatedly is that the United States pays billions of dollars in U.N. dues, but gets little or nothing to show for it in return. I think it is important to rebut this allegation in order to more effectively make a case for full payment of our arrearages.

The United Nations advances U.S. foreign policy goals in a number of ways, including isolation of nations that support terrorism, conflict resolution through diplomacy, the provision of humanitarian aid, and the promotion of democracy and human rights. These many successful ventures are too often overlooked as the more headline-grabbing failures of the U.N. seem to receive more attention by the news media.

For example, U.N. economic sanctions serve to isolate and weaken regimes of nations such as Iraq, Libya, and others that routinely challenge United States interests abroad. Although these outlaw regimes remain in power, their ability to influence world events and undermine our interests are greatly reduced. I note the now-lifted U.N. sanctions on Serbia, which were instrumental in bringing that nation to the negotiations that eventually resulted in the Dayton peace accords. And we should also recall that Operation Desert Storm was conducted under the authority of a U.N.-passed resolution.

The United Nations has also been instrumental in a number of peacemaking endeavors, including the brokering and implementation of peace agreements in the nearby, formerly war-ravaged nations of El Salvador and Guatemala. While I recognize and acknowledge the imperfect record of U.N. peacekeeping missions, particularly in Somalia and Bosnia, there have been successes in a number of lesser known parts of the world that are infrequently publicized. In any event, it should also be understood that the number of troops involved in U.N. peacekeeping operations has been reduced two-thirds over the past 2 years.

What's more, the United Nations has been a forum in which international norms and standards of conduct are debated and established. These standards put the weight of international unity behind efforts to encourage good conduct on the part of all member states, particularly those that seek to do otherwise. During the 51st U.N. General Assembly alone, a number of important resolutions were adopted, with U.S. support, that promoted our national security interests. These resolutions sought to combat international crime, promote respect for human rights, and deplore the conduct of the repressive Burmese Government. I also note the work of the U.N. Human Rights Commission in Geneva, an important organization which, among other things, puts needed pressure on many nations to fully respect the fundamental rights of its citizens.

Mr. President, these are just some examples of how the United Nations and its affiliated organizations serve U.S. national security interests around the world. There are many more. It's vitally important that every Member of Congress understand exactly what we are receiving in return for our substantial investment at the United Nations in order to make the best judgment about how to proceed in addressing our unpaid dues.

Another important misconception about the United Nations is the characterization of it as a bloated, uncontrolled bureaucracy that is unresponsive to calls for restraint. It is true that the United Nations and its administrative activities had seen enormous growth during its first several decades of existence. This growth and associated bureaucracy led to justified calls for reform and reduction.

We must keep in mind that the United Nations has already undergone several reforms in the past decade, often at the urging of the U.S. Congress. Well

before Secretary-General Kofi Annan assumed office, the United Nations had established an inspector general, reduced the number of high level posts, and cut both its peacekeeping and general budgets. And in the relatively short time since Annan has been Secretary-General, he has announced additional far-reaching reforms. On March 17, Annan specified a series of 10 reform benchmarks involving further budget cuts and restructuring. Included among these are a transfer of resources from administration to programs, establishment of a code of conduct for U.N. staff, and streamlining of his own office. Annan has done a great deal with the authority he has, while proposing additional measures that must be negotiated with member states.

So no one should be left with the understanding that the United Nations is somehow immune from accountability and unresponsive to criticism. The world body, especially through its new Secretary-General, has heard the call for reform. Its leadership recognizes that it must be responsive to the concerns of member states, particularly its biggest donor, the United States.

This brings us to today's debate. It has been my longstanding view that the United States absolutely must remain a full and active member of the United Nations. The many constructive activities of the United Nations. I have discussed, and the many U.S. interests that are served by our participation in the world body warrant a continued and strengthened U.S. role. Indeed, the 20th century has seen the tremendous consequences that result when the United States shrinks from its inevitable leading role in world affairs. In fact, I would argue that the increasing complexity of the challenges confronting the United States today make it more important than ever that we remain engaged internationally by, among other things, fully participating in the United Nations.

And we certainly cannot adequately participate in the United Nations by continuing to carry an arrearage of around $1 billion. Because of this arrearage, our respect and credibility there has diminished, thereby limiting United States ability to influence positively the United Nations' deliberations and activities. As the sole remaining superpower in an increasingly complex world, the United States simply must play a leading and unimpeded role at the United Nations.

While I am extremely pleased about the willingness of the Senator from North Carolina to engage in negotiations to clear up our arrearage, I believe that paying our back dues in full without the onerous conditions of title 22 is the appropriate course of action. It appears unlikely that the United Nations will, in fact, agree to this package as a whole, particularly given the lukewarm initial reaction of its leadership. This reaction is certainly understandable. Could you imagine if every member state made demands such as this in return for full payment of dues?

What would best serve U.S. interests is to pay off our arrearage now and encourage our diplomats to undertake a very serious effort to negotiate further reforms with a Secretary-General who appears strongly committed to genuine change. I am greatly concerned that the substantial progress we have already made in working with Kofi Annan could be jeopardized by enactment of these mandates. It is no surprise that many member states of the U.N. have said that these conditions are a mere starting point for further negotiations. Such an interpretation, if accepted by the body as a whole, would simply put us back at square one with a $1 billion arrearage.

Rather than debating how best to pay our back dues, we should instead focus on the more fundamental question of whether or not the United States ought to be a member of the United Nations at all. If we do decide that it's in our interests to remain there, then we should simply pay our dues and move on. It is imperative that the United States remain engaged, rather than withdraw, from world affairs and institutions such as the United Nations. I urge my colleagues to support the Lugar/Sarbanes amendment.

Mr. WELLSTONE. Mr. President I rise to express my strong support for the amendment introduced by Senator LUGAR. The amendment accomplishes a number of things, including funding arrears to the United Nations within 2 years and fully funding fiscal year 1998 U.S. regular and peacekeeping dues to the United Nations. The full funding for fiscal year 1998 is important in that it will help ensure that the United States does not perpetuate U.S. arrears by not meeting current U.S. obligations to the United Nations.

But as commendable and desirable as these provisions are, what I believe is most important is Senator LUGAR's proposal to strip from S. 903 some 38 unilaterally imposed benchmarks or conditions that the United Nations would have to meet before we fully pay the debts we acknowledge we owe the organization. Included in these benchmarks are a permanent cut in our annual dues from 25 percent to 20 percent of the regular U.N. budget and from 31 percent to 25 percent of the peacekeeping budget.

When I first joined the Senate Foreign Relations Committee, I was asked by a ranking State Department official what my position was on U.S. arrears to the United Nations. I said my position could be summed up in two-words: ''pay up.'' At the time I had no inkling that the majority of my colleagues on the Foreign Relations Committee would agree that our decision to finally pay up should be contingent on the U.N complying with numerous U.S. conditions. And the conditions contained in S. 903 provide for payment of arrears over a 3-year period, with new conditions imposed each of the 3 years—conditions that the United Nations will have to meet in exchange for U.S. payments. To other nations, including some of our allies, this formula is likely to be viewed as being tantamount to blackmail on the installment plan. Moreover, if implemented there is no question it would greatly weaken the United Nations and undermine our leadership role in the world body.

What would happen to the United Nations if other member States were to follow suit and impose some of the same provisions contained in this bill as conditions for paying their arrears? Thus, they might refuse to pay their back dues and assessments until the United Nations agreed to make reductions they specify in their assessed rate for the U.N. budget and share of contributions to peacekeeping operations. Or they might condition repayment to specific reductions in the U.N. staff, reduced U.N job vacancy rates, or even providing their national counterparts to our GAO with access to U.N. financial data so that they may audit the U.N. books.

Is there any doubt that we would be enraged if the national legislature of any other member state were to mandate that the United Nations jump through a series of hoops before that state pays its debts to the United Nations? And we would have a right to be enraged, not only because our own dues and assessments might consequently be increased. But also because U.N. compliance with such a unilateral diktat could well lead to the organization's collapse. No international organization can be viable if its members have the power to unilaterally determine what they owe the organization, the conditions under which repayment should be made, and what their future financial obligations should be.

As Senator LUGAR has pointed out, only 5 percent, some $54 million, of the $1.021 billion we acknowledge we owe is actually owed to the United Nations. It is important to note that the single largest portion of our arrears, almost two-thirds, is owed to countries who contributed troops to peacekeeping operations which the U.S. backed in the U.N. Security Council. In most cases these were operations in which the United States refrained from participating with our own forces. The bulk of this peacekeeping debt is owed to our NATO allies, with the United Nations merely serving as a conduit to reimburse those countries who supported peacekeeping operations with troops and equipment.

There is no doubt that international peacekeeping eases our burden because other nations share the costs and risks. In fact, the United States will gain $107 million in reimbursements for U.N. peacekeeping costs, which we will credit against our U.N. debt obligations.

In effect, by withholding our debt payments and making repayment contingent on a host of conditions, we've imposed a double whammy on some of our closest allies. We have yet to pay

them what we owe for the costs of peacekeeping operations they carried out which we had deemed to be in our national interest. And by unilaterally reducing our own future obligations to the United Nations as a condition of paying our arrears, our NATO allies will wind up paying more for peacekeeping operations and the U.N. budget. To me, this seems like a sure-fire formula for undermining our relations with our NATO partners.

Mr. President, I believe it is important to stress that the Lugar amendment enjoys strong and broad support. Among the backers is the Emergency Coalition for U.S. Financial Support of the United Nations which includes all the former Secretaries of State, and over 100 business, labor, humanitarian, faith-based, and civic organizations. Moreover, the premises of the Lugar amendments are consistent with the views of the American public. For example, a nationwide poll last year found that almost two-thirds of Americans believe the United States ''should always pay its full dues to the United Nations on schedule.''

Americans have long believed in having ''a decent respect for the opinions of mankind.'' I hope my colleagues will agree with me that imposing unilateral, take it-or-leave it conditions on the United Nations hardly reflects ''a decent respect for the opinions of mankind.'' Therefore, I urge my colleagues to strongly back the Lugar amendment.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

AMENDMENT NO. 383, AS MODIFIED

Mr. BIDEN. Mr. President, I ask unanimous consent that it be in order for me to offer a perfecting amendment to Senator DEWINE's amendment No. 383. I offer this amendment on behalf of Senator DODD. It amends the pending amendment to add two additional categories of individuals who may be excluded under this amendment: First, members of the Haitian high command; and, second, members of the paramilitary organization known as FRAPH.

Both of these organizations were responsible for serious human rights abuses during the coup regime from 1991 to 1994.

I ask unanimous consent that the DeWine amendment be so modified to include the amendment which I send to the desk from Senator DODD.

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

The amendment (No. 383), as modified, is as follows:

At the end of title XVI of division B of the bill, insert the following new section:

SEC. . EXCLUSION FROM THE UNITED STATES OF ALIENS WHO HAVE BEEN INVOLVED IN EXTRAJUDICIAL AND POLITICAL KILLINGS IN HAITI.

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

(1) At the time of the enactment of this Act, there have been over eighty extrajudicial and political killing cases assigned to the Haitian Special Investigative Unit (SIU) by the Government of Haiti. Furthermore, the government has requested that the SIU investigate on a ''priority basis'' close to two dozen cases relating to extrajudicial and political killings.

(2) President Jean-Bertrand Aristide lived in exile in the United States after he was overthrown by a military coup on September 30, 1991. During his exile, political and extrajudicial killings occurred in Haiti including Aristide financial supporter Antoine Izmery, who was killed on September 11, 1993; Guy Malary, Aristide's Minister of Justice, who was killed on October 14, 1993; and Father Jean-Marie Vincent, a supporter of Aristide, was killed on August 28, 1992.

(3) President Aristide returned to Haiti on October 15, 1994, after some 20,000 United States troops, under the code name Operation Uphold Democracy, entered Haiti as the lead force in a multi-national force with the objective of restoring democratic rule.

(4) From June 25, 1995, through October 1995, elections were held where pro-Aristide candidates won a large share of the parliamentary and local government seats.

(5) On March 28, 1995, a leading opposition leader to Aristide, Attorney Mireille Durocher Bertin, and a client, Eugene Baillergeau, were gunned down in Ms. Bertin's car.

(6) On May 22, 1995, Michel Gonzalez, Haitian businessman and Aristide's next door neighbor, was killed in a drive-by shooting after alleged attempts by Aristide to acquire his property.

(7) After Aristide regained power, three former top Army officers were assassinated: Colonel Max Mayard on March 10, 1995; Colonel Michelange Hermann on May 24, 1995; and Brigadier General Romulus Dumarsais was killed on June 27, 1995.

(8) Presidential elections were held on December 17, 1995. Rene Preval, an Aristide supporter, won, with 89 percent of the votes cast, but with a low voter turnout of only 28 percent, and with many parties allegedly boycotting the election. Preval took office on February 7, 1996.

(9) On March 6,1996, police and ministerial security guards killed at least six men during a raid in Cite Soleil, a Port-au-Prince slum.

(10) On August 20,1996, two opposition politicians, Jacques Fleurival and Baptist Pastor Antoine Leroy were gunned down outside Fleurival's home.

(11) Other alleged extrajudicial and political killings include the deaths of Claude Yves Marie, Mario Beaubrun, Leslie Grimar, Joseph Chilove, and Jean-Hubert Feuille.

(12) Although the Haitian Government claims to have terminated from employment several suspects in the killings, some whom have received training from United States advisors, there has been no substantial progress made in the investigation that has led to the prosecution of any of the above-referenced extrajudicial and political killings.

(13) The expiration of the mandate of the United Nations Support Mission in Haiti has been extended three times, the last to July 31, 1997. The Administration has indicated that a fourth extension through November 1997, may be necessary to ensure the transition to a democratic government.

(b) GROUNDS FOR EXCLUSION.—The Secretary of State shall deny a visa to, and the Attorney General shall exclude from the United States, any alien who the Secretary of State has reason to believe is a person who—

(1) has been credibly alleged to have ordered, carried out, or materially assisted, in the extrajudicial and political killings of Antoine Izmery, Guy Malary, Father Jean-Marie Vincent, Pastor Antoine Leroy, Jacques Fleurival, Mireille Durocher Bertin, Eugene Baillergeau, Michelange Hermann, Max Mayard, Romulus Dumarsais, Claude Yves Marie, Mario Beaubrun, Leslie Grimar, Joseph Chilove, Michel Gonzalez, and Jean-Hubert Feuille;

(2) has been included in the list presented to former president Jean-Bertrand Aristide by former National Security Council Advisor Anthony Lake in December 1995, and acted upon by President Rene Preval;

(3) was a member of the Haitian presidential security unit who has been credibly alleged to have ordered, carried out, or materially assisted, in the extrajudicial and political killings of Pastor Antoine Leroy and Jacques Fleurival, or who was suspended by President Preval for his involvement in or knowledge of the Leroy and Fleurival killings on August 20, 1996; or

(4) was sought for an interview by the Federal Bureau of Investigation as part of its inquiry into the March 28, 1995, murder of Mireille Durocher Bertin and Eugene Baillergeau, Jr., and were credibly alleged to have ordered, carried out, or materially assisted, in those murders, per a June 28, 1995, letter to the then Minister of Justice of the Government of Haiti, Jean-Joseph Exume.

(5) Any member of the Haitian High Command during the period 1991–1994, who has been credibly alleged to have planned, ordered, or participated with members of the Haitian Armed Forces in the September 1991 coup against the duly elected government of Haiti (and his family members) or the subsequent murders of as many as three thousand Haitians during that period;

(6) Any individual who has been credibly alleged to have been a member of the paramilitary organization known as FRAPH who planned, ordered, or participated in acts of violence against the Haitian people;

(c) EXEMPTION.—This section shall not apply where the Secretary of State finds, on a case by case basis, that the entry into the United States of the person who would otherwise be excluded under this section is necessary for medical reasons, or such person has cooperated fully with the investigation of these political murders. If the Secretary of State exempts such a person, the Secretary shall notify the appropriate congressional committees in writing.

(d) REPORTING REQUIREMENT.—(1) The United States chief of mission in Haiti shall provide the Secretary of State a list of those who have been credibly alleged to have ordered or carried out the extrajudicial and political killings mentioned in paragraph (1) of subsection (b).

(2) The Secretary of State shall submit the list provided under paragraph (1) to the appropriate congressional committees not later than three months after the date of enactment of this Act.

(3) The Secretary of State shall submit to the appropriate congressional committees a list of aliens denied visas, and the Attorney General shall submit to the appropriate congressional committees a list of aliens refused entry to the United States as a result of this provision.

(4) The Secretary shall submit a report under this subsection not later than six months after the date of enactment of this Act and not later than March 1 of each year thereafter as long as the Government of Haiti has not completed the investigation of the extrajudicial and political killings and has not prosecuted those implicated for the killings specified in paragraph (1) of subsection (b).

(e) DEFINITION.—In this section, the term ''appropriate congressional committees'' means the Committee on International Relations of the House of Representatives and

the Committee on Foreign Relations of the Senate.

Mr. DODD. Mr. President, I hope that Senator DEWINE would accept my perfecting amendment that I offer to his amendment. I understand that the managers of the bill are prepared to accept it, if the sponsor of the underlying amendment has no problem, which I understand he does not.

I believe that those who use violence as a political tool should not be rewarded with a United States visa for those actions. While his amendment covers a number of categories of individuals who have been involved in political killings and other illegal acts, there would seem to be two categories of individuals who played a very prominent role in the reign of terror that characterized Haiti between September 1991 and October 1994 when the duly elected government was restored to office with the assistance of the international community. I am of course talking about the High Command of the Haitian Armed Forces and the paramilitary organization known as FRAPH.

Clearly members of the Haitian High Command violated every norm of accepted international law with respect to their efforts to overthrow a democratically elected government. But more importantly, their treatment of the Haitian people during the coup regime was reprehensible. Surely granting entry to the United States of such individuals would serve no useful private or public purpose.

Similarly, the paramilitary organization which came to be known as FRAPH undertook such heinous acts as kidnaping, rape and murder as a concerted effort to intimidate the Haitian people. Individuals who were members of this organization should also be excluded from entry into the United States.

Mr. President I believe that this amendment adds the necessary balance to the pending amendment and I urge its adoption.

Mr. DEWINE. Mr. President, I thank my colleague from Delaware and I thank Senator DODD for this effective amendment. It is consistent with what we are trying to do and trying to say and are saying in the DeWine amendment. That simply is that the United States should not allow people who have committed political murders in the country of Haiti into the United States and whether these are from the left or the right, whether these occurred after Aristide or before Aristide, we should be consistent.

So I support the amendment and urge its adoption.

Mr. HELMS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from North Carolina has 1 minute remaining.

AMENDMENT NO. 382

Mr. HELMS. Mr. President, Senator LUGAR has repeatedly said it is the right thing to do, to vote for his amendment. It is the right thing to do, almost implying that those of us who do not agree with him have, indeed, a character defect. Let me tell you about the Lugar amendment. The effect of the Lugar amendment would be that the United Nations would have absolutely no incentive to reform—none—no incentive to cut the burden on the American taxpayers by reducing our regular budget assessment to 20 percent; no reduction in our peacekeeping assessment; no inspector general in the big three specialized agencies to root out waste, fraud, and corruption; no U.S. seat on the U.N. budgetary committee; no budgetary reductions in the specialized agencies; no sunset provisions for obsolete programs; no GAO access to U.N. financial data; no budgetary reform, and so on and on.

It may be the right thing to do in Senator LUGAR's opinion, but I expect that it is going to be the wrong thing to do, to vote for the Lugar amendment, when the tally is made in just a few minutes.

Have the yeas and nays been ordered on the amendments? I believe we did that last night.

I yield the remainder of my time.

VOTE ON AMENDMENT NO. 383

The PRESIDING OFFICER. All time has expired. The question is on agreeing to amendment No. 383, as modified, offered by the Senator from Ohio [Mr. DEWINE].

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from South Dakota [Mr. DASCHLE] and the Senator from Iowa [Mr. HARKIN] are necessarily absent.

I also announce that the Senator from South Dakota [Mr. DASCHLE] is absent due to a death in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 98, nays 0, as follows:

[Rollcall Vote No. 101 Leg.]

YEAS—98

Abraham	Domenici	Kerrey
Akaka	Dorgan	Kerry
Allard	Durbin	Kohl
Ashcroft	Enzi	Kyl
Baucus	Faircloth	Landrieu
Bennett	Feingold	Lautenberg
Biden	Feinstein	Leahy
Bingaman	Ford	Levin
Bond	Frist	Lieberman
Boxer	Glenn	Lott
Breaux	Gorton	Lugar
Brownback	Graham	Mack
Bryan	Gramm	McCain
Bumpers	Grams	McConnell
Burns	Grassley	Mikulski
Byrd	Gregg	Moseley-Braun
Campbell	Hagel	Moynihan
Chafee	Hatch	Murkowski
Cleland	Helms	Murray
Coats	Hollings	Nickles
Cochran	Hutchinson	Reed
Collins	Hutchison	Reid
Conrad	Inhofe	Robb
Coverdell	Inouye	Roberts
Craig	Jeffords	Rockefeller
D'Amato	Johnson	Roth
DeWine	Kempthorne	Santorum
Dodd	Kennedy	Sarbanes
Sessions	Specter	Torricelli
Shelby	Stevens	Warner
Smith (NH)	Thomas	Wellstone
Smith (OR)	Thompson	Wyden
Snowe	Thurmond	

NOT VOTING—2

Daschle	Harkin

The amendment (No. 383), as modified, was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 382

The PRESIDING OFFICER. There will now be 2 minutes for debate equally divided on the Lugar amendment.

Mr. LUGAR addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, my amendment calls for payment of our obligations to the United Nations to the extent of $819 million over 2 years without conditions; $658 million of that is owed to our friends and our allies for peacekeeping operations and expenses they undertook and for which we voted. We have a contractual obligation to pay.

Our effectiveness in bringing about reforms in dealing with NATO expansion, in dealing with a host of international trade issues depends upon our credibility with our friends. It is not an argument in favor of reform that unilaterally we decide not to pay or send our payments to other nations but insist on some with 38 conditions in 18 pages of agate type before we allocate the money. We have a straightforward vote, Mr. President. I believe it is the right thing to do. I think it is the most effective thing to do in terms of American diplomacy.

Mr. SARBANES. Will the Senator yield? I very strongly support the Senator from Indiana, and I very much hope our colleagues will vote in favor of this amendment.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, the Senator from North Carolina has been kind enough to give me the minute to respond.

The Lugar amendment does not have one single penny more in it than this bill. We do pay all of our allies the arrearages that we owe them with the bill in the way it is drawn up. The administration has supported this compromise we have come up with.

This basically is the way to get the job done. But I emphasize, there is not one additional penny in the Lugar amendment. There is no distinction in how we get paid. The principle is, should there be any conditions placed on the United Nations? This bill does place conditions they can meet. The Senator, on principle, says none should

be there. If you wish to put conditions at all, you should vote with us. If you want no conditions, vote with him. But it is the same amount of money.

I urge that you vote ''no'' on the Lugar amendment.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to amendment No. 382 offered by the Senator from Indiana [Mr. LUGAR]. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from South Dakota [Mr. DASCHLE] and the Senator from Iowa [Mr. HARKIN] are necessarily absent.

I also announce that the Senator from South Dakota [Mr. DASCHLE] is absent due to a death in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 25, nays 73, as follows:

[Rollcall Vote No. 102 Leg.]

YEAS—25

Akaka	Jeffords	Lugar
Bingaman	Kennedy	Moseley-Braun
Boxer	Kerrey	Murray
Bumpers	Kerry	Reed
Chafee	Landrieu	Sarbanes
Dodd	Lautenberg	Specter
Durbin	Leahy	Wellstone
Feingold	Levin	
Glenn	Lieberman	

NAYS—73

Abraham	Faircloth	McConnell
Allard	Feinstein	Mikulski
Ashcroft	Ford	Moynihan
Baucus	Frist	Murkowski
Bennett	Gorton	Nickles
Biden	Graham	Reid
Bond	Gramm	Robb
Breaux	Grams	Roberts
Brownback	Grassley	Rockefeller
Bryan	Gregg	Roth
Burns	Hagel	Santorum
Byrd	Hatch	Sessions
Campbell	Helms	Shelby
Cleland	Hollings	Smith (NH)
Coats	Hutchinson	Smith (OR)
Cochran	Hutchison	Snowe
Collins	Inhofe	Stevens
Conrad	Inouye	Thomas
Coverdell	Johnson	Thompson
Craig	Kempthorne	Thurmond
D'Amato	Kohl	Torricelli
DeWine	Kyl	Warner
Domenici	Lott	Wyden
Dorgan	Mack	
Enzi	McCain	

NOT VOTING—2

Daschle	Harkin

The amendment (No. 382) was rejected.

LEAVE OF ABSENCE

Mr. JOHNSON. Mr. President, I ask unanimous consent, in accordance with paragraph 2 of rule VI of the Standing Rules of the Senate, that I be permitted to be absent from the work of the Senate for this afternoon and all day tomorrow to attend the funeral of Sebastian Daschle, the father of my colleague and good friend from South Dakota, Senate Minority Leader TOM DASCHLE.

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

UNANIMOUS-CONSENT AGREEMENT

Mr. ASHCROFT. Mr. President, I ask unanimous consent I be allowed to speak for 8 minutes.

Mr. DURBIN. Mr. President, I do not know if it is appropriate to ask that might be amended so I ask to have an opportunity to speak for 10 minutes after the Senator from Missouri.

Mr. DOMENICI. Reserving the right to object——

The PRESIDING OFFICER. Will the Senator from Missouri modify his request?

Mr. ASHCROFT. I am happy to.

Mr. DOMENICI. I object. I want to ask a question. I wonder if I might, someplace in this, without waiting to hear the eloquence of both of your remarks, if I might have 2 minutes.

Mr. ASHCROFT. I am happy to defer for 2 minutes.

The PRESIDING OFFICER. Is there objection to the request? Two minutes to the Senator from New Mexico.

Ms. MOSELEY-BRAUN. Mr. President, I look forward to sharing the 10 minutes with the Senator from Illinois, and I have no objection to the Senator from New Mexico speaking for 2 minutes.

The PRESIDING OFFICER. Without objection, the Senator from Missouri's request is agreed to, and the Senator from New Mexico is recognized.

(The remarks of Mr. DOMENICI pertaining to the submission of Senate Resolution 100 are printed in today's RECORD under ''Submission of Concurrent and Senate Resolutions.'')

TRIBUTE TO CHARLES GENTRY

Mr. DOMENICI. Mr. President, within a few short days, Charles Gentry will be leaving his post as my administrative assistant after many years of distinguished service in the legislative and executive branches of government and 11 years in the U.S. Army.

Charles has served on my staff twice. First as my legislative director and now as my administrative assistant.

During his first tour of duty on my staff Congress enacted the partial deregulation of natural gas. It was a major undertaking. It was complicated. It was contentious. Charles masters every aspect of this complicated piece of legislation. Looking back, natural gas deregulation proved to the country that our Nation has massive quantities of natural gas and that market forces would work to everyone's advantage.

Then, as now, no matter what the task, Charles has always been a leader. He has always excelled. I could count on him. He knows his substance. He knows his politics, and he knows New Mexico.

During the last 4 years Charles helped me with the critical issues facing New Mexico.

When Kirtland Air Force base was included on the Base Closure Commission preliminary list, Charles rolled up his sleeves, and in typical Gentry analytical style found out the facts surrounding this recommendation. It didn't take him long to pinpoint the shortcomings in the Commission's evaluation of Kirtland, and to professionally get the facts to the Commission so they could correct their error. Kirtland was saved and the defense readiness of the country benefited from Charles' hard work.

The administration's grazing fee hike proposal threatened the way of life for hundreds of hard working ranchers in New Mexico. Charles worked diligently to educate members of the Senate about the folly of this proposal. I will always remember the warm welcome we received when we visited southeastern New Mexico and the entire region turned out to thank us for delaying the fees.

Charles has a keen mind for complicated issues, and in New Mexico dealing with Sandia and Los Alamos National Laboratories the issues don't get much more complicated. Charles was one of my key advisors on stockpile stewardship, inhalation toxicology, Nunn-Lugar, and Nunn-Lugar-Domenici initiatives to minimize nuclear proliferation. He worked particularly hard on the Industrial Partnership Program intended to provide economic development to Russia. More importantly, this program is designed to keep Russian nuclear experts from moving to Iraq or Lybia. This is probably one of the most important defense initiatives since the Berlin wall came down.

He worked on minority contracting issues at Los Alamos and Sandia. When Lockheed Martin took over Sandia and initiated contract reform Charles ensured that small and minority contractors were able to maintain their relations with Sandia.

Two years ago, when I rewrote the energy title of the DOD authorization bill Charles initiated the negotiations with the Armed Services Committee and facilitated the friendly rewrite of more than 60 pages of this important legislation.

Charles has a big heart. New Mexico veterans are developing a beautiful Veterans' Memorial Park. When Charles heard about the effort during a meeting with me and the sponsors of the park, Charles opened his check book and bought the first commemorative tile.

Charles helped me start the Senate oil and gas forum. He is one of the most knowledgeable oil and gas lawyers in the country.

For the past four years, Charles has been my administrative assistant, but our association began many, many years ago. He was raised in Roswell, NM, where he attended the New Mexico Military Institute. While at NMMI, he was an extraordinary student and athlete. Charles was captain of the football team and the New Mexico Golden Gloves heavyweight boxing champion. Before earning his B.A. in science and mathematics at NMMI, he received

many academic and athletic honors. In fact, he graduated first in his class. He later received a B.S. in civil engineering from the University of Missouri and a J.D. from Texas Tech University's School of Law.

He previously served for 6 years as my legislative director, during which he became known for his special expertise in natural resources and energy issues.

In the private sector, he has practiced law in both Austin and Dallas, TX, specializing in oil and gas, public lands, natural resources and environmental law.

No recounting of Charles Gentry's life of public service would be complete without noting nearly 11 years in the U.S. Army, where he served with valor as a pilot of fixed and rotary-winged aircraft. When Charles's helicopter was shot down in combat in South Vietnam, he was severely wounded and ultimately medically discharged with the rank of major. His combat decorations include the Bronze Star, Air Medal, Army Commendation Medal with two Oak Leak Clusters, and the Purple Heart.

Following his years of military service, Charles became a White House fellow and was assigned as a special assistant to the Attorney General of the United States, after which he became Director of the Office of Special Projects at the Environmental Protection Agency.

To summarize our work together in the years that Charles has served me, this institution, and the people of New Mexico is a tough job, especially since I know that our relationship will not end with his leaving my staff. This is not the end of a book, rather merely the close of another chapter rich with memories and packed with accomplishment. I wish him much success and happiness as he opens the door to his new chapter in his life.

My wife, Nancy, and I look forward to many more years of friendship and send our best to Charles and his wife Gerrie, his parents, the Roy Gentrys now retired in Albuquerque, his son Geoffrey and daughter Cheryl.

For his fierce intellect, his incredible capacity for hard work, his political insight and his faithful friendship for so many years, I say from the bottom of my heart, ''Thank you, Charles, for a job well done.''

The PRESIDING OFFICER. The Senator from Missouri is recognized for 8 minutes.

FOREIGN AFFAIRS REFORM AND RESTRUCTURING ACT OF 1997, ASHCROFT ANTITERRORIST PROVISION

Mr. ASHCROFT. Mr. President, the African nation of Sudan is a cradle and safe haven for the world's most vicious and violent terrorists. It is a country internationally renowned as a training base for terrorist groups.

The Armed Islamic Group, Hamas, Abu Nidal, Palestinian Islamic Jihad, Hezbollah, and the Islamic Group, all practice car bombing and hostage taking on the sands of Sudan's deserts.

Sudan also harbors and protects elements of Sheik Omar Abdel Rahman's Jihad network, the terrorist organization that was involved in the bombing of the World Trade Center.

Furthermore, Sudanese diplomats at the United Nations conspired with Jihad terrorists to bomb the U.N. complex. Sudan also reportedly provided false papers and weapons for assassins who attacked Egyptian President Hosni Mubarak.

There is no doubt that Sudan is a state sponsor of terrorism, and the State Department is right to classify it as such.

Along with this classification, the State Department should also enforce strict sanctions on financial transactions with Sudan, as it does with other officially recognized state sponsors of terrorism. Unfortunately, the State Department has taken steps to relax sanctions on financial transactions with Sudan. Congress passed legislation last year, the Antiterrorism and Effective Death Penalty Act, designed to prohibit all U.S. financial transactions with governments that support international terrorism.

Unfortunately, the manner in which the State Department implemented the law exempted at least two terrorist states, Sudan and Syria, from this ban. The State Department reads this seemingly clear legislation to prohibit only the financial transactions which might further terrorism in the United States. Transactions which furthered terrorism outside of the United States would be perfectly legal.

The bureaucrats at the State Department evidently believe that transactions which further terrorism against citizens of foreign countries or terrorism against Americans abroad—such as the Pan Am 103 flight which exploded over Scotland killing 270 people—should not be prohibited

In our debate over foreign policy and foreign affairs reform, we need to clearly define a consistent antiterrorism policy. The United States should not allow financial transactions with state sponsors of terrorism, regardless of whether those financial transactions enhance terrorism in the United States or abroad.

Congress clearly intended to outlaw all financial transactions with these rogue nations. Yet for reasons that have never been clearly explained, the administration has chosen to allow U.S. companies to continue to do business with regimes that are intent on killing Americans and terrorizing people around the globe.

For example, only mounting public concern and increasing congressional pressure prevented this administration from allowing an American petroleum company to participate in a $930 million oil deal with the Sudanese Government. This oil deal would have provided hundreds of millions of dollars to this state sponsor of terrorism, money which could easily have funded attacks on U.S. citizens.

The State Department's implementation of last year's antiterrorism law leaves a loophole large enough to drive a truck bomb through, a truck bomb similar to the one that killed 19 American military personnel and injured approximately 500 more in Saudi Arabia last year.

One would expect the State Department to use every tool available to them to curtail and smother terrorism, especially since lives are at stake. The terrorist groups that operate out of Sudan are responsible for hundreds of attacks around the world and the deaths of thousands of people, and yet our State Department refuses to use the full scope of the law to aggressively isolate this criminal regime.

Abu Nidal alone has been responsible for 90 terrorist attacks in 20 countries, killing or injuring almost 900 people. As I mentioned earlier, this terrorist organization uses Sudan as a base of operations.

I have introduced legislation, Senate bill 873, to close the administration's loophole allowing most financial transactions with terrorist states to proceed. This legislation has been included in section 1605 of the foreign affairs reform bill we are debating today and specifically prohibits all U.S. financial transactions with regimes classified as state sponsors of terrorism, regardless of whether or not the terrorist attack might occur in the United States or abroad.

There are some exceptions in the provision which allow certain financial transactions to proceed: transactions for humanitarian assistance; traveling journalists; and a national security waiver for classes of financial transactions that are vital to the security interests of the United States.

As I mentioned earlier, this is unfortunately the second time the Senate has had to consider legislation to prohibit financial transactions with state sponsors of terrorism. If the Clinton administration had chosen to implement this law correctly the first time, all transactions between U.S. citizens and state sponsors of terrorism would already be illegal.

International terrorism is going to be a topic of discussion at the upcoming G–7 summit this weekend in Denver. The financial resources available to international terrorists will be one area of discussion for G–7 leaders. President Clinton will probably speak very forcibly on this issue. I sincerely hope that he will also direct the State Department to implement the provisions in this legislation which undermine the financial resources of terrorist states. I hope the President interprets this legislation in accordance with congressional intent and limits the ability of American firms to provide financial resources to state sponsors of terrorism.

State sponsors of terrorism provide critical refuge and support to nefarious

organizations committed to killing Americans and citizens of other countries. Business as usual should not proceed with such regimes, and President Clinton should not have to be coaxed into aggressively enforcing U.S. antiterrorism laws to isolate these countries. This provision will diminish the financial resources available to terrorist states for their campaign of violence and hatred, and I urge the President's firm support for this anti-terrorism weapon contained in the foreign affairs reform legislation before the Senate today.

I thank the Chair and yield the remainder of any time I might have.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Thank you, Mr. President.

CONGRATULATIONS TO THE CHICAGO BULLS

Mr. DURBIN. Mr. President, my colleague, Senator CAROL MOSELEY-BRAUN, and I would like to take the floor for 10 minutes to address an issue of great importance, one that is appropriate to consider as we debate the foreign affairs bill, because this is an issue, to us, of worldwide significance.

Is there a spot in the world so removed, so distant, so isolated that if you would go there today and say that you were from Chicago, that the people living in this far corner of the world would not immediately respond: ''The home of the Chicago Bulls and Michael Jordan?'' I don't think there is a spot in the world where you could find people who are not aware of what happened in the great City of Chicago—for in 5 of the last 7 years, our Chicago Bulls have won the championship of the National Basketball Association.

We believe, quite modestly, that Chicago has become the world's capital of basketball—of course, our chief of State none other than Michael Jordan. Those who watched the NBA finals, particularly that fifth game, will never forget the contribution made by this great athlete. Obviously suffering from some illness—flu or worse—he managed to muster the strength and courage to lead the Bulls to an important, absolutely critical victory. How many times we saw him running down that court, wondering if he could get from one end to the other, only to perform spectacularly when given the ball. That has been his hallmark, but not just as an athlete, but as a person. He is truly a good person. Unfortunately, in the game of sports, you can't say that about all of the champions. You can certainly say it about Michael Jordan.

Of course, the chief of intelligence in this world capital of basketball is none other than Coach Phil Jackson. Michael Jordan and Coach Jackson have a rare relationship, and Michael Jordan has made it clear that when he plays basketball, it will be with Phil Jackson. Phil Jackson, along with Jerry Reinsdorf as the owner, and others, can take pride in what the Bulls have brought to professional sports and basketball.

The Bulls' record of 171 victories and 30 losses over the last two seasons has set a new standard of excellence. Michael Jordan, in the last five full seasons, has earned five championship rings and five MVP awards in the playoffs. The numbers speak for themselves.

You could go through the list of Chicago Bulls and find the greatness and sportsmanship and the kinds of leadership we in Chicago are so proud of. I would be remiss to not mention the contributions of Scottie Pippen, Luc Longley, and so many others who are part of this great team, and Steve Kerr's clutch shot in the last game made the difference. He had had a tough time up to that moment, but when he was given the ball, he was there.

Yesterday, there was a big celebration in Chicago. The Sun came out for a few minutes. People gathered for a great rally. I thought the comment made by Michael Jordan was especially appropriate. He said yesterday:

> This championship goes out to all the working people here in the City of Chicago, who go out every day and bust their butts to make a living.

Well, Michael Jordan reminded us that so many of us who take pleasure in watching professional sports can identify with all of the effort made on the court and on the field. There are no two stronger fans of the Chicago Bulls on the floor of the U.S. Senate than myself and my colleague, Senator CAROL MOSELEY-BRAUN. We want to salute the Bulls. We are proud of them. We are proud of the city of Chicago, the city that works. We are looking forward to making it a six pack next year under the leadership of Phil Jackson, Michael Jordan, and Scottie Pippen.

I yield to my colleague, Senator CAROL MOSELEY-BRAUN.

The PRESIDING OFFICER (Mr. ASHCROFT). The Senator from Illinois [Ms. MOSELEY-BRAUN] is recognized.

Ms. MOSELEY-BRAUN. I thank my colleague from Illinois. I just want to say that the Chicago Bulls have been such a source of joy to those of us from Illinois. But also, because of their longstanding pursuit of excellence and demonstration of excellence, they have become America's team. I don't think there is a single team in this country that can boast 5 years of National Basketball Association championships. We won in 1991 against the Lakers; in 1992, against the Trailblazers; in 1993, against the Suns; in 1996 against the Supersonics; and, of course, recently, against the Jazz.

It has been done because the players on the Chicago Bulls are—in the terms of a great football coach from our town—''Grabowski's.'' ''Grabowski's'' are people who work hard and keep focused and give it their all and their best, even under adverse circumstances. Certainly, that is what this team has proved over and over again that they can do. They can win, whether it is at the old Chicago Stadium, in L.A., in Phoenix, or in the new United Center. It doesn't matter where they play. They bring the same values, talent, and, most important, the same heart to the game. That is why they are world champions. That is why they are America's team.

Of course, in this last game Steve Kerr can distinguish himself with the 17-foot jumper, which was what some might call the ''Hail Mary'' play. You just held your breath while it was going on. He drew on the spirit of John Paxon and made the game-winning play toward the end of the game. But he could not do it alone; it was a team effort.

My colleague pointed to the special relationship between Michael Jordan and Scottie Pippen, two very unique, very special players. I think it can go without saying that Michael Jordan is the greatest player in the history of basketball, and we are really fortunate to have him as a leader of this team.

In terms of leadership, certainly Coach Phil Jackson gets high marks for the kind of calm, deliberative, thoughtful approach he brings to the game, which is more than just a sport. It really is an exercise and demonstration of human spirit and values that takes place out on the basketball court.

I have a special place in my heart for Jerry Reinsdorf, who recently worked out a situation in correcting an injustice. He single-handedly was able to encourage the baseball owners to award pensions to the players of the old Negro League that had been denied pensions, because when they went to the majors, there wasn't enough time to qualify for pensions. At my request, he took that issue up and took it to the owners and, after all these years, they have awarded pensions to those old baseball players. Jerry Reinsdorf, I think, demonstrates the best in sports and sports owners. Again, I know he has every reason to be as proud of this team, as we all are.

At the same time, I think it must be said that the Utah Jazz played a phenomenal game. They were a dignified team, a disciplined team. Karl Malone and John Stockton were the equivalent of Scottie Pippen and Michael Jordan, in a way, from another part of the country. They distinguished themselves in the gentlemanly way in which they handled themselves throughout the series. Utah has nothing to be ashamed of. If anything, they have everything to be proud of in the kind of game they played in the championship competition in which they engaged. They supported themselves very well. Utah and the rest of the country can be proud of them as well. Their coach, I think, has a great future. Working with that team, he has a lot of good material to work with there.

As my colleague pointed out, we are not satisfied with number 5. Grabowski's always want to do better, and we are looking for the six pack, or No. 6, next year. I want to thank the Chair for this opportunity to commend the team and all the players. It is a team sport by definition. It doesn't happen just because we have superstars. They are all stars and they are all great. We are so proud of them, and our country has every reason to be proud of America's basketball team.

Mr. DURBIN. Mr. President, in closing, there are 102 counties in Illinois, and of the 12 or 13 million people in the State, most are Bulls fans. There is one exception. Hamilton County, in southern Illinois, had a banner on its courthouse which said ''go Jazz go.'' Why would this one county in the entire State be rooting for the Utah Jazz? Because Jerry Sloan, the coach of the Jazz, came from McLeansboro, IL. He played for the Bulls, and we think he learned a lot in that process.

I join my colleague in saluting the Jazz. What a fine team. They really put up great competition. There were those in Chicago who said, ''We are going to win this easily.'' Many of us had second thoughts. We knew the Jazz was a talented, dedicated team, and they played very well. I salute Karl Malone and John Stockton, as well as Coach Sloan, and our colleagues, Senators HATCH and BENNETT, the best fans the Utah Jazz ever had. ''Wait until next year,'' they will say, and that is what we say to. Wait until next year for a six pack from the Chicago Bulls.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 1:11 p.m., recessed until 2:15 p.m.; whereupon, the Senate, reassembled when called to order by the Presiding Officer (Mr. COATS).

FOREIGN AFFAIRS REFORM AND RESTRUCTURING ACT OF 1997

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Utah.

AMENDMENT NO. 392

(Purpose: To express the sense of the Senate on enforcement of the Iran-Iraq Arms Non-Proliferation Act of 1992 with respect to the acquisition by Iran of C–802 cruise missiles)

Mr. BENNETT. Mr. President, I send an amendment to the desk

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. BENNETT] proposes an amendment numbered 392.

Mr. BENNETT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

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

SEC. . SENSE OF THE SENATE ON ENFORCEMENT OF THE IRAN-IRAQ ARMS NON-PROFILERATION ACT OF 1992 WITH RESPECT TO THE ACQUISITION BY IRAN OF C–802 CRUISE MISSILES.

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

(1) The United States escort vessel U.S.S. STARK was struck by a cruise missile, causing the death of 37 United States sailors.

(2) The China National Precision Machinery Import Export Corporation is marketing the C–802 model cruise missile for use against escort vessels such as the U.S.S. *Stark*.

(3) The China National Precision Machinery Import Export Corporation has delivered 60 C–802 cruise missiles to Iran for use by vessels of the Iranian Revolutionary Guard Navy.

(4) Iran is acquiring land batteries to launch C–802 cruise missiles which will provide its armed forces with a weapon of greater range, reliability, accuracy, and mobility than before.

(5) Iran has acquired air launched C–802 cruise missiles giving it a 360-degree attack capability.

(6) 5,000 members of the United States Armed Forces are stationed within range of the C–802 cruise missiles being acquired by Iran.

(7) The Department of State believes that ''[t]hese cruise missiles pose new, direct threats to deployed United States forces''.

(8) The delivery of cruise missiles to Iran is a violation of the Iran-Iraq Arms Non-Proliferation Act of 1992 (50 U.S.C. 1701 note).

(9) The Clinton Administration ''has concluded at present that the known types [of C–802 cruise missiles] are not of a destabilizing number and type''.

(b) SENSE OF SENATE.—It is the sense of the Senate to urge the Clinton Administration to enforce the provisions of the Iran-Iraq Arms Non-Proliferation Act of 1992 with respect to the acquisition by Iran of C–802 model cruise missiles.

Mr. BENNETT. Mr. President, I spoke on this amendment this morning when the bill was under consideration. So I will not repeat most of my arguments at this point. It is stimulated by a report this morning from the Secretary of Defense, which indicates that the Chinese Precision Machinery Import-Export Corp. has exported multiple versions of the C–802 missiles to Iran. I have notified the Senate in the past that this company has exported to Iran this particular missile for use first on ships, then for land-based operations, and today with Secretary Cohen's announcement we find that the missile will be made available to the Iranians—indeed, is available to the Iranians for use from the air. It can be fired either from an attacker or a helicopter.

This is a reproduction from the Chinese promotional material that was used to sell this missile.

One of the officers quoted in the briefing that the Secretary of Defense gave this morning said, with the addition of the air capability, the 15,000 American service men and women in the gulf now face a 360-degree threat from land, from sea, and from air.

To demonstrate the power of the missile involved here, I remind the Senate that an Exocet missile 10 years ago struck the U.S.S. *Stark* and killed 37 American sailors. This missile is a more modern, more powerful, and more deadly version.

Mr. President, I have been pressing the administration on this issue since the first of this year, having asked questions of Secretary Albright and submitting letters to Secretary Albright. All I have received is a comment from the State Department that they will ''monitor'' the situation.

Mr. President, that is simply not good enough. There are 15,000 American service men and women within the range of these missiles in the Persian Gulf, and we need to stop this trade and stop it now. There is an ability to do this under what is called the Gore-McCain Act, which gives the President the opportunity to put sanctions on companies that violate the law and says you will not export this kind of weaponry to Iran.

My amendment urges the administration to enforce the Gore-McCain Act and is nothing more complicated than that.

With that, Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BENNETT. Mr. President, I yield the floor.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, has the Senator from Utah concluded his explanation of his amendment?

Mr. BENNETT. Mr. President, I have, but I will remain for questions, if there are any. It is my understanding that the Senator from Alabama has a request for 5 minutes of morning business, for which I yield the floor so that he can make that request. But if the Senator from Maryland wishes to ask questions about my amendment, I will be happy to remain on the floor and respond.

Mr. SARBANES. Mr. President, actually I was going to seek a unanimous-consent request in order to continue the work on the bill and offer another amendment.

Mr. BENNETT. Mr. President, I have no objection to that request. It is my understanding that the Senator from Alabama has a unanimous-consent request.

Mr. SARBANES. Mr. President, I ask unanimous consent that the Senator from Alabama be recognized for 5 minutes to speak as if in morning business, and that when the Senator from Alabama completes his 5 minutes, I ask unanimous consent that the current amendment be set aside and that I be recognized to offer an amendment to the bill at that time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Alabama is recognized to speak as if in morning business for up to 5 minutes.

Mr. SESSIONS. Thank you, Mr. President.

I thank the Senators from Utah and Maryland for their hospitality.

S. 891 ''THE FAMILY IMPACT STATEMENT ACT OF 1997''

Mr. SESSIONS. Mr. President, last Thursday, June 12, I along with Senators DEWINE, FAIRCLOTH, HUTCHINSON, COATS, COVERDELL, and ASHCROFT cosponsored S. 891, Senator SPENCER ABRAHAM's Family Impact Statement Act of 1997. I rise today in strong support of this important piece of legislation and to voice my complete disagreement with the recent anti-family action taken by President Clinton.

In 1987, President Ronald Reagan, realizing the importance of the America family and the need to be constantly aware of the negative impact that Federal laws and regulations can have on the family, signed Executive Order 12606. The purpose of this order was to ensure that the rights of the family are considered in the construction and carrying out of policies by executive departments and agencies.

Mr. President, even though we are faced with the staggering increase in out-of-wedlock births, rising rates of divorce, and increases in the number of child abuse cases, apparently President Clinton does not believe that considering the impact of Government regulations on families is good policy.

Much to my dismay, on April 21, 1997, President Clinton signed Executive Order 13045, thus stripping the American family any existing protection from harm in the formulation and application of Federal policies.

President Reagan's Executive order placed special emphasis on the relationship between the family and the Federal Government. President Reagan directed every Federal agency to assess all regulatory and statutory provisions ''that may have significant potential negative impact on the family well-being.'' Before implementing any Federal policy, agency directors had to make certain that the programs they managed and the regulations they issued met certain family-friendly criteria. Specifically, they had to ask:

Does this action strengthen or erode the authority and rights of parents in educating, nurturing, and supervising their children ?

Does it strengthen or erode the stability of the family, particularly the marital commitment?

Does it help the family perform its function, or does it substitute Government activity for that function ?

Does it increase or decrease family earnings, and do the proposed benefits justify the impact on the family budget?

Can the activity be carried out by a lower level of government or by the family itself?

What message, intended or otherwise, does this program send concerning the status of the family?

What message does it send to young people concerning the relationship between their behavior, their personal responsibility, and the norms of our society?

The elimination of President Reagan's Executive order is just the latest in a series of decisions that indicates the Clinton administration's very different approach to family issues. From the outset of President Clinton's first term, it became clear that his administration intended to pursue policies sharply at odds with traditional American moral principles. White House actions have ranged from the incorporation of homosexuals into the military to the protection of partial birth abortion procedures.

Mr. President, many have suggested it is community villages, in other words Government, that raise children. But the real truth is, families raise children. Families are the ones who are there night and day to love, to care for, and to nurture children.

Many bureaucratic regulations produce little benefit, but can have unintended consequences. The examples are too numerous to mention. What our legislation will do is require the regulators to stop and take a moment to think through their regulations to make sure that, the most fundamental institution in civilization—the family, is not damaged by their actions. This is a reasonable and wise policy.

Mr. President, I find it very odd that of all the Executive Orders that exist, President Clinton would reach down and lift this one up for elimination. This body should speak out forcefully on this subject and I am confident we will. The families of America deserve no less.

S. 819, The Family Impact Statement Act of 1997, is a sound and reasonable piece of legislation which will restore a valuable pro-family policy that has been established for ten years.

I urge all my colleagues to stand united, Republicans and Democrats, to show that the preservation of the family is not a partisan issue. Our voices united will send a loud and clear message to the President and to this nation that we consider family protection to be one of America's most important issues and that we will not accept decisions which mark a retreat from our steadfast commitment to our Nation's families.

Mr. President, I strongly believe that American families must be considered when the Federal Government develops and implements policies and regulations that affect families. Therefore, I am honored to be an original cosponsor S. 891 the Family Impact Statement Act of 1997 which will reinstate the pro-family executive order of President Reagan.

I would like to thank my colleagues, Senators ABRAHAM, DEWINE, FAIRCLOTH, HUTCHINSON, COATS, COVERDELL, and ASHCROFT for their dedicated work and help on this issue.

Mr. President, I yield the floor.

FOREIGN AFFAIRS REFORM AND RESTRUCTURING ACT OF 1997

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

AMENDMENT NO. 393

(Purpose: To strike section 2101(g), limiting funding for U.S. memberships in international organizations and requiring withdrawal from organizations which exceed that limitation)

Mr. SARBANES. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maryland [Mr. SARBANES] proposes an amendment numbered 393.

The amendment is as follows:

On page 160, strike line 18 and all that follows through line 7 on page 162.

Mr. SARBANES. Mr. President, this amendment, referring to pages 160 to 162 of the bill, takes out subsection (g), which is a subsection that puts forward the possibility that the United States might withdraw from the United Nations. I am very frank to tell you that I don't think the prospect of that eventuality ought to be raised in this legislation.

This legislation, in effect, says that if the amount of funds made available for U.S. membership exceed a certain figure, then withdrawal is required. Of course, we determine the amount of funds that are made available. In any event, even if the figure is exceeded, I don't think a withdrawal sanction ought to be incorporated in this legislation. If you stop and think about it, that is quite a sweeping proposition.

Let me quote from paragraph (2) of that subsection:

Notwithstanding any other provision of law, the United States shall withdraw from an international organization. . . .

It then goes on to set out the procedures for doing so, and the deadline for doing so. Let me read for a second.

Unless otherwise provided for in the instrument concerned, a withdrawal under this subsection shall be completed within one year in which the withdrawal is required.

Then it requires the President to submit a report on the withdrawal.

I hope that the managers of the bill, upon reflection, will agree with me that we ought not to be including in the legislation any provisions that carry with them the implication of withdrawal from the United Nations.

The United Nations is too important an organization, and our participation in it is too critical a matter to include in this legislation a provision of this sort. The provision on which I am focusing runs from pages 160 to 162, providing for the withdrawal of the United States from the United Nations.

My amendment is focused on a limited part of this bill. I have a lot of differences with other parts of this bill, as Members well know. I supported the effort earlier in the day to take out the

conditionality of the payment of our arrearages, which did not prove successful. But I am very frank to tell you that I find it a matter of very deep concern—even of dismay—that this legislation should even include within it the possibility for the consideration of the withdrawal of the United States from the United Nations. To suggest that we are thinking of withdrawal, or that withdrawal would be required under certain circumstances, in my judgment is very detrimental to our international leadership. It affects our credibility at the United Nations, and around the world.

What is sought in this bill, to stay within certain funding limitations, is within the control of the Congress in any event. So there would be other ways for the Congress, in making its decision on resources to be provided, to adhere to that standard. But I do not think we should put it in this legislation.

If we are going to withdraw from the United Nations, we ought to have a full-scale debate about withdrawing from the United Nations. Withdrawal from the United Nations is not some minor course of action to be taken lightly, not some form of discipline to address a problem that can be addressed in other ways. It is a very serious matter. I think even raising the prospect of withdrawal from the United Nations is harmful to American interests. I very much hope the managers of the bill will find it possible to accept this amendment.

I do not understand why we are, in effect, bringing in the most extreme remedy one could imagine, the one that most sharply affects our international leadership and our position in the United Nations, namely the remedy of withdrawal. I do not think this legislation ought to have any mention of withdrawal from the United Nations and I very much hope we will be able to take this particular section out of this legislation.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, I ask for immediate consideration of my measure.

Mr. HELMS. Is there not a pending amendment?

The PRESIDING OFFICER. Is there objection to setting aside the two pending amendments? Without objection, it is so ordered.

AMENDMENT NO. 376

(Purpose: To authorize appropriations for the Center for Cultural and Technical Interchange between East and West)

Mr. INOUYE. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUYE], for himself, Mr. HATCH, Mr. HOLLINGS, and Mr. AKAKA, proposes an amendment numbered 376.

The amendment is as follows:

At the end of section 1301(a) of the bill, insert the following new paragraph:

(6) ''Center for Cultural and Technical Interchange between East and West'', $18,000,000 for the fiscal year 1998 and $15,000,000 for the fiscal year 1999.

Mr. AKAKA. Mr. President, I am pleased to join my friend, the senior Senator from Hawaii, in offering this amendment to restore funding for the East-West Center in fiscal years 1998 and 1999.

Over the past 37 years, the East-West Center has established its reputation as one of the most respected and authoritative institutions dedicated to the advancement of international cooperation throughout Asia and the Pacific. The Center has played a key role in promoting constructive American involvement in the Asia-Pacific region through its education, dialogue, research, and outreach programs. The Center addresses critical issues of importance to the Asia-Pacific region and U.S. interests in the area, including international trade, economic cooperation and politics, security, energy and natural resources, population, the environment, technology, and culture.

The achievements of the East-West Center bear repetition. Since its creation by Congress in 1960, the Center has welcomed more than 53,000 participants from over 60 nations and territories to research, education, and conference programs. Over 45,000 alumni have pursued degrees and participated in research, training, and dialogue under East-West Center grants.

Scholars, statesmen, government officials, journalists, teachers, and business executives from the United States and the nations of Asia and the Pacific have benefited from studies at the Center. These government and private sector leaders comprise an influential network of East-West Center alumni throughout the Asia-Pacific region. The EWC alumni association has 35 chapters throughout Asia. I continually encounter proud Center alumni in meetings with Asian and Pacific island government officials and business leaders.

The success of the Center as a forum for the promotion of international cooperation and the strength of the positive personal relationships developed at the Center are reflected in the prestige it enjoys in the region. Japan, Korea, Taiwan, Indonesia, Fiji, Papua New Guinea, Pakistan, and other American allies in the region—over 20 countries in all—support the Center's programs with contributions. The Center has also received endowments from benefactors in recognition of its contributions and value.

Mr. President, the countries of Asia and the Pacific are critically important to the United States and our political and economic interests into the next century. By the year 2000, the Asia-Pacific region will be the world's largest producer and consumer of goods and services. Their markets for energy resources, telecommunications, and air travel are fast becoming the world's largest.

Future economic growth and job creation in the United States is closely linked to our ability to identify and secure opportunities in the world's fastest growing economies. The East-West Center provides leadership and advice on economic issues, including APEC [Asia Pacific Economic Cooperation] and the U.S.-Pacific Island Joint Commercial Commission [JCC].

Mr. President, given the strategic and economic importance of the Asia-Pacific region to U.S. interests, and the credibility and trust enjoyed by the East-West Center in the region, I believe it is short-sighted to slash funding for the Center. While issues and developments in Asia are the focus of increased attention, and foreign affairs mandarins speak of the dawn of the Asian century, the United States has closed AID offices in the region and slashed funding for programs and organizations—like the East-West Center. These institutions are valuable to our Nation's understanding of Asia and the Pacific rim and our interaction with regional scholars, executives, and government leaders. Withdrawing our support sends signals to our friends and others in the region that our commitment and engagement are tenuous.

For over three decades we have invested in the East-West Center, creating an important resource that promotes regional understanding and cooperation, provides expertise on complex regional issues, and informs our foreign policy decisionmaking. The amendment we offer seeks to ensure the continued existence of the East-West Center and the quality of its programs. If the Congress ends funding for the Center, its viability will be threatened and its future brought into doubt. This amendment authorizes a modest, but essential, level of support for the continued operation of the East-West Center.

It communicates the importance our country places on exchange and cooperation with nations of the Asia-Pacific region and the lead role played by the East-West Center in promoting regional interaction and cooperation.

Mr. President, I want to conclude by thanking my friend and colleague from Hawaii for his leadership in this effort to preserve the mission and good work of the East-West Center. I also want to express my appreciation to our colleagues who have cosponsored this amendment and expressed support for the East-West Center.

I urge the adoption of the amendment.

Mr. INOUYE. Mr. President, I ask this matter be temporarily set aside for final disposition.

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

Mr. ENZI addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

AMENDMENT NO. 394

(Purpose: To limit the use of United States funds for certain activities by the United Nations and affiliated organizations)

Mr. ENZI. Mr. President, I rise to offer an amendment to the underlying legislation.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. ENZI] proposes an amendment numbered 394.

Mr. ENZI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At an appropriate place in the bill, insert the new section as follows:

SEC. . LIMITATION ON THE USE OF UNITED STATES FUNDS FOR CERTAIN UNITED NATIONS ACTIVITIES.

(a) Notwithstanding any other provision of law, no United States funds shall be used by the United Nations, or any affiliated international organization, for the purpose of promulgating rules or recommendations, or negotiating or entering into treaties, that would require or recommend that the United States Congress, or any Federal Agency which is funded by the U.S. Congress, make changes to United States environmental laws, rules, or regulations that would impose additional costs on American consumers or businesses.

(b) Any violation of subsection (a) by the United Nations or any affiliated organization shall result in an immediate fifty percent reduction of all funds paid by the United States to the United Nations for the fiscal year in which the violation occurs and for all subsequent years until the United Nations or affiliated organizations revokes or repeals such rule, regulation, or treaty described in subsection (a).

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, my amendment would ensure that American taxpayers get a fair deal when it comes to the $900 million this bill authorizes us to pay in dues to international organizations. My amendment would ensure that the United Nations does not spend U.S. taxpayer money to sponsor conventions that result in stricter—and more expensive—environmental standards for Americans than other members have to bear.

I know the chairman has worked very diligently to ensure that our money is carefully accounted for by these international organizations. He has placed some strict limitations on the use of our funds, both at the United Nations and by the various international boards in charge of spending our money, but frankly, I would like those limitations to be a little more explicit.

My amendment would prohibit the use of U.S. funds by the United Nations or any affiliated international organization to propose or promulgate treaties that impose new environmental costs on the United States—until, all other members of the United Nations have reached our level of environmental standards and enforcement.

Many Americans, and surely my constituents in Wyoming, have a hard time understanding why we are writing a $1 billion check to international organizations and then exercising little oversight on how the money is spent. I ask you to consider for a moment, the accountability requirements we place on our own citizens when it comes to use of public property or receipt of Government payments.

Ask a farmer what paperwork he or she had to fill out for the Farm Services Agency and the Natural Resource Conservation Service in order to get that corn or wheat payment last year—or what bureaucratic tests disaster victims must endure to enlist support from the Federal Government.

Ask an independent oil or gas producer how many reports they have to file with the Minerals Management Service or with the Bureau of Land Management in order to maintain a lease on Federal land.

Or ask a small business owner what records they have to keep in order to prove to Government inspectors that they are complying with OSHA regulations and with EPA regulations—or to prove they are complying with the Family and Medical Leave Act or the Fair Labor Standards Act.

Ask them how much it costs to have their taxes done. I raise these examples to show how much we expect of our own citizens. We place enormous levels of accountability on anybody who takes initiative in this country and we weigh them down with paperwork. We even hold them accountable to tell us exactly how much we will take from them in taxes.

And then we turn around and hand out their money. We spread it around, far and wide. There are $900 million in payments to international organizations in this bill and there is almost no accountability. My constituents want fairness.

I am particularly concerned by our participation in the United Nations Framework Convention on Climate Change and my amendment is drafted to challenge that issue, among others. I am pleased that the committee wants to require the administration to tell Americans how much the treaty is going to cost. Americans should know how much it will cost and who will have to pay for it. We are using their money to negotiate this treaty. Let's be honest with them.

I think they might be surprised at what is being proposed. According to one independent estimate, complying with United Nations targets for greenhouse gas emissions could cost this country as much as $350 billion per year! That is nearly $1500 for every man, woman and child.

And while you are adding up that bill for the folks back home, don't forget to point out that we could also lose nearly 5 million jobs directly related to energy use and production. Then there will be several million more that are indirectly related.

That should make an impact on those hardworking American taxpayers in your home State. But I'll tell you what will really get them—when they find out that developing countries don't have to comply. Countries like China, India, Brazil, and Mexico will only have to report on their emissions, not do anything about them.

All of this information may seem reasonable to some, but I will tell you, they don't buy it in Wyoming. International organizations should not be using American money to impose unfair requirements on Americans.

I understand the difficulty the chairman has had with these issues and I recognize his efforts in this bill to restrict the taxation authority of the United Nations. I would like to direct a question to the chairman from North Carolina, if I may.

Mr. Chairman, is it your belief that this bill adequately safeguards American taxpayers from any unauthorized use of United States funds by the United Nations or its affiliated environmental organizations?

Mr. HELMS. Mr. President, I thank the Senator for his amendment and I, of course, share his concern with the increasing number of United Nations treaties that impose regulatory burdens and, as he puts it, infringe on the rights of the American people. In fact, the pending bill, S. 903, addresses many of his concerns. I demanded that this legislation prohibit any funding to the United Nations until the Secretary of State certifies that the sovereignty of the United States has not been violated.

A lot of people giggled about that. But as the Senator knows, it is a very real problem, potentially. As the Senator also knows, many of us have worked for months to develop this comprehensive United Nations reform package. I think the Senator will understand, and I find myself in a position where I simply must be faithful to the deal into which I have made entry and participated. Senator BIDEN has been so cooperative. He is sticking to his bargain and I shall stick to mine. This bill requires a number of key reforms at the United Nations, but it certainly does not require every reform that I wanted.

Let me say again to the Senator from Wyoming, I support his efforts but I cannot support any amendment to change this package. But I will assure him that the Foreign Relations Committee this week will have hearings to consider United Nations climate change negotiations, and will hold additional hearings on actions by the United Nations that impose international regulatory burdens on the American people.

Mr. ENZI. Mr. President, in light of the assurances I have received from the chairman of the committee, and from his staff regarding the Presidential reporting requirements contained in the bill, I will withdraw my amendment.

I look forward to debating this issue again when we receive the Presidential reporting information.

Let me say before I close that this bill is a good example of a bipartisan effort to reduce the size of the Federal Government by consolidating agencies into the State Department. Furthermore, reform of our policies with regard to the U.N. are long overdue. The chairman has shown great leadership in negotiating this important bill.

I yield the floor.

The amendment (No. 394) was withdrawn.

Mr. HELMS. I thank the Senator and I assure him we will not forget his interests.

AMENDMENT NO. 392

Mr. HELMS. Mr. President, Senator BENNETT offered an amendment which regular order would make the pending business, would it not?

The PRESIDING OFFICER. Regular order does put us back on the Bennett amendment.

Mr. HELMS. I thank the Chair. Let me make a few comments before we consider regular order.

On February 8 of last year, 1996, I sent a letter to President Clinton urging that he no longer tolerate Chinese-Iranian missile cooperation and transfers. At that time I noted that U.S. nonproliferation laws provided ''a clear, legal requirement—and I am quoting from my letter—that sanctions be levied against China for its missile sales to Iran,'' and I appealed to the President at that time to act decisively. In response, the President assured me that he would, in fact, and in deed, implement the missile sanctions law, and he used the words, ''faithfully and fully'' when the United States had determined that sanctionable activities have occurred.

Senator BENNETT and I were speaking about that a while ago. We have been waiting for more than a year. Meanwhile, repeated media reports have confirmed beyond any peradventure whatsoever that Chinese-Iranian missile cooperation continues apace, and that the United States is well aware of these activities and that the administration has deliberately elected to ignore Sections 73 and 81 of the Arms Export Control Act, and the 1992 Iran-Iraq nonproliferation act.

In fact, an article in the Washington Times last November 21, I believe it was, purports to quote from a classified October 2, 1996 CIA report entitled, ''Arms Transfers to State Sponsors of Terrorism.'' Among the transfers reported are missile guidance components, 400 metric tons of chemicals for Iran's chemical warfare program, and advanced cruise missiles.

There can be no doubt that China's provision of advanced missile technology and equipment to Iran directly threatens our national security interests and directly contravenes U.S. law. Over the past several years, Iran has purchased Sunburn, C–801 and C–802 antiship cruise missiles, fast attack missile boats, diesel submarines, and naval mine warfare capabilities.

In addition, Iran has reportedly been constructing tunnels along the coast of the Persian Gulf to shelter ballistic missiles. And Iran may have deployed antishipping missiles on islands at the mouth of the Persian Gulf—which, as anybody who has been there knows, is a natural choke point, useful for strangling our flow of oil through the gulf.

These new capabilities pose a serious risk to the U.S. naval presence in the region, and to Saudi Arabia, Bahrain and Qatar's oil and natural gas refineries along the coast.

The point is, the White House should be prepared to, as it promised, fully and faithfully respond with the sanctions required by law for China's proliferation activities, as the President assured me he would in a letter last year.

In closing, I welcome Senator BENNETT's remarks and his amendment.

Let me inquire of the Chair if the yeas and nays have been obtained on the amendment.

The PRESIDING OFFICER. The yeas and nays have been ordered on the amendment.

Mr. HELMS. I think this would be a good time to have a rollcall vote.

Mr. KERRY addressed the Chair.

Mr. HELMS. How long will the Senator need?

Mr. KERRY. Mr. President, if I can ask the Senator if Senator WELLSTONE and I can proceed as we had discussed for a few moments outside of the legislative business.

Mr. HELMS. That is what I am inquiring about.

Mr. KERRY. Somewhere, say, around 12 minutes I think we should be able to finish; 12 minutes, Mr. President, divided between the two of us.

Mr. HELMS. That is fine.

The PRESIDING OFFICER. Is there a unanimous-consent request?

Mr. KERRY. Mr. President, I ask unanimous consent that Senator WELLSTONE and I be permitted to proceed as in morning business, with the interruption not to show in the course of the legislative day on the foreign relations bill.

The PRESIDING OFFICER (Mr. BENNETT). Is there objection?

Mr. SARBANES. Reserving the right to object. Can I ask the parliamentary situation? I take it the Bennett amendment was offered and set aside, and then I offered an amendment and that was set aside. Is there another amendment pending?

The PRESIDING OFFICER. The Senator from Hawaii offered an amendment, and that has been set aside, and the regular order is the Bennett amendment.

Mr. SARBANES. I simply say to the chairman, I am quite happy to cooperate with the committee in setting aside the amendments, but I ask the chairman if I can have the courtesy of being given a little bit of notice—not much—just in order to get here when the chairman thinks he may go back to considering my amendment.

Mr. HELMS. Very well. I give that assurance to Senator SARBANES.

Mr. SARBANES. I thank the Chair. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Massachusetts is recognized.

Mr. HELMS. Just one moment, Mr. President. I suggest that the Cloakrooms be notified of the proximity of the vote.

The PRESIDING OFFICER. The Senator from Massachusetts.

(The remarks of Mr. KERRY and Mr. WELLSTONE pertaining to the introduction of S. 918 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. In connection with the pending amendment to be voted on shortly by the distinguished Senator from Utah, I hope that my request will be approved that we await the arrival of Senator BIDEN, because he may want to have some comments on it, too.

So in that context, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. HELMS. I suggest we go to the vote.

The PRESIDING OFFICER (Mr. SANTORUM). The question is on agreeing to the amendment offered by the Senator from Utah, amendment No. 392. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Idaho [Mr. KEMPTHORNE] is necessarily absent.

Mr. FORD. I announce that the Senator from South Dakota [Mr. DASCHLE], the Senator from Iowa [Mr. HARKIN], the Senator from South Dakota [Mr. JOHNSON] are necessarily absent.

I further announce that the Senator from South Dakota [Mr. JOHNSON] is absent to attend a funeral.

I also announce that the Senator from South Dakota [Mr. DASCHLE] is absent due to a death in the family.

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 103 Leg.]

YEAS—96

Abraham	Byrd	Durbin
Akaka	Campbell	Enzi
Allard	Chafee	Faircloth
Ashcroft	Cleland	Feingold
Baucus	Coats	Feinstein
Bennett	Cochran	Ford
Biden	Collins	Frist
Bingaman	Conrad	Glenn
Bond	Coverdell	Gorton
Boxer	Craig	Graham
Breaux	D'Amato	Gramm
Brownback	DeWine	Grams
Bryan	Dodd	Grassley
Bumpers	Domenici	Gregg
Burns	Dorgan	Hagel

Hatch	Lieberman	Roth
Helms	Lott	Santorum
Hollings	Lugar	Sarbanes
Hutchinson	Mack	Sessions
Hutchison	McCain	Shelby
Inhofe	McConnell	Smith (NH)
Inouye	Mikulski	Smith (OR)
Jeffords	Moseley-Braun	Snowe
Kennedy	Moynihan	Specter
Kerrey	Murkowski	Stevens
Kerry	Murray	Thomas
Kohl	Nickles	Thompson
Kyl	Reed	Thurmond
Landrieu	Reid	Torricelli
Lautenberg	Robb	Warner
Leahy	Roberts	Wellstone
Levin	Rockefeller	Wyden

NOT VOTING—4

Daschle	Johnson
Harkin	Kempthorne

The amendment (No. 392) was agreed to.

Mr. BUMPERS. Mr. President, I move to reconsider the vote.

Mr. CRAIG. I move to lay it on the table.

The motion to lay on the table was agreed to.

Mr. HELMS. What is the pending business now?

The PRESIDING OFFICER. The Sarbanes amendment numbered 393.

Mr. HELMS. Is there any other amendment behind that one?

The PRESIDING OFFICER. The Inouye amendment No. 376.

Mr. HELMS. Just those two?

The PRESIDING OFFICER. That is correct.

Mr. HELMS. I have just proposed to the majority leader we move in cycles of three amendments, certainly for rollcall purposes, and he thinks that would be a good idea. It may be that we will be able to handle some of these on a voice vote, but I do not know.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. FEINGOLD. Mr. President, I ask unanimous consent the pending business be set aside.

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

AMENDMENT NO. 395

(Purpose: To eliminate provisions creating new Federal agency)

Mr. FEINGOLD. Mr. President, I send an amendment to the desk on behalf of myself, the Senator from Iowa [Mr. HARKIN] and the Senator from Oregon [Mr. WYDEN] and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD], for himself, Mr. HARKIN, and Mr. WYDEN, proposes an amendment numbered 395.

Mr. FEINGOLD. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

Strike sections 321 through 326 and insert the following:

''SEC. 321.—INTERNATIONAL BROADCASTING.—The Broadcasting Board of Governors and the Director of the International Broadcasting Bureau shall continue to have the responsibilities set forth in title III of the Foreign Relations Authorization Act, fiscal years 1994 and 1995 (22 U.S.C. 6201 et seq.), except that, as further set forth in chapter 3 of this title, references in that Act to the United States Information Agency shall be deemed to refer to the Department of State, and references in that Act to the Director of the United States Information Agency shall be deemed to refer to the Under Secretary of State for Public Diplomacy.''

Mr. FEINGOLD. Mr. President, I rise to offer an amendment to S. 903, the State Department authorization bill for fiscal year 1998. What my amendment would do is strike the provisions in division A of the bill concerning international broadcasting activities in the United States.

Mr. President, I find it rather extraordinary that in the very bill that seeks to reorganize and consolidate the foreign policy apparatus of the U.S. Government, we find language to create a new independent Federal agency to administer the U.S. international broadcasting program. Let me be clear on this: This bill creates a new Federal agency. It grants that agency the authorities and mandates that all Federal agencies have under title 5. It also gives the agency the authority to hire temporary workers and to grant them reimbursement for their services, and it also gives the agency the authority to receive donations. So despite the claims you will shortly hear that are to the contrary, make no mistake, Mr. President, this is a new agency.

Now, some will argue, of course, that there is no net increase in Federal agencies since at the same time that we create a new independent agency to operate the international broadcasting operations, we are also abolishing the U.S. Information Agency. So you will probably hear the argument that we are giving up one and adding a new one. I am afraid, though, Mr. President, that that argument hardly passes the laugh test. It is a new agency. You can be sure of one thing: It is going to act like an agency, too.

This language simply makes no sense in light of the hard work that the Congress invested in 1993 and 1994 in restructuring the United States' role in overseas broadcasting. We consolidated various programs and we took some very clear steps to move Radio Free Europe and Radio Liberty down the road to privatization.

In the United States International Broadcasting Act of 1994, the Foreign Relations Committee took the lead in doing something that is all too unusual. It is unusual to find a program eliminated in Washington, but we, in that committee, and on this floor, Mr. President, actually wiped out a Federal agency. At the time, that agency was called the Board for International Broadcasting or the BIB. We consolidated all of our Government's international broadcasting programs, including the Voice of America, as well as the so-called surrogate programs, such as RFE/RL. We did it within one Federal agency—the U.S. Information Agency, which is the government's public diplomacy arm.

The 1994 act imposed tight fiscal controls on the two programs that were rife with fiscal abuse and mismanagement. It mandated steps toward privatization for Radio Free Europe and Radio Liberty. Very importantly, it also ensured an active role by the inspector general. As a result, Mr. President—and this is no small matter—of this one series of actions and consolidation, we saved the Federal Government, the taxpayers of this country, on this one change alone, close to $1 billion over a 9-year period. This isn't me talking about what can be done if we do something—we did it. We started in 1993 and we saved $1 billion. That was my first bill here as a Member of the Senate. I am extremely pleased that the changes proposed in this bill cannot undo the fiscal progress that we have made in the past. I add that, at this time, when we are trying so hard to finalize our promising work on balancing the budget that this $1 billion in savings was an important step in that direction.

But there was more to the story—a story of abuse. At the time Congress took this action, the RFE/RL was spending 25 percent of their budget on administrative costs, while the Voice of America was spending less than half of that—only 12 percent. Lavish salaries. Mr. President, there were salaries of $200,000 to $300,000, paid by the American taxpayers; and perks for executives that were a deeply ingrained way of life in these programs. These excesses are what inspired me and other Members of Congress to take a long hard look at how to fix this problem. This, of course, is our role—to oversee the programs of the executive branch and protect the dollars of the people who elect us.

In this particular case, we actually did a pretty good job, after many years. Now, though, Mr. President, I am concerned about what will happen in the future. Now the Foreign Relations Committee has reported out a bill that includes language to recreate what, to me, looks virtually identical to this old BIB, the agency we finally got rid of. It creates an independent Federal agency, governed by a board of directors. Others may say that the Broadcasting Board of Governors, or the BBG, under the arrangement assumed by this bill, is very different from the old BIB. I will agree that the BBG is a stronger, more disciplined body than its predecessor; but because of its worldwide presence, international broadcasting is unfortunately an area that is almost inherently vulnerable to mismanagement and abuse. It is very hard to oversee, especially if

it is constituted through an independent agency.

In the past, the BIB fell prey to these vulnerabilities and exercised virtually no control over the abuse of the radios under its jurisdiction. There were two decades worth of GAO and inspector general reports noting fiscal and other problems with the radios, but the BIB just chose to ignore them. Spending abuses were brought under control under the BBG structure because of very detailed congressional mandates contained in the 1994 legislation. That didn't happen because the board suddenly decided to clean up its act nor because of any inherent qualities of the BBG itself; it is because we here in Congress did our job and mandated that this organization clean up its act.

Mr. President, it is my view that recreating this independent structure is a roadmap for a return to where we started out 3 years ago. I find it simply incomprehensible that just as we are consolidating our foreign policy apparatus under the reorganization plan in this bill, we would create a new Federal agency that is virtually identical to the one we wiped out less than 3 years ago.

Mr. President, let me outline briefly the problems I have with this broadcasting section of the bill. First, fiscal abuse. The structure proposed by the bill, as I have indicated, has historically been a breeding ground for fiscal abuses. These weren't just uncovered 3 years ago. I have a stack of GAO reports and IG reports going back two decades documenting the fiscal abuses that this independent structure generated. It was this independent structure, sitting out by itself, not being managed or controlled by any part of our Federal Government directly, that had these problems.

A colleague from many years ago, Senator John Pastore, in 1976, said of the problems of this organization, ''The abuse has reached the point of becoming almost scandalous * * *'' That is what we put an end to in 1994. We put an end, finally, to two decades of abuse.

A second problem, Mr. President, is privatization. We made a clear commitment in 1994 that Radio Free Europe and Radio Liberty would be privatized by the end of this century, only 2½ years from now. Mr. President, why would we now recreate an independent agency to administer the grants for Radio Free Europe and Radio Liberty for such a short period of time? If we create this new entity, I can assure you that somehow it will find a justification to continue. All of the hard work and all of the consensus that was developed around the basic idea that it is high time that RFE/RL be privatized will be under attack. We have a chance to finally privatize something. We are almost there. But this bill seeks to undo that.

Third, Mr. President, as I have indicated several times, and will again, this bill creates a new Federal agency. I find it hard to believe that this Congress, which has been dedicated to downsizing the Federal Government and achieving deficit reduction, would choose to create today a new Federal agency—an agency that isn't even needed. That is exactly what these provisions will do—create an unnecessary, new Federal agency, with all the overhead, all the bureaucracy, and all of the trappings of a brand new agency.

Mr. President, I also wish to respond briefly to the arguments made by the proponents of this proposal and, in particular, my good friend and leader on these issues, the Senator from Delaware, Senator BIDEN, who cares deeply about this issue.

First, Mr. President, he asserts that the fiscal controls and measures designed to curb the kinds of flagrant abuses that plagued RFE/RL in the past will be retained under the new structure, and that nothing we achieved in terms of deficit reduction will be lost as a result of the new structure he has proposed. I sure hope he is right; but I doubt it. I appreciate the intent, but I am concerned that history has shown that just the opposite is going to happen, that what we have achieved could well be undermined by recreating the kind of structure and incentives that led to these problems in the first place.

Now, what do I mean by incentives? I mean the natural propensity of any institution—especially an entirely independent institution—to protect itself, to try to expand itself, and to relentlessly try to find a way to justify its existence. That is inherent in the nature of independent agencies.

If the radios are actually going to be privatized by the end of 1999, what is this new Federal agency going to be doing in 2½ years? Are they going to be running the Voice of America? Is there a reason, all of a sudden, after all these years, to create a new agency to run the Voice of America? I don't think so. I don't think the Senator from Delaware would be proposing this structure if his concern was the independence of the Voice of America. Rather, his concern has been clearly stated in the past, and it is to house the surrogate radios, Radio Free Europe/Radio Liberty, and others that are scheduled to lose their Federal support in 1999.

Even Radio Free Asia, RFA, has a sunset date in the authorizing legislation that terminates its authority in 1998. So what is the agency going to do after all these rather up and coming dates arrive? What are they going to do, Mr. President? Are they going to lobby Members to extend these deadlines? I am concerned that they will. Is there any doubt in the minds of anyone in this room that if we create a new Federal agency, it will do all it can to find good reasons to argue that it has to continue to exist.

Secondly, the proponents of these provisions will say that we are talking about something different here because the broadcasting functions have been successfully consolidated into one agency. We mandated the consolidation intentionally, Mr. President, to save money and to eliminate duplication. Mr. President, if these provisions are adopted, the gains we made in both of these areas could be lost. Rather than using, in the name of efficiency, the accounting, personnel, and support services that already exist in the State Department—as it has with the services of USIA—this new entity will have to have its own legal office; it will have to have its own personnel department; it will have to have its own publication office, and who knows what else. That is what you get when you set up a new Federal agency. That agency needs all of those new things, instead of having the State Department handle it under its current budget.

Again, these provisions—and, Mr. President, I hope I am making the case—head in completely the opposite direction, not only of the whole spirit of the last couple of Congresses, but specifically in the opposite direction of the whole point of the bill the distinguished chairman of the Foreign Relations Committee has put forward in terms of consolidation and reorganization.

Now, some may say that Congress can protect the taxpayer by maintaining the spending caps we put into the 1994 legislation. I am certainly glad those caps are still there, and that may be true for those programs that are capped. But what is not clear is what happens with administrative costs.

Mr. President, the comptroller's office of USIA has explained to my staff that some $28 million in administrative services are currently provided to the broadcasting operations by the United States Information Agency. This represents expenditures that are over and above the annual operating budget for the broadcasting operations. Instead, these costs are borne by USIA for property and for housekeeping functions, such as payroll, the payment and vouchers, accounting, contracting, and security. On these latter items, broadcasting ''borrows'' partial time from USIA employees to carry out highly specialized tasks. If the broadcasting operations are to be separated out from USIA, as is contemplated by this bill now, it remains very unclear how broadcasting would get these services. Would the new public diplomacy bureau at the State Department have to provide these services and, if so, how would that be calculated? Or what would concern me the most is, will the new broadcasting entity, this new Federal agency, simply have to hire its own people, new Federal employees, new Federal positions to carry out those services?

The point, Mr. President, is that the broadcasting operations currently appear to gain significant economies of scale by using the infrastructure of the USIA. That is what we caused to happen a few years ago. After decades of

abuse, we finally forced this Government to show some efficiency and consolidation, and we got some economic benefit out of it. Instead, creating a new agency may lead us to lose those savings and force this new entity to come to Congress for new funds, or it may lead to a situation in which the broadcasting activities lose out when, for every new attorney, or office, or light bulb, and all the bureaucracy that goes with it, there will be less broadcasting hours to some far-flung place in the world to which we believe it is in our national interest to communicate. I guess this doesn't make any sense to me.

Third, Mr. President—and this is really the most philosophical of the arguments—there are those who really passionately believe that an independent structure is required or is necessary in order to protect what is called the ''journalistic independence'' of these programs, and really this question gets to the core of what is going on.

Either you think it is our national interest to continue to pay for—not just subsidize, but pay for—independent radio programs, or you don't! I, for one, think it is essential to compare the surrogate radios to the Voice of America. VOA was created to be, and remains, an essential tool for the U.S. government to communicate U.S. policies and prerogatives to the rest of the world. Let me quote directly from the President's budget request concerning VOA's mission: ''The Voice of America was founded in 1942 to provide accurate, objective and comprehensive news and information about America and the world to listeners in other countries.'' VOA now broadcasts in more than 50 languages. WORLDNET television similarly supports and explains U.S. policy objectives to foreign audiences worldwide. VOA and WORLDNET employees are U.S. government employees, and no one doubts that a primary mission is to communicate the views of the U.S. government.

The surrogates—Radio Free Europe and Radio Liberty—on the other hand, concentrate their resources on reporting and analyzing domestic and regional events in the countries to which they broadcast. As someone who believes strongly in the rights of free speech and expression, I do not doubt that the development of independent media is perhaps one of the most important challenges for a newly democratizing country. And I do not question those who think that the United States should actively support or encourage such outlets. But that does not necessarily imply that we should bear the cost of running an entire service! The fact that U.S. tax payers are still subsidizing RFE/RL broadcasts to Poland astounds me. We are, in fact, subsidizing the competition in Poland and, in so doing, may even be preventing the development of other alternatives for this kind of activity in that country. But setting aside for a moment whether we should continue to pay for broadcasting in countries like Poland, let me focus upon the issue of so-called ''journalistic independence.''

Mr. President, let me just briefly review some of the history.

First, Radio Free Europe and Radio Liberty were established by the CIA, a fact widely known, for the purpose of undermining communist governments.

Second, they have been funded by the US taxpayers from their inception, a fact that is also widely known and not disputed.

Third, the Board of Directors for this new entity, like the current one, is appointed by the President of the United States. I would like to know how you can be independent of the U.S. government when your governing board is appointed by the President of the United States!

Let me make sure everyone understands the bizarre relationship between the BBG and RFE/RL. This is an interlocking board of directors: the members of the BBG are—by statute—identical to the members of the RFE/RL board. As bizarre as it may be to an outsider, the BBG gives a grant to RFE/RL, even through they each have the same board. And these board members are all appointed by the President of the United States!

Fourth, their budget is debated by Congress each year. Numerous Congressional committees call them up to account for how this money is being spent. We are even debating it right now.

So how can you even make any kind of claim to be independent on those facts? No one is going to buy it.

In fact, as the fifth point, let us be honest. The rest of the world views these radios as belonging to—guess who? The United States. Whatever games you want to play with their names or their governing structures, everybody knows these broadcasts represent the views of the United States. U.S. officials parade through these facilities abroad all the time.

When President Clinton was in Prague in early 1994, the President of the Czech Republic offered the United States facilities within Prague to house RFE/RL. The Czech President offered the buildings to the U.S. President, because he knew, as the whole world knows, that these radios are 100 percent owned by the US government, paid for by the US taxpayers, and subject to oversight by the US Congress.

Frankly, Mr. President, I do not see how these programs can ever really be independent as long as they are dependent upon federal funding. If they want journalistic independence, the best way is the old-fashioned way: stop taking Federal dollars.

If these programs need autonomy and independence, the best thing they can do is to privatize.

Mr. President, I know the debate over ''journalistic independence'' and over how the United States can best support newly emerging democracies is one that can be highly emotional for many Members of this Chamber. But whichever side my colleagues come out on, I urge you to consider what I find to be the most offensive part of this bill, and that is the provision to create a new, independent federal agency.

I do not want to be repetitive, but I just can't believe that the Senate, that this body that is working so hard to eliminate inefficiencies and duplications in the Government, would have supported provisions such as these in a bill such as this.

So Mr. President, let me point out that my amendment has been endorsed by groups who have worked hard to reduce the Federal deficit and eliminate unnecessary spending programs, including Citizens Against Government Waste and Taxpayers for Common Sense.

Mr. President, I ask unanimous consent that a letter from Taxpayers for Common Sense regarding this amendment and in support of the amendment be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. FEINGOLD. Mr. President, to conclude, the letter from Taxpayers for Common Sense really did a good job of reiterating that the question underlying this debate is whether the Senate is capable of following through on budget cuts. If we today recreate the same BIB structure we abolished just 3 years ago, the savings achieved in the 1994 act could be jeopardized and the effort to privatize these radios could be undermined by this new agency as it desperately struggles to justify its existence.

I hope that the Members of the Senate will reject the creation of this new Federal agency and adopt my amendment.

Mr. President, I yield the floor.

EXHIBIT 1

TAXPAYERS FOR COMMON SENSE,
Washington, DC, June 13, 1997.

Attn: Foreign Relations L.A.—floor action Monday, June 16.

TAXPAYERS ASK: WHY CAN'T SENATE CUT?

SUPPORT FEINGOLD AMENDMENT ON STATE DEPT. AUTHORIZATION

THE 1994 LAW TERMINATED THE BIB AND SAID RADIO FREE EUROPE WILL BE PRIVATIZED

WHY DOES COMMITTEE BILL CREATE NEW AGENCY FOR RFE

DEAR SENATOR: When the Senate considers the State Department Reauthorization bill, Taxpayers for Common Sense strongly urges you to support the Feingold amendment.

In 1994, Congress passed legislation terminating the Board of International Broadcasting (BIB), an independent federal agency responsible for administering Radio Free Europe and Radio Liberty [RFE/RL]. In doing so, the legislation mandated that steps be taken to privatize RFE/RL. The legislation also established a Broadcasting Board of Governors within the U.S. Information Agency in order to curb extensive internal problems that plagued the programs under the BIB structure.

Contrary to the law and to congressional intent—and contrary to the House bill—the

version of the State Department Authorization Bill recently reported by the Foreign Relations Committee would actually create a new federal agency strikingly similar to the old BIB. Congress terminated the BIB just three years ago with overwhelming bipartisan support. The BIB structure fostered rampant fiscal abuses, lavish executive salaries and executive perks, despite numerous GAO and Inspector General reports noting fiscal problems over the course of two decades.

The Feingold amendment would strike the provisions that would create a new federal agency and ensure that RFE/RL is privatized by December 31, 1999, as indicated by the International Broadcasting Act of 1994. TCS supports this amendment. While the budgetary savings may be relatively small compared to the entire federal budget, the questions at stake are large: Can the Senate follow through on budget cuts? Is the Senate incapable of maintaining even this tiny budget cut? Is foreign spending exempt from the budget cuts that impact Americans at home? The Feingold amendment is a step toward restoring the confidence of American taxpayers that U.S. international programs are wise expenditures.

Sincerely,

RALPH DEGENNARO,
Executive Director.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I admire the Senator's tenacity, and I admire his commitment to save the American taxpayers money. His tenacity on this score has exceeded his savings. Let me explain what I mean by that. He won. If this is about deficits, he won. He was right. He saved the taxpayers millions and millions of dollars. He, through his leadership, changed the way in which we used to deal with all these radios. He has won.

If I wouldn't be taken out of context—he would understand the humor in this—I wish he would take that old speech and send it home and say, ''I won.'' I mean, take credit for what you did. You did a wonderful thing. You really did. You did a wonderful thing. But their ain't no more money to save. You saved it. This doesn't cost another penny.

That is No. 1.

This is not about deficits. It was about deficits, but you won. You did a good thing. You reorganized the radios.

It is like that famous line, I guess it was President Reagan's, ''The Russians just do not know how to take yes for an answer.'' You won. And I am not being solicitous when I say the Nation owes you a debt of gratitude.

Now, on the second point, your tenacity: Your tenacity is well known, but I think in this case it is misplaced. This isn't about deficits anymore. Let's talk about what it really is about.

It is about whether or not Radio Free Europe and Radio Liberty are anachronisms or still have a relevance—no matter how well run they are, no matter how streamlined they are, no matter how efficient they are, no matter how cost effective they are.

That is the core of the debate between the Senator and I, although I suspect he would characterize it differently. I think they are vitally important.

It is not communism now. It is chaos now. It is not communism. It is the threat of totalitarianism. It is not communism. It is freedom, market economies, and it is about journalistic integrity and independence.

Everything the Senator said is factually correct except one thing. How do I explain it? I think the rhetorical question is: Tell me how these are independent? I will tell you: Forty years of history. All of Eastern Europe said, ''When I hear VOA, I hear the State Department. When I hear Radio Liberty and Radio Free Europe, I hear an independent voice.'' That is literally how it worked.

I don't presume to compete with my friend from Wisconsin—and I am not being solicitous when I say this—who is a Rhodes scholar and a man of significant accomplishment, with my knowledge of history. I am not trying to play games and educate him, except I suggest to him that he ask those Eastern European freedom fighters of the past 40 years. They knew that the Federal Government paid for Radio Free Europe or Radio Liberty. Why did they listen to it and take what it said as gospel and not the Voice of America, or other pronouncements that came out? The reason was the same reason that exists today in China. We set up a thing called Radio Free Asia, the same category Radio Free Europe used to be in—still is in.

What is the difference? Our Ambassador in Beijing can say with all honesty—and the Chinese Government knows that it is true—''I can't control those guys.''

What do they do? Let me give you an example of what would not happen if these radios, as we call them, were within the State Department where we moved the USIA. They would not at this moment be able to read on air the memoirs of Wei Jing Sheng, one of China's leading dissidents who is in prison. It is driving the Chinese Government crazy that the people of China can hear unobstructed his memoirs being read on air.

Do you think the Secretary of State—this one or the last one—would have the nerve in the mix of negotiations with the Chinese on everything from proliferation to trade to upset the apple cart? I can see it now. Beijing picking up the phone, and saying, ''Stop, or we do the following with regard to these other negotiations.'' We have seen it happen a hundred times. But Beijing knows that the way we have set this up means that the President cannot control it. He can come up to us and say, ''Don't fund it any longer.'' Or he can try to stack the board to get people on the board who will not allow journalistic independence.

But the reason why it works is that we have 40 years' experience—40 years of watching it work. The bona fides of these radios have been proven.

So the Senator is correct. Absent this history, one would say this is a veil. There are only four or five veils between the radios and independence and they are nothing but veils. History indicates that they are walls, and that they brought walls tumbling down—the Berlin wall.

I acknowledge that I probably feel more strongly about the radios and their independence than a majority of my colleagues. But I truly believe, Mr. President, if they were needed during the cold war, they are needed in this decade of chaos as much as they were then.

Look, what happens in China, in large part, is going to be a product of what the people of China know is happening.

My friend, Senator KERRY, who shares the view of my friend from Wisconsin, says, ''Look, we have CNN.'' That is true. ''Look, we have the Internet.'' That is true. They are all very positive and they are real and they are genuine, but I would argue they make my case. Because really what my friends are saying—I will speak for Senator KERRY—is that, although the radios are independent, we don't need this other independent voice now because we have this independent thing called CNN and we have this thing called the Worldnet. I say to you, things are better than they were because we do have CNN. I say to you things are better in the world in terms of the access to information throughout China because we have the Worldnet. But I say to you, we will be, in the ultimate sense, penny-wise and pound-foolish if we take what also is a proven, genuinely important, worldwide, respected vehicle called the radios and do them in.

And what for? What money are we going to save? What are we saving here? Let us get this straight—not that the Senator has not been straight; he has been. But, for me, because I am kind of simple-minded, let's reorganize this and lay it out. For me, it is important to understand the pieces. The first piece of this is, the Senator says that there is all this bloated bureaucracy in this board that used to run the radios. He is right. There was leadership. We changed that. We cut these bloated salaries. We cut out the fat. We made them use the same transmitters. We consolidated the ability to transmit these messages over the air. We literally moved our operation in Europe into Prague from Germany. We did a lot of things. This bill does not change one single solitary bit of the reform that has taken place.

Then my friend says we are going to spend more money. We put caps—through his leadership—on the amount of money that could be spent in these functions. We maintained these caps. If I can find my place in my notes here, I will find out exactly what the caps are. What page am I on? The caps for RFE/RL are $75 million a year; Radio Free Asia, $22 million a year. These caps are kept on this legislation.

My friend says we have created this new bureaucracy. We have created no new bureaucracy. We created this new board in 1994 through his leadership. It upsets my friend that I am not sucking that board into the State Department. There is USIA. It is sitting out here and it has, within USIA, that board. In the reorganization, led by the Senator from North Carolina, we take all the agencies that are sitting outside there and bring them into the State Department. So we take all of the USIA out except for one thing: We leave this board sitting there. We do not recreate it. We just leave it where it was, independent. But still with all the strings attached as to how much money it can spend, all the requirements for RFE and RFL regarding privatization. They all remain, but what also remains is the journalistic integrity, the inability of the Secretary of State to say, hey, don't—don't broadcast those memoirs.

I am not suggesting this Secretary would say that. I do not know what she would say. But there is nothing she can do about that, or that a future Secretary can do about that.

The Senator suggests there is going to be a new bloated bureaucracy. We have a thing in the law that exists right now called the Economy Act, which means that any lawyers that are needed by RFE/RFL, any lawyers needed by the board that is going to conduct overseas radios, can be lawyers that can be borrowed from the existing lawyers in USIA. There is no requirement to hire anybody new. And you have caps on what we can spend on them anyway.

That is how it works right now. VOA—my friend always talks about RFE and RL, Radio Liberty. There is the Voice of America, Radio and TV Marti, and Radio Free Asia. They are sitting there. We have to privatize, under the law, RFE and RL, by the same date required in the original legislation. We kept that in. But we still have these other three major pieces out there. So the notion of the board's responsibilities rests in the management of those as well, even when privatization occurs.

The other rhetorical question I would ask my friend is, he says this undermines privatization, that this proposal to privatize the European radios, which we urged in the sense of Congress in 1994, would be undermined. This provision remains intact. Moreover, the Senator is sponsor of an amendment asking for periodic reports toward this objective, which the committee included in this bill. And, as I said, the board oversees more than the European radios, so they will have plenty to do after privatization. The others are not part of the privatization scheme.

Keep in mind the overarching rationale for privatization. It is, hey, we don't need this message going into Eastern Europe or Central Europe or the former Soviet Republics.

I want to tell you, I sure would like that message going into Byelarus. I am glad it is going in now. I sure like the idea the message is going into Bosnia. I sure like the messages going into these former Soviet states or Soviet-client states. But I acknowledge that is a debate for another day, whether or not these radios make sense anyway. I think they make a great deal of sense.

But make no mistake about it, that is the core of the distinction between what the Senator from Wisconsin and I view to be the right course of action. You notice that the Senator is always painfully honest. He points out and acknowledges he had the privatization language still in here, but he presumes it will not be privatized now that the board is sitting out here and staying out here. I would argue that the likelihood of privatization occurring is in direct proportion to how much light is shed on the process. When you have this board sitting out here by itself, justifying its existence and its actions, it is a lot more likely that we are going to pay attention to it, particularly when we have to confirm the head of the board. As a matter of fact, the whole board requires Senate confirmation.

The Senate worries about the radios not going toward privatization. How many members of the board are there, eight? He is going to have eight shots, plus Mr. Duffy, who is going to be the new Under Secretary of State for Public Diplomacy. He has plenty of chances. He has nine chances in confirmation hearings before our committee. Put the board inside and it's a different story.

The other point I would like to raise—and there is so much to say on this, but you have heard me so many times I will try not to say all there is to say. The cost will go up, is the second argument. He indicates that the cost will increase by $25 to $30 million. He said the board and the radios now receive $28 million in administrative services from the USIA, the U.S. Information Agency. All this is true, but who does he think is paying the $28 million now? The $28 million that went for them administering the agency will not go to them now. The net cost to the American taxpayer will not change. Chairman HELMS and I received a letter from David Burke, the chairman of the board. I ask unanimous consent it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

BROADCASTING BOARD OF GOVERNORS, UNITED STATES OF AMERICA,

Washington, DC, June 17, 1997.

Hon. JESSE HELMS,
Chairman, Committee on Foreign Relations, U.S. Senate.

Hon. JOSEPH R. BIDEN, Jr.,
Committee on Foreign Relations, U.S. Senate.

DEAR CHAIRMAN HELMS AND SENATOR BIDEN: I have been advised of the provisions related to international broadcasting contained in Division B of S. 903, the Foreign Affairs Reform and Restructuring Act of 1997, as reported by the Committee on Foreign Relations.

My colleagues and I agree with Senator Biden that, under any reorganization scenario, an independent, bipartisan governing board, nominated by the President and confirmed by the Senate, is essential to ensuring the coherence, quality, and journalistic integrity which preserves the credibility, and therefore effectiveness, of the broadcasting services.

Further, with respect to concerns about additional costs expressed by Senators Feingold and Kerry during the Committee's markup last Thursday, the Board believes that a transfer of existing broadcasting support costs and personnel from USIA to the international broadcasting entity would be a ''cost neutral'' transaction within the foreign affairs budget function. Such a transfer would cover space costs and management support services currently provided by USIA, including security, accounting, payroll, training, and procurement. This transfer from USIA to the international broadcasting entity would coincide with the consolidation of USIA into the Department of State, and would not represent a net increase in total funds or employment.

The BBG is committed to ensuring that America's international broadcasting services remain a cost-efficient, highly effective means of promoting this nation's interests abroad.

Sincerely,

DAVID W. BURKE,
Chairman.

Mr. BIDEN. This is just one paragraph from it.

. . . the Board believes that a transfer of existing broadcasting support costs and personnel from USIA to the international broadcasting entity would be a ''cost neutral'' transaction within the foreign affairs budget function. Such a transfer could cover space costs and management support services currently provided by USIA, including security, accounting, payroll, training, and procurement.

This notion that salaries would explode isn't realistic. We can't even get a raise for judges here, which most of my colleagues tell me we should get. They have to come with an appropriation every year. You think these salaries are going to explode and that this is going to be a sitting duck?

My view is, if I can see it, if I can feel it, if I have to confirm it and it is not buried in an organization, I have a lot more impact on it. Look, as I said, there is a lot to say, but the former VOA directors, the Voice of America directors, they do not argue, Democrat and Republican, that we should put the radios and VOA into the State Department. They say keep it where it is.

So, I really admire the Senator. I will say again, the people of Wisconsin should be thankful and appreciative that he kept his commitment. He saved them money. Like in that movie, ''Show me the money.'' You saved them the money. Now, move on, Senator. There ain't no more money to save unless you are eliminating all of the radios. And if you move them into the State Department, which your amendment would do, that will be the effect.

I asked my colleague, because we are good friends, I asked, how long are you

going to go on this? He said, well, I am going to make my points and then go as long as required to have to respond to your responses. I said, you mean if I don't keep responding, you won't respond?

I think he implicitly said yes. So I am going to stop responding to his responses in the hope that he will stop responding and we can get on with the vote. Hopefully, the vote will be like it was in the Senate Foreign Relations Committee, overwhelmingly, a majority of Democrats and majority of Republicans staying committed to the savings he has initiated and staying committed to the radios.

I yield the floor.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I am enjoying this debate and also enjoying the Senator's command of popular culture. I think this has been a very instructive thing for me over the past few years to work with him on this. I admire his passion. It is born of a lot of experience and knowledge of foreign policy over the years, to which I defer. So I do respect him on this and appreciate the kind words about the savings we have achieved. The Senator is right. And I do try to be straightforward. The Senator from Delaware would say, in fact, he is correct. We have made those savings working together, including with the chairman, whose good support also made that possible.

That is a victory that we can be happy about. But I can't just look at this bill and feel this is the end of the story. Whatever analogy you want to use, winning the inning but not winning the game, it is not terribly satisfying if you achieve something and then find out a few years later that you set up a scenario—not a fact, I again give you that, but a scenario—where you have the feeling that it might come undone, that there is a good chance it will come undone. Because we are making what appear to be the same mistakes that were made in the past, in terms of how this was set up, that led to the abuses, that led to the need for the agreement that the Senator and I put together several years ago.

It reminds me of the expression, I still can't find out who said it, I don't know if it was President Reagan or President Bush, something along the lines that "the only thing that is immortal in Washington, DC, is a Federal agency," this concern that somehow we can't ever wean ourselves from the structure of an independent agency, that once they exist they have their own constituency and they exist forever.

Mr. BIDEN. Will the Senator yield for one point on that?

Mr. FEINGOLD. I yield for a question.

Mr. BIDEN. Mr. President, again, the Senator is always straightforward. He indicates he worries that this is a scenario for reenacting a set of circumstances, putting in place a set of circumstances, that will allow the abuses that took place before to come around again. I am not being smart when I say this, but you, Senator FEINGOLD are going to be here. The likelihood of that happening with you sitting here in this Chamber and with it sitting out there by itself is zero, unless all of a sudden you go back to Wisconsin and decide that you don't like your—and I mean this positively—your crusade for fiscal responsibility anymore.

I pointed out in the beginning, one thing I have found out about you is your tenacity. I can't believe there is any reasonable prospect that the scenario you fear has any prospect of occurring while you are here. I don't think it is occurring period, but in terms of what is likely to happen, I don't want to be a board member when they come back and tell you, "By the way, we're not privatizing," and "By the way, we want more money," and "By the way, we're increasing our salaries," all of which would have to come through here.

I will argue again, if it is buried inside the State Department, you have a much better chance of it occurring there than if it is sitting out in the cold light of day, and I mean that sincerely.

Mr. FEINGOLD. Mr. President, to answer the Senator's question, I appreciate his very positive political prognosis for me, and I hope he is right. I would rather not, after all the work I have done on this and all the work he has done on this, simply leave this issue to the hope that I or others in the future will have the time, the energy and the interest to focus on this particular matter. There are so many things we need to work on to cut the fat out of the Federal Government. It is incredible.

We go home and tell people we finally passed a bipartisan balanced budget, and they look at us skeptically. The first thing I say to them is, "Don't kid yourself, there is still an awful lot of fat in Washington, an incredible amount." The energy it takes to focus on this one particular piece and clean it up is very, very taxing. I can't simply hope that my own ability to pursue this will last forever.

Let's face it, these radios have been there for 50 years. I know there are Members here who approach that kind of tenure, but for most of us, we have to try to set something up that we hope will last after we are gone.

This is relevant to an interesting point that the Senator from Delaware was making where he eloquently outlined the past, the important role that Radio Free Europe and Radio Liberty played during the cold war. But in so doing, he made an interesting comment about how things are different now. He said "We have gone from cold war to chaos." I think that was well said.

But the problem is that this new world that we are living in is much more complicated than it used to be, involving a lot of different forums for different ideologies, different constellations in power. But there are also different technologies, technologies that did not exist at the time the assumptions that the Senator from Delaware was speaking about were made. Things like the BBC, things like CNN, things like the Internet.

That is not to say that radios do not have an important role, and perhaps a unique role, as you were indicating, in a number of these situations. But, Mr. President, it is a different world than the world that required us to set up Radio Free Europe and Radio Liberty in the way that we did as a surrogate radio.

Who is to say that we cannot at this point, without using Federal dollars, have our official Government broadcasting done by the Voice of America and then have these alternatives that we have described function as they are doing and didn't in the past, such as BBC, CNN and the Internet and then, yes, perhaps, and here I actually do not disagree with the Senator from Delaware, perhaps have a fully privatized Radio Free Europe and Radio Liberty, a fully privatized Radio Free Asia, and whatever else can be established, be a part of that combined effort to make sure that people who live under any kind of authoritarian government, such as China or any other type of government like that, whether Communist or not, would have the opportunity to get the information they need?

Mr. President, what the Senator from Delaware has really pointed out by his excellent description is what I said from the beginning. This Radio Free Europe and Radio Liberty, as a Government-funded entity, not as an entity on its own, but as a Government-funded entity, based on the notion of a need for a surrogate, is a cold-war relic. The concept of the surrogate that is somehow a part of the Government but not really part of the Government is, in my view, a relic. It is a fact and important part of the history of the 20th century. It is not a guidepost for the 21st century.

But the most important point is this. The Senator cleverly tries to take the argument as to whether or not I think radios are needed for freedom. I am not necessarily disputing that at all. Let's for the sake of argument agree that some kind of radios of this kind are a part of the constellation of services and technologies that are needed for freedom. The question here today is whether we need an independent, federally funded agency to get that job done, this sort of hybrid that claims to be independent but, obviously, isn't because it is funded by the taxpayers and the President of the United States appoints the board. This isn't independence. No one thinks it is independence, although, yes, as the Senator from Delaware points out, perhaps during the heart of the cold war, in that context at that time, there may have been

this mythical distinction which I question just how many people actually believe.

So the question here isn't do we need the radios—let's concede that for the moment—the question is, do we need a new independent agency to run the radios when the Senator himself just said this whole thing is supposed to be completely privatized by 1999 anyway. How important can it be to have an independent agency to do this funded by the Federal Government when he himself just said we are going to privatize the whole thing by 1999?

What it comes down to is this. The Senator from Delaware has given a great speech, a very accurate speech, but it is most appropriately a speech given to people in this country who have a lot of money, who want to privatize and pay for a privatized Radio Free Europe and Radio Liberty. That is to whom these words should be spoken, people like Steve Forbes who would be able to put in this kind of money and is interested in it. That is who should hear the plea, not the U.S. taxpayers who have paid enough already in this area.

Let's just review the facts about independence and lack of independence.

Fact: The Board for International Broadcasting was an independent agency, and during its tenure as an independent agency, there were horrible revelations of fiscal abuse. That is the fact. The Senator from Delaware says, what would you rather have, an agency that stands out there alone or one that is in the State Department? The fact is, when the Board for International Broadcasting stood alone, that is when the huge abuses, the $200,000 and $300,000 salaries paid by the American taxpayers, occurred, when it was independent.

Fact No. 2: That there has been a time period when this board was not independent, when, under our agreement, it went under the United States Information Agency. And what happened during that tenure when it was not independent, when it was supervised, when it did have to submit its budget to the head of USIA? What happened is we achieved these things, we achieved these efficiencies. That is when it happened.

So I will go with the same test the Senator from Delaware has suggested: When it was on its own, it failed and was abusive; when it has been under the supervision of another agency that is dedicated to controlling it, it has been under control. We cannot simply create a new pleader here in the form of a new Federal agency. It will need its own staff and personnel. The Senator from Delaware says it won't be required to, but it is allowed to.

I simply cannot understand how any of us believe after the record of Radio Free Europe and Radio Liberty under the Board for International Broadcasting, that letting it be free—subject only to appointment and confirmation hearings—that somehow that will lead to a better situation. That is the history, two different scenarios: the record, when it was independent, which is one of terrible fiscal abuse, and the record since it was put under another department under the USIA, which everyone has conceded has been much better.

Mr. President, I strongly suggest we should avoid this step of creating a new Federal agency. I yield the floor.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I always enjoy debating my friend from Wisconsin. It has been a hundred years since I have been a trial lawyer, but one of the things a fellow I used to work for, a great trial lawyer in Delaware named Sid Balick, used to say was, when you have said what you wanted to say, you made the points the best you can, it is best to sit down. I yield the floor.

Mr. McCAIN. Mr. President, I rise today to speak in support of the public diplomacy conducted by the United States Information Agency, which, under the terms of the legislation before us, will be folded into the Department of State, USIA, as we are all aware, oversees the Voice of America and, more recently, Radio Free Europe/Radio Liberty.

It has often been pointed out that, after the guns fall silent, the United States rushes to disarm. Many in this chamber would argue that such disarmament is being undertaken once again in the wake of the demise of the Soviet Union and consequent end to the cold war. We are not here, however, to debate issues of military strategy and force structure. That discussion will take place in the near future when the defense authorization bill comes to the floor.

The issue I wish to address today, however, is closely related to the phenomenon involving large-scale reductions in the size and aggregate capability of our Armed Forces in times of peace. There is another element to what has been called the arsenal of democracy that is vital to our national defense, yet which receives little attention and operates with minimal funding. That instrument of foreign policy is public diplomacy—the conveyance of accurate, objective news to people who otherwise are not exposed to a free flow of information, who have the misfortune of living in countries ruled by dictatorial regimes.

Mr. President, there is little that an authoritarian or totalitarian government fears as much as the dissemination of truth. Whether broadcasts into German-occupied France or Radio Free Europe and Radio Liberty transmissions behind the Iron Curtain, the truth is a powerful weapon when wielded with fortitude in the struggle against tyranny. The images of individuals and families hiding in darkened basements, gathered around a radio, volume kept low so as to avoid detection, is compelling. It is an image that has captured millions over the decades. Distribution of radio sets and literature can play as important a role in the fight for freedom as the aircraft, tanks, and ships on which we expend billions of dollars.

The post-cold-war era coincides with the explosion in what has come to be known as the ''Information Age.'' As portable and home computers become more readily available, the ability to disseminate information has reached levels previously only imagined. It is very important that the United States not ignore this potential in the continuing fight for self-determination and democratization.

I remain a strong supporter of the public diplomacy activities of the U.S. Government. It is true that the end of the cold war has diminished the need for Radio Free Europe. It has not, however, eliminated that need, as political turmoil in Albania and the ongoing problems in Bosnia-Herzegovina, as well as in Serbia itself, attest. Furthermore, while I am a strong supporter of maintaining open ties with China, including in the area of trade, the advent of Radio Free Asia is an essential element in our long-term effort at facilitating a transformation in that country toward a more liberal political system characterized by free speech.

The bill currently before us restructures our public diplomacy apparatus to both streamline the bureaucracies and ensure their continued vitality and independence. Those are worthy goals deserving of our support. While I am concerned about the effort to retain Radio Free Europe/Radio Liberty within the U.S. Government rather than privatize it as directed in the Foreign Relations Authorization Act for fiscal years 1994–1995, the attention afforded public diplomacy in the State Department authorization bill for fiscal year 1998 is highly commendable.

Public diplomacy remains an important instrument of our foreign policy. The free flow of information will never wane as an essential element of our national security apparatus. Truth remains the greatest enemy of tyranny, and until liberal democracies are firmly entrenched in every country of every region of the world, we must continue to support such activities.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I inquire of the Senator if he desires a rollcall vote on this?

Mr. FEINGOLD. Mr. President, I would like a rollcall vote.

Mr. HELMS. Very well. I ask for the yeas and nays, Mr. President.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. HELMS. Mr. President, I have the greatest respect for the Senator from Wisconsin. I think he knows that. I know his mother-in-law and I put in every personal reference I can, but he is simply wrong on this. He is operating in perfectly good faith, but this is wrong. This provision does not create a new Government agency. What it does is simply keep a current function of USIA and move the rest of them out. It is the only thing left.

The radios—Radio Free Europe and Radio Liberty and Radio Free Asia and Radio Free Iran, the Voice of America and the Cuban radio, Radio Marti—will be separate from the Department of State. No new missions are created, no new bureaucracies are established. We simply maintain the independence and editorial integrity of the already-existing radios.

Warnings that this bill will return us to the old age of corruption and mismanagement are simply not so. As a matter of fact, I was dealing with these radios a long time before the Senator came to the Senate. As the saying goes, I fought the Battle of Jericho many times on this and generally I won.

This bill simply extends the authority of the State Department inspector general giving the inspector general full oversight over the radios and the entire bureau of broadcasting and gives the Under Secretary of State for Public Diplomacy a permanent seat on the broadcasting Board of Governors, ensuring that their management will come under the scrutiny of the State Department. And under this legislation, the Director of broadcasting will serve not at the pleasure of the board, as he does today, but rather at the pleasure of the President with the advice and consent of the Senate.

Lastly, I have heard from the head of every one of these radio entities. And to a man, to a woman, they are opposed to the Senator's amendment.

Mr. President, I am tempted to move to table, but because of my affection for the distinguished Senator I shall not do that. I will let him have an up-or-down vote.

I thank the Chair. And we may proceed to a vote.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to amendment No. 395. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Wyoming [Mr. ENZI], the Senator from Idaho [Mr. KEMPTHONE], and the Senator from Kansas [Mr. ROBERTS] are necessarily absent.

Mr. FORD. I announce that the Senator from South Dakota [Mr. DASCHLE] and the Senator from South Dakota [Mr. JOHNSON] are necessarily absent.

I further announce that the Senator from South Dakota [Mr. JOHNSON] is absent attending a funeral.

I also announce that the Senator from South Dakota [Mr. DASCHLE] is absent due to a death in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 21, nays 74, as follows:

The result was announced—yeas 21, nays 74, as follows:

[Rollcall Vote No. 104 Leg.]

YEAS—21

Baucus	Feingold	Moseley-Braun
Bingaman	Harkin	Reed
Boxer	Kennedy	Reid
Bryan	Kerrey	Rockefeller
Bumpers	Kerry	Sarbanes
Conrad	Kohl	Wellstone
Dorgan	Leahy	Wyden

NAYS—74

Abraham	Feinstein	Lugar
Akaka	Ford	Mack
Allard	Frist	McCain
Ashcroft	Glenn	McConnell
Bennett	Gorton	Mikulski
Biden	Graham	Moynihan
Bond	Gramm	Murkowski
Breaux	Grams	Murray
Brownback	Grassley	Nickles
Burns	Gregg	Robb
Byrd	Hagel	Roth
Campbell	Hatch	Santorum
Chafee	Helms	Sessions
Cleland	Hollings	Shelby
Coats	Hutchinson	Smith (NH)
Cochran	Hutchison	Smith (OR)
Collins	Inhofe	Snowe
Coverdell	Inouye	Specter
Craig	Jeffords	Stevens
D'Amato	Kyl	Thomas
DeWine	Landrieu	Thompson
Dodd	Lautenberg	Thurmond
Domenici	Levin	Torricelli
Durbin	Lieberman	Warner
Faircloth	Lott	

NOT VOTING—5

Daschle	Johnson	Roberts
Enzi	Kempthorne	

The amendment (No. 395) was rejected.

Mr. HELMS. Mr. President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LOTT. Mr. President, I want to say how much I appreciate the good work that has been done on this legislation. It is truly a bipartisan compromise. The distinguished chairman and ranking member, the Senator from Delaware, have really worked hard and have come together, I think, on a good bill. It is obvious that the bill is going to be supported by the overwhelming votes that we have seen here today.

It is important that we finish this bill tonight. There are not a lot of amendments left. I hope that the Senators who have amendments they are seriously interested in will come to the floor right away and talk to the chairman so that we can finish this up in the next hour and a half or 2 hours.

I thank the Senator from Kentucky, who is acting as leader in the absence of our good friend, Senator DASCHLE. Let's really stay behind this and see if we can't finish in the next couple of hours. I wanted to make that point.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, the regular order would bring up the Sarbanes amendment. We have worked that out. I think we have two others that we are willing to accept and are agreeable to accept. That would be Senator DAN INOUYE on the East-West Center and Senator SMITH of Oregon on China.

I ask unanimous consent that it be in order for those three to be handled in tandem.

Mr. SARBANES. Mr. President, is the Sarbanes amendment now pending?

The PRESIDING OFFICER. Is there objection to the unanimous-consent request by the Senator from North Carolina?

The Senator from North Carolina has sought consent to consider these amendments in the following order: The Senator from Maryland, Senator SARBANES; the Senator from Hawaii, Senator INOUYE; and the Senator from Oregon, Senator SMITH.

Is there objection?

There being no objection, it is so ordered.

The Senator from Maryland is recognized.

AMENDMENT NO. 393, AS MODIFIED

Mr. SARBANES. Mr. President, I send a modification of my amendment to the desk.

The PRESIDING OFFICER. The Senator has that right.

The amendment will be so modified.

The amendment (No. 393), as modified, is as follows:

On page 160, strike line 21 and all that follows through line 7 on page 162, and insert in lieu thereof the following: ''international organizations under the heading 'Assessed Contributions to International Organizations' may not exceed $900,000,000 for each of fiscal years 1999 and 2000.''

Mr. SARBANES. This modification has been worked out with the managers of the bill. I appreciate their accommodation on this.

Mr. HELMS. Mr. President, I urge approval of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

The amendment (No. 393), as modified, was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

AMENDMENT NO. 376, AS MODIFIED

Mr. INOUYE. Mr. President, I send a modification of my amendment to the desk.

The PRESIDING OFFICER. The Senator has that right. The amendment is so modified.

The amendment (No. 376), as modified, is as follows:

At the end of section 1301 of the bill, insert the following new paragraph:

(C) CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST.—There are authorized to be appropriated no more than $10,000,000 for fiscal year 1998 and no more than $10,000,000 for fiscal year 1999.

Mr. INOUYE. Mr. President, this modification has been cleared and approved by the Senator from Minnesota [Mr. GRAMS], and the distinguished managers of the measure.

Mr. HELMS. Mr. President, I urge approval of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

The amendment (No. 376), as modified, was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

AMENDMENT NO. 396

Mr. SMITH of Oregon. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oregon [Mr. SMITH], for himself and Mr. THOMAS, proposes an amendment numbered 396.

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place in the bill, insert the following new section, and renumber the remaining sections accordingly:

SEC. . SENSE OF THE SENATE ON PERSECUTION OF CHRISTIAN MINORITIES IN THE PEOPLE'S REPUBLIC OF CHINA.

(a) The Senate finds that—

(1) Chinese law requires all religious congregations, including Christian congregations, to ''register'' with the Bureau of Religious Affairs, and Christian congregations, depending on denominational affiliation, to be monitored by either the ''Three Self Patriotic Movement Committee of the Protestant Churches of China,'' the ''Chinese Christian Council,'' the ''Chinese Patriotic Catholic Association,'' or the ''Chinese Catholic Bishops College;''

(2) the manner in which these registration requirements are implemented and enforced allows the government to exercise direct control over all congregations and their religious activities, and also discourages congregants who fear government persecution and harassment on account of their religious beliefs;

(3) in the past several years, unofficial Protestant and Catholic communities have been targeted by the Chinese government in an effort to force all churches to register with the government or face forced dissolution;

(4) this campaign has resulted in the beating and harassment of congregants by Chinese public security forces, the closure of churches, and numerous arrests, fines, and criminal and administrative sentences. For example, as reported by credible American and multinational nongovernmental organizations,

—in February 1995, 500 to 600 evangelical Christians from Jiangsu and Zhejiang Provinces met in Huaian, Jiangsu Province. Public Security Bureau personnel broke up the meeting, beat several participants, imprisoned several of the organizers, and levied severe fines on others;

—in April 1996 government authorities in Shanghai closed more than 300 home churches or meeting places;

—from January through May, 1996, security forces fanned out through northern Hebei Province, a Catholic stronghold, in order to prevent an annual attendance at a major Marian shrine by arresting clergy and lay Catholics and confining prospective attendees to their villages.

—a communist party document dated November 20, 1996 entitled ''The Legal Procedures for Implementing the Eradication of the Illegal Activities of the Underground Catholic Church'' details steps for eliminating the Catholic movement in Chongren, Xian, Fuzhou and Jiangxi Provinces and accuses believers of ''seriously disturbing the social order and affecting [the] political stability'' of the country; and

—in March 1997, public security officials raided the home of the ''underground'' Bishop of Shanghai, confiscating religious articles and $2,500 belonging to the church;

(b) It is, therefore, the sense of the Senate that—

(1) the government of the People's Republic of China be urged to release from incarceration all those held for participation in religious activities outside the aegis of the official churches, and cease prosecuting or detaining those who participate in such religious activities;

(2) the government of the People's Republic of China be urged to abolish its present church registration process;

(3) the government of the People's Republic of China fully adhere to the religious principles protected by the U.N. Universal Declaration of Human Rights; and

(4) the Administration should raise the United States' concerns over the persecution of Protestant and Catholic believers with the government of the People's Republic of China, including at the proposed state visit by President Jiang Zemin to the United States, and at other high-level meetings which may take place.

Mr. SMITH of Oregon. Mr. President, one of the threshold rights that we as Americans hold dear is the right to worship God according to the dictates of one's own conscience. It is for that reason that many Christians and people of all faiths are disturbed by news headlines about the persecution of Christians, specifically, and other religious minorities generally in the nation of the People's Republic of China.

This body is about to engage in a great debate on the issue of China and how the religious minorities of that great nation are treated by its government. Many of us are concerned about this issue and find it appalling to read accounts of the persecution of Christians in that nation. I, for one, believe that the best way to help China change its internal affairs toward religious minorities is not by escalating a trade war or military competition with them, but rather to engage them and to focus the spotlight upon this issue in every forum that we can find. I think businesses have an obligation to do that, and I believe we, as U.S. Senators, have an obligation to do that.

For that reason, today, I rise to offer this amendment, which is a sense-of-the-Senate amendment, that will focus on the issue of religious persecution in the People's Republic of China. Specifically, it says that:

It is, therefore, the sense of the Senate that:

(1) the government of the People's Republic of China be urged to release from incarceration all those held for participation in religious activities outside the aegis of official churches, and cease prosecuting or detaining those who participate in such religious activities;

(2) the government of the People's Republic of China be urged to abolish its present church registration process;

(3) the government of the People's Republic of China fully adhere to the religious principles protected by the United Nations Universal Declaration of Human Rights; and

(4) the Administration should raise the United States' concerns over the persecution of Protestant and Catholic believers with the government of the People's Republic of China, including at the proposed state visit by President Jiang Zemin to the United States, and at other high-level meetings that may take place.

I believe this amendment has the approval on both sides. I thank the Chair and the managers of the bill for this time.

The PRESIDING OFFICER. Who seeks recognition?

Mr. FORD. Does the manager want to pass this amendment?

Mr. HELMS. Mr. President, first of all, I ask unanimous consent that I be added as a cosponsor to the Senator's amendment.

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

Mr. HELMS. I urge adoption of the amendment.

Mr. FORD. Mr. President, we agree to the amendment.

The PRESIDING OFFICER. If there is no further debate, the amendment is agreed to.

The amendment (No. 396) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KERREY. Mr. President, I rise today to discuss my thoughts on the State Department authorization bill. I am afraid that too often we minimize the importance of legislation that deals with foreign policy because it is an issue that fails to capture the interest of our constituents. In my opinion, this lack of interest is a sign of failure on our part to explain to our constituents the importance of sound foreign policy to their lives.

At the same time, more and more people in my home State are coming to know the importance of trade in developing our economy and creating new markets for Nebraska agricultural and industrial products. Essential to a profitable trade environment is a stable diplomatic relationship. It is our State Department that takes a leading role in creating the ties that will lead to

new markets and prosperous trade relations. We must do a better job of explaining the link between foreign policy and a healthy economy based on free trade.

Mr. President, it is also important that we remember that failure of foreign policy can have deadly consequences. Our investment in the State Department and international organizations such as the United Nations represents a fraction of the monetary investment required for the United States to respond militarily to a threat to our interests that may have been averted through diplomacy, not to mention the investment in human lives.

Mr. President, this bill is a significant improvement over similar legislation that has come before the Senate in that it addresses very difficult and contentious issues with fewer of the controversial policy provisions that have doomed past legislation. This is not to say that this bill is void of provisions that cause me concern, but I am hopeful that as the process moves forward these issues will be worked out.

Division A of this bill addresses the consolidation and restructuring of our foreign policy agencies. Aside from streamlining these agencies, I am hopeful this legislation will help us construct a foreign policy structure better prepared to respond to the challenges it will face in the post-cold-war world. By consolidating the Arms Control and Disarmament Agency and the U.S. Information Agency into the State Department, we are not saying that arms control and public diplomacy are less important than during the cold war. Instead, we are reaffirming their importance by placing these tasks under the direct control of the Secretary of State. On this point, I would like to praise the administration, the chairman, and ranking member of the Foreign Relations Committee for pursuing a reorganization plan that will strengthen U.S. foreign policy by strengthening the role of our Secretary of State. I do share the concerns expressed by the administration and believe that it is important for the President and the Secretary of State to have a sufficient amount of flexibility during the process of restructuring in order to ensure the greatest amount of efficiency and ability to meet the challenges of the 21st century.

Division B of this bill contains the authorizations of appropriations for the State Department and related agencies. I recognize the fiscal constraint under which we are operating, but I am very concerned by the failure of this bill to fully fund our foreign policy agencies. While the $6.08 billion authorized in the bill is close to the $6.15 billion requested by the President, funding levels fall short in several key accounts.

First, this bill authorizes $59 million less than was requested by the President for contributions to international organizations; there is also a $40 million shortfall from the amount requested for international peacekeeping. Finally, the bill reduces ACDA's authorization level from $46 million to $39 million. At a time in which we are calling for ACDA to be integrated into the State Department, it is important that we not shortchange this agency. Each of these funding shortfalls threatens the effectiveness of agencies and calls into question our commitment to maintaining a strong foreign policy.

Mr. President, the final section of the bill, division C, is of particular interest and concern to me. Once again, I am pleased that the Senate has finally chosen to address the issue of US arrears to the United Nations, but I am concerned about the approach that is taken in this bill.

Mr. President, let me first state that I fully support U.S. participation in the United Nations. In helping to create the United Nations in 1945, the United States sought to create an organization of countries that could work together to achieve common goals. Today, the United Nations remains an important forum of consultation and cooperation in which the United States can work with other nations to advance our interests. However, I fear that the ability of the United States to use its power in the United Nations will be jeopardized by our inability to pay our bills.

I do not disagree with those who push for continued reforms within the United Nations. However, I am concerned that many of the benchmarks and conditions contained in this bill play to the unfounded fears of a few in our society and go too far in dictating policy to the United Nations. Mr. President, I do not believe that the United States should put itself in the position of micromanaging the United Nations. While the United States remains the most influential country in the United Nations we must recognize the need to work with, rather than dictate to, the remaining 183 countries. We in the United States are groping with our own fiscal problems, we should not be so quick to assume we have a monopoly on reform.

It is for this reason that I supported Senator LUGAR's amendment. Aside from fully funding the $819 million in arrears payments over 2 years, Senator LUGAR's amendment would have deleted the benchmarks and conditions contained in the bill. In my opinion, we must live up to our international commitments or be prepared to face the consequences of surrendering our leadership role in the world.

Mr. President, while I have many concerns, and I believe that this bill could have been crafted in a way that would have further advanced our foreign policy goals, on balance I believe this bill represents a positive step forward and I will vote in favor of final passage. By radically reorganizing our foreign policy apparatus, we better prepare ourselves to meet the foreign policy challenges we are certain to face in the future. Finally, despite the concerns I have about our approach, I believe that this bill will move us toward paying our debts to the United Nations and reestablishing U.S. leadership.

SECTION 2108

Mr. HELMS. Mr. President, the section of the Foreign Relations Committee report on S. 903, the Foreign Affairs Reform and Restructuring Act of 1997 (Report No. 105–28), describing section 2108 on the Organization of American States was inadvertently left out of the printed report. In order to establish the legislative history of section 2108 of S. 903, I ask unanimous consent that a description be in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Section 2108—Organization of American States

Expresses the sense of Congress that the Secretary of State should make every effort to pay the United States assessed funding levels for the Organization of American States (OAS).

The Committee recognizes the unique relationship and importance of the OAS to the United States. The Committee also notes that the OAS is disproportionately reliant on the United States assessed contribution, with the United States providing 59 percent of the organization's assessed budget.

The Committee has encouraged reform of international organizations. The OAS, to its credit, has taken a number of positive steps to reform, including establishing an independent Inspector General, mandating annual independent financial audits, establishing a Unit for the Promotion of Democracy, while holding the line on the budget and reducing personnel from 1700 to 600. Section 2108 acknowledges the progress made by the OAS in streamlining the institution and maximizing its resources.

The Committee also takes note of the work of the OAS, especially in promoting democratic processes and institutions, most recently in Nicaragua and the Dominican Republic, and in contributing to reconciliation in Central America, most notably the work of the International Support and Verification Commission (CIAV) in Nicaragua.

REAUTHORIZATION OF AU PAIR PROGRAM

Mr. KENNEDY. Mr. President, section 1314 of the State Department authorization bill reauthorizes the Au Pair Cultural Exchange Program in the United States Information Agency.

Over the years, this program has won broad support in Congress and across the country, helping working families with their child care needs while providing valuable experience of life in America for young men and women from overseas.

However, earlier this year, the people of Massachusetts were stunned by the tragic death of a child in Newton at the hands of a participant in the program. I wrote to USIA immediately, requesting an urgent review of current procedures for screening participants in the program and requesting USIA's recommendations for strengthening them.

As the Senate votes today to approve this legislation, USIA is in the process of promulgating new regulations for

the au pair program which will be published in the next few days. I believe that these regulations will provide greater assurance to the thousands of American families who have come to rely on this program that the au pairs who participate are better trained and better screened. I understand that the new rules will enhance the training and experience requirements for au pairs to qualify for the program. The regulations should enhance the involvement of American families in selecting the au pairs to care for their children. In addition, new regulations will ensure that au pairs are not overworked and are able to participate in educational programs that strengthens the cultural and educational exchanges at the heart of this important program.

Finally, this program will remain under periodic review. In fact, every fifth year, a comprehensive re-examination of the program is required to determine whether the program will be continued.

These are welcome improvements in the au pair program. They will benefit American families with child care needs, and benefit the cultural exchange programs that are such an important aspect of ours with other countries. This reauthorization is a key part of this overall bill, and I urge members of the Senate to support it.

Mr. LIEBERMAN. Mr. President, I rise this afternoon to congratulate Senator HELMS, Senator BIDEN and the members of the Senate Foreign Relations Committee for the bipartisan spirit reflected in the Foreign Affairs Reform bill, and particularly for their efforts to restructure the foreign affairs agencies for the 21st century.

When a proposal to consolidate agencies came to the floor last year, I offered an amendment that would have struck provisions integrating the United States Information Agency into the Department of State. At that time, there appeared to be a serious risk that the valuable mission of USIA, public diplomacy, would be harmed in a consolidation process overly inspired by a zeal to slash budgets and bureaucracies. I will continue to watch this closely.

Those of us who shared this concern are pleased that the effort being made now will strengthen and not diminish public diplomacy by keeping the focus on the team responsible for its conduct. Despite the wonderful capabilities of technology, we cannot count on it alone to carry America's message to foreign countries. There will always be the problem that Edward R. Murrow described as taking the message ''the last three feet.''

What I imagine Murrow meant was that foreign publics will be open to understanding America's case only when they know us and respect us, and when we know enough about them to relate to their interests and values. This means more than shouting at them through technology's loudspeakers. It means ''being there,'' having foreign service professionals in the field whose work it is to cultivate relationships that go beyond government-to-government communiques.

American interests and values will be served through effective use of the international media, the internet, and government broadcasting capabilities such as the Voice of America. But we must not allow these tools of mass communications to become separated from the professionals on the ground who follow the pulse of the people, whether in the market or at the University. American foreign policy needs engagement, up close and personal, now more than ever.

And so I am heartened by the efforts this legislation makes to advance public diplomacy and I encourage my colleagues here in Congress, and the Administration, to remain focused on the importance of the mission at hand rather than on the potential for modest savings later on.

In that same vein, Mr. President, I also would like to thank Senator LUGAR for introducing in this legislation a foreign affairs review process as a necessary corollary to agency reorganization. Senator LUGAR and I worked together to craft this approach because we believe it is time to examine systematically what our diplomacy must do for us in the 21st century. The review, which has been endorsed by a large, distinguished, and diverse group of foreign affairs experts and others with a great deal of public and private international experience, will look at the functions of all the federal departments and agencies with interests and assets overseas.

Some describe the way we do America's business abroad as ''a 40 agency conundrum.'' Dozens of agencies, in addition to State, USIA, AID and the other ''traditional'' members of the foreign affairs community, pursue separate overseas agendas with little coordination or cooperation between them. It is an inefficient and, as the world continues to change from the stark East-West split of the Cold War, an ineffective way to advance our interests and values around the globe.

The end of the Cold War has brought new challenges and opportunities to our international relations. We have seen how these can erupt into conflicts that disrupt economic life, produce waves of desperate refugees, threaten public health and the environment, and sometimes provoke horrible violence. We cannot respond to these new circumstances by relying on old methods.

Streamlining bureaucracies is an important step in the right direction. But we need to do more. It will not serve our interests to do the wrong things more efficiently. We need to look inside the organizations themselves to see what they do and how they do it. We need to evaluate both the necessity and the manner of their work. Our representatives overseas often are locked in mind-numbing endeavors with no discernible value apart from feeding an insatiable Cold War dinosaur. Jurassic Park was a terrific movie; but it's a lousy model for foreign policy.

This legislation addresses that problem. It creates an outside commission to examine the way America conducts its international relations and it reinforces that effort with parallel study by the Secretary of State. Ultimately, the Secretary, the official with responsibility for the conduct of our foreign relations, will reconcile the reviews and make proposals to the Congress for any needed changes. Our goal here is not just to improve the way we organize foreign policy. It is to improve the way we conduct foreign policy.

Mr. President, the key to continued American leadership in the 21st century will be our ability to create more options. Not just to identify the trends and possibilities that circumstances present to us, but to create the opportunities for action that reflect our values and advance our interests. We are the world's indispensable country because we are the only nation with the resonating ideals, the geographical size and location, the economic and military strength, and the political and social diversity to make our presence felt and to exert our influence in every corner of the globe. No other nation can provide that leadership to the world's democratic nations, the leadership to shape a world in which our people can pursue their destiny less encumbered by the unnecessary divisions among the world's people. We in Congress have the privilege and responsibility of safeguarding and enhancing America's moral and material leadership around the world. We do that, in part, by supporting and renewing the agencies and people charged with representing us overseas. We do that by focusing on their mission, and giving them the resources to carry it out.

This bill is a an important step forward. It recognizes that we need more money for aggressive, smart diplomacy—that we cannot continue to conduct it on a frayed shoestring. It recognizes that our world has changed, and is continuing to change, by directing that we begin to conduct our diplomacy more effectively and to begin to think seriously about what our foreign affairs agencies must be able to do so that the 21st century will not be, in the words of one diplomat, a repeat of the 20th century. And by resolving a serious, lingering conflict over the UN, it recognizes that we are an inseperable part of the family of nations, and that we must work to make the only global organization for this family better—not withdraw from it.

Mr. GRAMS. Mr. President, this historic, bipartisan deal was the result of arduous, delicate negotiations—nearly 5 months of painstaking talks with the chairman, the administration, Senator BIDEN, and his staff. After all that work, after all that effort, we have succeeded in hammering out a fragile bipartisan deal—a deal which saves the American taxpayers money, reforms

our foreign affairs apparatus, and requires much needed reform at the United Nations. None of us got everything we wanted. All of us had to make concessions. But the result is a package that, while far from perfect, is something we should all be able to live with.

I strongly support the U.N. reform measures. These reforms will help the American taxpayer, and help the international community by creating a United Nations that works. History shows that reforms at the United Nations only happen when Congress mandates those reforms by making its U.N. payments conditional on the implementation of reforms. Consider the recent record: Congress withheld funding until the United Nations established an Independent Office of Internal Oversight—and it happened, and Congress withheld funding until the United Nations appointed an inspector general—and it happened.

Under the terms of this legislation, we reduce our regular budget assessment to 20 percent. We reduce our peacekeeping assessment to 25 percent. We reimburse the American taxpayers for U.S. assistance to U.N. peacekeeping operations. We establish an inspector general in the big three agencies to root out waste, fraud, and corruption. We ensure a U.S. seat on the budget committee. These are some of the conditions which must be accepted by the United Nations in order to receive the payment of the $819 million in arrears. They are not radical; they are not extreme; they provide a framework for change so the United Nations can become more effective. We have crafted a reform package that is necessary. This is a package that will work.

This is a historic piece of legislation. We are dismantling our cold war foreign relations bureaucracy; we are creating a more effective United Nations, and we are prioritizing our international affairs expenditures. We need a more effective foreign affairs apparatus, both at home and at the United Nations, in order to confront the challenges to peace and security in the future. This bill will help us to provide the structure that we will need for America to secure its leadership role in the international arena.

Mr. HELMS. Mr. President, we are trying to assemble a list, and there is a fair hope that we can finish in maybe an hour, hour and a half if Senators who have made indications that they have amendments will let us know if they really intend to offer the amendments.

So while that is working, I will suggest the absence of a quorum.

Mr. FORD. If the Senator will withhold that, Mr. President, I understand there are basically no amendments on this side, maybe a technical amendment or two. So we are very close to being ready to move forward with third reading and final passage. So anything we can do to encourage others to do that or anything we can do to help, please let us know.

Mr. HELMS. I thank the Senator.

I yield the floor.

Mr. SPECTER. Mr. President, I have conferred with the distinguished chairman of the committee and have his agreement that I might interrupt, since we are about to go into a quorum call anyway, to ask unanimous consent for up to 5 minutes to introduce a separate piece of legislation.

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

The Senator from Pennsylvania is recognized.

(The remarks of Mr. SPECTER pertaining to the introduction of S. 923 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. HELMS. Mr. President, we have about six or eight possible amendments remaining. Some of them were submitted by staff. We have not heard anything from any of the Senators involved.

I ask unanimous consent that by 25 minutes until 6—which is about 20 minutes from now—if we have not heard from Senators themselves that they wish to call up an amendment or an amendment on the list, we will assume they no longer are interested in such an amendment, and we will proceed to third reading.

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

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. HELMS. I ask that the distinguished Senator from Texas be recognized to offer an amendment.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 397

(Purpose: To express the Sense of the Congress that the North Atlantic Treaty Organization should consider a formal dispute resolution process)

Mrs. HUTCHISON. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON] proposes an amendment numbered 397.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of title XVI, add the following (and conform the table of contents accordingly:)

SEC. . SENSE OF CONGRESS REGARDING THE NORTH ATLANTIC TREATY ORGANIZATION.

(a) FINDINGS.—Congress finds the following:

(1) The West's victory in the Cold War dramatically changed the political and national security landscape in Europe;

(2) The unity, resolve, and strength of the North Atlantic Treaty Organization was the principal factor behind that victory;

(3) The North Atlantic Treaty was signed in April 1949 and created the most successful defense alliance in history;

(4) The President of the United States and leaders of other NATO countries have indicated their intention to enlarge alliance membership to include at least three new countries;

(5) The Senate expressed its approval of the enlargement process by voting 81–16 in favor of the NATO Enlargement Facilitation Act of 1996.

(6) The United States is bound by Article Five of the North Atlantic Treaty to respond to an attack on any NATO member as it would to an attack on the United States itself;

(7) Although the prospect of NATO membership has provided the impetus for several countries to resolve long standing disputes, the North Atlantic Treaty does not provide for a formal dispute resolution process by which members can resolve differences among themselves without undermining Article Five obligations.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the North Atlantic Treaty Organization should consider a formal dispute resolution process within the Alliance prior to its December 1997 ministerial meeting.

Mrs. HUTCHISON. Mr. President, this is an amendment that I believe is agreed to by both sides. I am very pleased that both sides have agreed to this because it deals with NATO expansion and is something that I think will strengthen our ability to expand NATO, will make sure that we have considered many of the potential problems that could arise, and have a dispute resolution process to deal with those so that we will not have to call on Article Five.

As everyone knows, Article Five says that any attack on any NATO country is an attack on the United States or any of the other NATO allies.

We want to make sure that, if there is a border dispute or some sort of internal dispute within a country or between two neighboring countries or between any two countries who are members of NATO, we have a dispute resolution process so that we can have a way for people to go to the bargaining table, and the process is a binding arbitration—much like binding arbitration in labor negotiations in the United States—so that rather than have a question about whether we are going to be on one side or the other in a military conflict, that we have a process that everyone who is a present member of NATO and any future members of NATO would agree to that would be perhaps—this is not in the agreement yet—perhaps where each country in the dispute would pick one other country in NATO as their representative. Those two representative countries would then pick a neutral representative to arbitrate the differences.

The important thing is there would be an agreement for binding arbitration. So, if there was a flare-up between two present members of NATO—

say Greece and Turkey, or a future member of NATO, Hungary and Romania, for instance—there would be a way for us to have a process that everyone agreed to before there were new members added and that could be brought into fruition right at the time of the dispute so that there would not be a problem, so there would be no dilution of Article Five.

So, Mr. President, this amendment is a sense of Congress that NATO would consider a formal dispute resolution process and that it would do so within NATO prior to the December 1997 ministerial meeting. It is a sense of Congress that says to our NATO allies, let's sit down and think of all the ramifications of the NATO organization as it is now and any future members that would come in. Let's look at any of the ramifications that might come—a border dispute, or disputes among countries—let's have a process that does not include warfare where everyone agrees to abide by the decision as the process is set.

I am very pleased that this sense of Congress will be accepted. I think it will strengthen any future members coming into NATO. And, frankly, Mr. President, best of all, I think it will strengthen the alliance as it stands today because I think this will avoid many future conflicts. I think the more we can do today to settle questions that might arise, the stronger this alliance will be.

Mr. President, I do think NATO is the best defense alliance in the history of the world. I want to keep it strong.

So I appreciate the acceptance of this amendment.

I urge its adoption.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I thank the Senator from Texas for streamlining her amendment. I appreciate it very much. It is acceptable to the minority.

I urge its adoption.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 397) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HELMS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. SPECTER. Mr. President, I am considering pursuing an amendment which would take a firm stand against the terrorism of the Palestinian Authority, Chairman Yasser Arafat, and I have thought through the possibility of offering an amendment on this bill. But after consulting with members of the Administration, I have decided to await a remedy of reprogramming, with my option remaining to offer this amendment on the foreign aid bill which will be marked up in the Appropriations Committee this week and offered on the floor sometime in the near future. But I do want to make a comment or two about it, as to what I think needs to be done on the modification of U.S. law as it relates to funding for the Palestinian Authority.

In existing law, under an amendment offered by the Senator from Alabama, Senator SHELBY, and myself, the $500 million in aid to the Palestinians, the Palestinian Authority is conditioned on a maximum effort by Chairman Yasser Arafat and the Palestinians to fight terrorism and also to change the PLO charter to rescind the provision calling for the destruction of Israel. Certain events have occurred in the immediate past which, in my view, raise a question as to whether there is compliance with the Specter-Shelby amendment and whether there is a need for further statutory language to act against terrorism which has been promoted by the Palestinians.

The two specific matters that I have referred to are the bombing of the Tel Aviv restaurant resulting in the murder of three Israelis and the wounding of many more on March 21, 1997, where Prime Minister Netanyahu made a statement that Chairman Arafat had given a green light for that act of terrorism. When Secretary of State, Madeleine Albright, was before the Subcommittee on Foreign Operations Appropriations a few weeks ago, I questioned her about that, and she said that there had not been a green light, but said that Arafat had not given a red light either.

I do not want to become involved in what shade of amber, what shade of red, there is in using the expression of ''lights given by Chairman Arafat.'' But I believe it is indispensable, if the United States is to give assistance to the Palestinians and the Palestinian Authority, that there be a maximum effort made by the Palestinian Authority and by Chairman Arafat to stop terrorism. Short of that, it is my view that we ought not to be providing U.S. funds.

The amendment that I have in my hand that I have been considering offering—I have had discussions with the distinguished chairman and ranking member and members of the Administration—calls for conditioning payment to the Palestinian Authority on the determination by the State Department that Chairman Arafat did not act in a way which failed to give a red light to stop terrorism.

The second factor of concern to me is a report by Deputy Minister of Education of Israel, Moshe Peled, that Arafat had knowledge of the proposed bombing, a terrorist act against the Trade Center in 1993, which resulted in the killing of six United States citizens and the wounding of many, many more people, and that, if in fact that allegation is true, then Arafat—Mr. President, the Senate is not in order. May we have the Senate be in order please?

The PRESIDING OFFICER. The Senate will be in order.

Mr. SPECTER. If it is in fact true that Chairman Arafat had knowledge of that proposed bombing before it occurred, that would make him an accessory before the fact and a co-conspirator and subject to extradition under the so-called long-arm statutes which we enacted in 1984 and again in 1986. I think that ought to be done.

Upon learning about Chairman Arafat's possible knowledge of that bombing, I wrote to the Attorney General, asking for an investigation, received back a vacuous answer from a subordinate, wrote again asking for a detailed investigation, and I am awaiting a response from the Department of Justice on that point.

The amendment which I have been considering offering on this bill and may offer on the foreign aid bill would condition payment to the Palestinian Authority on the determination by the Department of Justice that Chairman Arafat was, in fact, not involved, having prior knowledge of the Trade Center bombing. At the conclusion of my remarks, I will make part of the RECORD, the exchange of correspondence on this issue.

I then placed a telephone call to Moshe Peled, the Deputy Minister for Education of Israel, to find out more about his assertions. I found out that he spoke Hebrew and not English, and I spoke English and not Hebrew. Then I had one of my deputies, David Brog, who speaks Hebrew, talk to him. The upshot of that conversation was that Mr. Peled stood by what had been reported but referred us to Israeli authorities to find out more about it. That, obviously, is a matter for the Department of Justice, perhaps for the Department of State. It is my view that before we make these payments, there ought to be a certification that Chairman Arafat was not in fact involved as an accessory before the fact nor was he a co-conspirator having knowledge of that matter.

In conversations with the Administration, it may be that this objective can be achieved by a reprogramming of the funds which are going to the Palestinian Authority, some $10 million, and that this would, in fact, not affect some of the other funding going to the infrastructure, which is not in Chairman Arafat's control and not in the control of the PLO or the Palestinian Authority. It may be that my objective can be achieved without offering this amendment.

I am informed by the distinguished Senator from Delaware that my proposed amendment is opposed by the Administration, and the President was

sending a letter over, because it would complicate the peace process. If the Administration is prepared to deal with the Palestinian Authority and Chairman Yasser Arafat in the context where there are outstanding allegations that Arafat was an accessory before the fact or a co-conspirator on the Trade Center bombing, then I think the Administration is dead wrong. If the Administration is prepared to deal with Arafat, give him U.S. money in a context where he has given a green light or has failed to put up a red light, there again, I think they are dead wrong—maybe totally wrong. Dead wrong would be a bad expression, in the light of all the people killed by PLO terrorists.

In any event, I am prepared not to resolve the issue this afternoon in light of the fact that we may be able to accomplish it by reprogramming and in light of the fact that we may be able to bring the matter to a head if it is necessary for the Senate to vote on the foreign aid bill, which will be up before the Senate in the very near future.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, we are awaiting just a few more items of information to be included. No Senator has appeared as of 5:35, so it is presumed that there will be none.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. HELMS. Mr. President, while we are waiting for the one remaining amendment to be offered by the Senator from Alaska, let me pay my respects to the young people on the staff of the Senate Foreign Relations Committee, both Republican and Democrat. But I will speak to and about the young people on the Republican staff, headed by the one and only Admiral James Wilson Nance, moreover known as Bud Nance, who is the chief of staff of the committee, a gentleman whom I have known since we were little boys in Monroe, and who has built that staff to one of the best that has ever been in charge of the foreign affairs side of the Foreign Relations Committee down through the years.

Then there is Tom Klein, himself a remarkable young man; Chris Walker, he is delightful; Marshall Billingslea, he is my anchor when the wind begins to blow; Ellen Bork, and, yes, she is the daughter of him, and I tell him that the daughter is smarter than he is; Dan Fiske; Garrett Grigsby; Patti McNerney, who you have seen working so diligently this afternoon and on previous occasions; Dany Pletka; Marc Theissen; Beth Wilson; Michael Westphal.

While I am thanking the Republican staff, I thank JOE BIDEN for his exceptional cooperation. It has been sort of an arduous task to do all of the detail work that had to be done, but he and I and our mutual staffs, our respective staffs, really, spent many, many hours working together, and here we are almost to the point of asking for third reading.

The reason I paused, Mr. President, is that we are finishing a fairly long list of en bloc amendments, technical amendments, which is not yet ready. In the meantime, the distinguished Senator from Alaska [Mr. MURKOWSKI] is on the floor. I welcome him and yield the floor.

Mr. MURKOWSKI. I thank my friend for accommodating my schedule. I am most appreciative of him allowing a few moments so that I may offer what I assume is the concluding amendment.

The PRESIDING OFFICER. The Senator from Alaska.

AMENDMENT NO. 398

(Purpose: To establish within the Department of State the position of Coordinator of Taiwan Affairs for the coordination of United States Government activities relating to the American Institute on Taiwan)

Mr. MURKOWSKI. Mr. President, I rise to offer an amendment that would increase dramatically cooperation between the Congress and Department of State on issues relating to Taiwan.

There have been a lot of problems over the last few years relative to Executive Branch-Congressional dealings with regard to Taiwan. We had a situation back in 1993, I think, when President Lee of Taiwan attempted to overnight in Hawaii on a flight from Taiwan that was traversing the Pacific Ocean to a Central American destination. Unfortunately, that was not handled very well, and I think that it reflected poorly on U.S. hospitality. I recognize the sensitivity of the issue, but, nevertheless, I think most Americans agree that it was poorly handled by the State Department.

The administration, at that time, refused to work with the Congress on this issue until 1994, when an amendment which I offered went to a vote and prevailed.

More recently, some in this Chamber might remember the controversy created by the selection of the Director of the American Institute in Taiwan, Director James Wood.

It is important to note that this directorship is not a formal ambassadorial position. It is our recognition of the uniqueness, if you will, of the existence of Taiwan that the President selects a Representative to Taiwan.

Mr. James Wood resigned from his position on January 17, 1997. There were various charges and countercharges with regard to foreign contributions during the election campaign, and the legitimacy of that I will leave to the investigators. However, a February 10 Los Angeles Times story quoted a U.S. investigator as saying the variety of allegations constituted the ''most bold and blatant'' example veteran State Department officials could recall of the abuse of a diplomatic post.

I am not going to argue the merits of Mr. Wood. But the Senate knows very little about Mr. Wood or any other official with direct responsibility for Taiwan affairs, because they do not come before the Senate Foreign Relations Committee for confirmation.

In the case of Mr. Wood, it is not for lack of effort on the part of the Senate. My very good friend and chairman of the Foreign Relations Committee, Senator HELMS, is very familiar with the lack of consultation between the State Department and Congress over Mr. Wood's appointment. After receiving information from outside sources regarding the qualifications of Mr. Wood for this sensitive post, both Senator HELMS and I asked the State Department to allow us to have a meeting with Mr. Wood before his appointment. For reasons that have never been made clear, the State Department did not arrange the meeting prior to the appointment. Instead, Mr. Wood's appointment was announced while, I believe, the chairman was on the floor debating the 1995 version of the very same bill we are debating today, regarding State Department Authorization.

It is important to note that our request for consultation was certainly consistent with the spirit of the Taiwan Relations Act, which is a very unusual but workable agreement. The TRA requires the Committee on Foreign Relations to oversee the implementation of the act and the operations and procedures of the American Institute in Taiwan. I repeat that. The act itself requires the Committee on Foreign Relations to oversee the implementation of the act and the operations and procedures of the American Institute in Taiwan.

Now, ''procedures'' certainly suggests an oversight on the Director. Furthermore, then Secretary of State Vance at that time assured the Foreign Relations Committee in a letter to then Chairman Frank Church that—and I quote—''the names of prospective trustees and officers will be forwarded to the Foreign Relations Committee. If the Committee expresses reservations about a prospective trustee, [the Department of State] will undertake to discuss the matter fully with the Committee before proceeding.''

Well, that is fine. The only problem is, the State Department did not seem to be able to get around to it. So what I am proposing is that the Senate more formally assert, or reassert, I should say, itself into this process by passing my amendment, which would require—it is very important now, Mr. President, we get this—require the coordinator for Taiwan affairs, a position that now exists at the State Department, to simply be subject to Senate confirmation.

The administration would maintain the flexibility of the appointment, but

we would have the opportunity for confirmation.

So let me make it clear. Although I would have liked to propose an amendment that would have made the AIT Chairman and AIT Director subject to Senate confirmation, I have been advised that because of the particular and unusual nature of the American Institute in Taiwan, it would violate the Constitution to make these officers subject to advise and consent.

Instead, therefore, I am trying to at least get more accountability from the State Department in our Taiwan policy. It has nothing to do with the sensitivity between Taiwan and PRC. This has to do about Senate perogative to have consent and accountability associated with the process. After all, Taiwan is our eighth largest trading partner. It is an important ally. I think we should have someone at the State Department who is more accountable to the Congress as we move forward on important issues like Taiwan's bid to join the World Trade Organization.

Mr. BIDEN. Will the Senator yield?

Mr. MURKOWSKI. I urge you to support my amendment.

I would be happy to respond to questions.

Mr. BIDEN. Mr. President, I really have no question, just a statement.

I thank the Senator from Alaska for the way he is handling this. I literally just got off the phone with the Secretary of State, who said, knowing you were speaking now, that when you finished, or at any time that is convenient for you, she is willing to personally assure you, and authorized me to tell you as well, that she makes a personal commitment that she will coordinate more closely with you and any Member of the Senate on Taiwan policy in a contemporaneous fashion. She is willing to assert that to you.

I know no one here doubts her word. But I realize time is close in terms of the schedule here. But she is prepared and ready and willing to take your call and anxious to personally make that commitment to you. But she authorized me to be able to say what I just said on the floor.

I thank the Senator for the way in which he has concluded to handle this matter, and I appreciate the Secretary's willingness to be available and contemporaneously discuss these issues with the Senator from Alaska, who, obviously, along with the Senator from North Carolina, I do not know of any two people that have shown a greater interest in Taiwan than those two of my colleagues.

Mr. MURKOWSKI. I wonder if my friend from Delaware can advise me since he recently just talked to the Secretary, does he interpret her intention to provide an opportunity for the Committee on Foreign Relations to review the potential director so that there would be some oversight?

Mr. BIDEN. The answer to that question is, I do not know. I did not ask her that specific question, so I do not want to give a specific answer, except to suggest to you I am confident that she would be willing to come before you in your capacity as the chairman of that subcommittee and/or you and the committee, or you personally, to indicate to you how that process of coordination would be carried out. But I do not want to put words in her mouth. I did not ask that explicit question.

Mr. MURKOWSKI. Maybe if I put the Senate in a quorum call very briefly while I talk to the Secretary and see what kind of assurance I can get.

Mr. BIDEN. I think that would be appropriate. I gave your staff her phone number. She is literally waiting by the phone.

And I might note, Mr. President, I have not found, in my 25 years here, a more accommodating Secretary of State. So she is literally waiting for your call, as they say. If there is business we can conduct in your absence—I do not know if there is any—if there is, maybe we can do that.

I ask unanimous consent to temporarily lay aside, if there is an amendment—is there an amendment at the desk?

The PRESIDING OFFICER. The amendment has not been proposed.

Mr. BIDEN. I assure the Senator that after the Senator has his conversation, we can go back to this and he can have the floor.

Mr. MURKOWSKI. Mr. President, while we are waiting, I offer the amendment for its consideration at this time.

The PRESIDING OFFICER. The clerk will report.

Mr. MURKOWSKI. And I would propose that we lay it aside after it is read.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI] proposes an amendment numbered 398.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

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

SEC. . COORDINATOR FOR TAIWAN AFFAIRS.

(a) IN GENERAL.—Section 6 of the Taiwan Relations Act (22 U.S.C. 3305) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

''(c)(1) There shall be in the Department of State a Coordinator for Taiwan Affairs who shall be appointed by the President, by and with the advice and consent of the Senate.

''(2) The Coordinator shall be responsible to the Secretary of State, under the direction of the President, for the coordination of all activities of the United States Government that relate to the American Institute on Taiwan.''.

(b) EXECUTIVE SCHEDULE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by adding at the end of the following:

''Coordinator for Taiwan Affairs.''.

Mr. BIDEN. I ask unanimous consent that the Murkowski amendment be temporarily laid aside.

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

Mr. BIDEN. I yield the floor.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the Chair.

AMENDMENT NO. 399

Mr. HELMS. Mr. President, I send to the desk a series of amendments on behalf of myself and the distinguished Senator from Delaware, Mr. BIDEN, and I ask that these amendments be considered en bloc. And these en bloc amendments make technical conforming changes to the bill. I understand there is no objection to these technical changes to the bill. I now ask unanimous consent that these amendments be adopted en bloc. I know that the distinguished Senator from Delaware will be delighted to say OK.

Mr. BIDEN. I have no objection, I say to the Chair.

The PRESIDING OFFICER (Mr. BROWNBACK). The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS], for himself and Mr. BIDEN, proposes amendment numbered 399.

Mr. HELMS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 108, line 8, before the word ''Director'', insert the words ''Attorney General and the''.

On page 137, line 11, after the word ''the'', insert ''United States Head of Delegation to the''.

On page 137, line 12, strike ''a resolution'' and insert ''resolutions''.

On page 137, line 13, add after ''Nations'' the words ''and the OSCE''.

On page 77, strike line 24; and

On page 78, strike lines 3–4.

On page 185, strike lines 24 and 25, and on page 186, strike lines 1–6, and redesignate sections (B) and (C) of section 2211(8), as (A) and (B), respectively.

On page 23, beginning on line 19, strike ''United'' and all that follows through ''1997'' on line 20 and insert ''Foreign Affairs Agencies Consolidation Act of 1997''.

On page 26, line 13, insert ''and'' after the semicolon.

On page 47, line 11, strike ''agency'' and insert ''Agency''.

On page 63, line 23, strike ''Act'' and insert ''title''.

On page 70, line 22, strike ''Act'' and insert ''title''.

On page 71, line 1, strike ''Act'' and insert ''title''.

On page 72, line 5, strike ''Act'' and insert ''title''.

On page 74, line 11, strike ''Act'' and insert ''title''.

On page 77, line 2, strike ''Act'' and insert ''title''.

On page 86, line 6, insert ''OF'' after ''JUDICIAL REVIEW''.

On page 100, line 5, strike ''(a) GRANT AUTHORITY.—''.

On page 102, line 6, insert double quotation marks immediately before ''(1)''.

On page 102, line 8, insert double quotation marks immediately before ''(2)''.

On page 102, line 10, insert double quotation marks immediately before ''(A)''.

On page 102, line 13, insert double quotation marks immediately before ''(B)''.

On page 102, line 17, insert double quotation marks immediately before ''(3)''.

On page 113, line 19, strike ''and'' and insert ''or''.

On page 122, line 13, strike ''+''.

On page 156, line 18, strike ''United Nations led'' and insert ''United Nations-led''.

On page 178, line 10, strike ''peacekeeping operation'' and insert ''United Nations peace operation''.

On page 197, line 18, strike ''chapter'' and insert ''title''.

On page 198, line 8, strike ''chapter'' and insert ''title''.

Redesignate sections 1141 through 1151 as sections 1131 through 1141, respectively.

Redesignate sections 1161 through 1166 as sections 1151 through 1156, respectively.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Without objection, the amendment is agreed to.

The amendment (No. 399) was agreed to.

Mr. HELMS. I move to reconsider the vote.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HELMS. Mr. President, pursuant to the unanimous consent previously, the Murkowski amendment was the last that qualified under the conditions that were set forth at that time. So no further amendments will be accepted.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, while we are waiting for Senator MURKOWSKI to have his conversation, I would ask if the Chair will indulge me for just 2 minutes here.

It is remarkable, quite frankly, that we have made the progress that we have as rapidly as we have. I want to publicly thank the chairman, for we both stuck with this compromise notwithstanding there are individual amendments we would have liked to have voted for. I want the record to show that the chairman did the same thing.

But there is one issue which I realize we cannot resolve now, and that is this issue of whether or not we could work out the ability of the administration to negotiate how to handle the $107 million that is owed from the U.N. We cannot do that now, I agree.

I just want to suggest to the chairman that although I will not change anything, that between now and the dance, now and the conference, we will be working hard with the chairman and his colleagues to see if we can figure out some solution to that. But I understand there is no commitment to that at all.

As we move toward final passage, Mr. President, of this bill, I would like to acknowledge the tremendous work and help that the chairman and I have received from the staff of the Foreign Relations Committee.

On the chairman's side—he will obviously thank people; and it is usually the tradition for us to thank our own staff—but I must tell the chairman that everything he ever advertised about Admiral Nance is correct, and more. I hope he will forgive me for thanking his staff first on this, but Admiral Nance and Tom Kleine, who has been sitting with the chairman the whole time, Patty McNerney and Chris Walker of his staff have been a pleasure to work with. I guess when staffers come up to the Hill they wonder whether or not they are going to get to deal with the principals. I am probably one of the principals they hope they do not have to deal with. They have seen more of me than their families over the last 4 months, but I want to thank them for their consideration.

I would also like to thank the minority staff. Especially I want to thank my staff director, Ed Hall, who has had—and this is the way it works here. It is not sufficient here that the Members have a good relationship. It is also important that the corresponding staffs have a good relationship. I know that Ed Hall has an inordinately high regard for Admiral Nance. I know the feeling is mutual. I want to particularly thank Ed Hall, if you excuse the point of personal privilege here, for agreeing to stay on. He was the former chairman's and former ranking member's staff director. And I asked him to stay in that capacity for me, and he was incredibly useful to me, and, thankfully, he decided to stay on.

I also want to thank my minority counsel, Brian McKeon. Brian came to work with me, I might point out, Mr. President, right out of college, I guess almost 18 years ago. While he was working with me, he went to law school at night. He was a first-rate student at Georgetown, went off to the Court, clerked for the Court, was going to practice law, and I talked him into coming back here. And I just want to thank him. He handled all of the details of this bill.

I was kidding the other day, if we have an MVP on my side, it is Puneet Talwar. Puneet was the guy who, along with Tom on your staff, Mr. Chairman, got stuck with the detailed negotiations on chemical weapons, on the U.N., on everything else. And on my team, if there is an MVP, Puneet is going to get it.

Mike Haltzel, a professor, has been invaluable to me on European matters. Frank Jannuzi, Munro Richardson, and Ed Levine of my staff, and Diana Ohlbaum, Nancy Stetson, and Janice O'Connell on my colleagues' staff—that is, DODD, KERRY and SARBANES—have been incredibly helpful to me.

I also want to thank Dawn Ratliff, Kathi Taylor, and John Lis, who is one of our fellows, and also thank Ursula McManus and Erin Logan, and our interns who have given up their valuable time.

Let me conclude—and I will do it now while we are waiting so that I do not take the time of my colleagues. For my colleagues who are listening, I am not holding up your plans. We cannot move anyway until the distinguished Senator from Alaska finishes his conversation with the Secretary of State.

But, Mr. President, the passage today—and I am hoping and expecting that we will pass the Foreign Relations authorization —represents a significant bipartisan commitment to the United States' continued engagement in the world.

First, the basic authorization legislation for the Department of State, the U.S. Information Agency, the Arms Control Disarmament Agency and the Peace Corps marks a bipartisan commitment to restore funding which will enhance our diplomatic readiness abroad.

We all know that funding for foreign policy spending is the lowest it has been in 20 years. Today's action by the Senate is a heartening expression of bipartisan support for our diplomats on the front lines of American engagement abroad.

We have restored full funding for the State Department's core missions, fully funded the education and cultural exchange programs, the National Endowment for Democracy, the Peace Corps, and international broadcasting. We have increased the funding for Radio Free Asia at a critical time in that region's history. We have done a great deal.

Second, the Senate has passed landmark legislation that provides a framework for reorganization of the foreign affairs agency that is totally consistent with the plan announced by the President of the United States on April 18. Like the President's plan, this bill provides for integration of ACDA within the State Department within 1 year, the integration of the USIA within 2 years, and the partial integration for the Agency for International Development in the State Department.

Additionally, it maintains the current structure for U.S.-sponsored international broadcasting but keeps it outside the Department of State so as to ensure its journalistic independence.

Finally, Mr. President, the Senate enacted a bipartisan comprehensive package—is about to, I hope—which provides for payment of $819 million in U.S. arrearages to the United Nations. This proposal, Mr. President, will go a long way toward restoring the fiscal health of the United Nations while spurring needed reforms for that world body.

Equally important, this agreement, a bipartisan plan supported by the administration, will allow us to get a very difficult and contentious issue behind us so we can move forward on the important issues on the foreign policy

agenda. Ideally, we should not have attached the conditions, but I am a pragmatist and I recognize, as does the administration, that there will be no approval of U.N. arrearages in Congress absent some conditions, and the conditions which the chairman has asked for are reasonable.

So we had a choice. We can continue to press unconditional payment for arrearages and let this issue fester for another Congress or agree to a reasonable set of conditions that permits us to pay our debts. I believe the action the Senate is about to take will be a correct decision, one in the best interests of the United States. It has been a long time and it is time to end the long-festering feud between the United Nations and Washington and our unpaid back dues, and it is time to bring up needed reform to that world body so it can more efficiently perform its missions. It is time to move forward together to restore the bipartisan commitment to the United States which has been part of that Nation's proud heritage for 50 years.

Mr. President, the people in my State—small, I acknowledge—are used to bipartisanship. Senator ROTH and I are close political allies and friends. Our lone Congressman MIKE CASTLE, who is a Republican, our Democratic Governor, we are all used to getting things done in a bipartisan way in my State. I have always felt if that tradition could be carried back to the Senate, it would better serve our Nation.

I want to say I did not doubt it, but I am sure a number of neutral observers would have doubted it, the Secretary of State is not only a friend of the chairman, so am I. The idea that JOE BIDEN, a Democratic Senator from Delaware, and JESSE HELMS, a Republican Senator from North Carolina, could operate in this way does not surprise either of us, but I am sure it surprises the living devil out of an awful lot of other people.

I am reminded of something that was said to me once by Jim Eastland. It is a true story. I was in a difficult campaign fight in the late 1980's, and I saw Chairman Eastland. I was flunking, you might say, what I call the slope-of-the-shoulder test. When you ask a candidate how they are doing in a race and they go, ''Oh, I am doing fine,'' you know they are not doing very well. I guess I had that look like I'm losing. The Chairman pulled me aside and said, ''JOE, what could Jim Eastland do for you in Delaware?'' I said, ''Mr. Chairman, in some places you would help and some you would hurt.'' He said, ''I will make a commitment. I will campaign for you or against you, whichever will help the most.''

I realize my saying nice things about the chairman may not help him, but I mean it sincerely when I say that he has been an absolute gentleman. He has kept his commitment, which I never doubted he would, and this is evidence of the fact that if reasonable men are willing to sit down and talk—we had a real sit-down meeting, when I took over this committee for the Democrats, with the chairman of the full committee, and we agreed on the broad outlines of each of our agendas. The most important one was to make the committee work and make foreign policy function and be a positive force. He has kept every one of those commitments. He has won some and lost some. I have won some and lost some. But I think the Nation is better served for it.

I conclude, Mr. President, with this last comment. If Senator HELMS and I had come to the floor in January and said to this body, ''By the way, by midsummer we will present to you a bipartisan plan on the floor of the five most contentious issues to face the U.S. Senate in foreign policy,'' I think you would have thought that it was time for both of us to leave because we might have been certifiable. We knew we could do that, and with the great help of the staff that I have mentioned, we have been able to do that, and with the cooperation and assistance of the administration.

So I want to thank the President for committing his administration to deal forthrightly and in detail with us, and I want to thank the chairman and his staff for accommodating an arrangement by which we hammered these things out. We produced a significant package here. Neither one of us are naive enough to suggest we know what will happen, if and when it passes here, with any degree of certainty, but we each kept our commitment to one another. I think the body, based on the votes we have seen today, I hope it reflects the feeling on the part of our colleagues that we have, that a bipartisan foreign policy is in the best interests of the United States.

I again thank the chairman, and I yield the floor. I will not say any more at the end of the process after Senator MURKOWSKI comes out.

Mr. HELMS. I thank the distinguished ranking member of the committee, and I look forward to working with him. He is a good guy.

AMENDMENTS NOS. 400 THROUGH 411

Mr. HELMS. Mr. President, I send to the desk a series of amendments which have been agreed to on both sides of the aisle. These include two amendments from Senator MURKOWSKI regarding United States-Japan relations, an amendment offered by Senator GRAHAM of Florida regarding international aviation safety, an amendment offered by Senator ABRAHAM regarding the U.S. policy toward China, an amendment offered by Senator FEINSTEIN regarding rule of law in China, an amendment by Senator D'AMATO regarding the Middle East, an amendment offered by Senator HOLLINGS regarding embassy construction, an amendment by Senator FEINGOLD regarding broadcasting, an amendment offered by Senator GRAMS regarding victims of torture, an amendment by Senator MCCAIN regarding Vietnamese refugees, and an amendment by Senator COVERDELL regarding narcotics.

The PRESIDING OFFICER. The clerk will report the amendments.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes amendments No. 400 through No. 411, en bloc.

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments (Nos. 400 through 411) were agreed to, en bloc, as follows:

AMENDMENT NO. 400

(Purpose: Relating to the Japan-United States Friendship Commission)

After appropriate place in the bill, insert the following:

SEC. . JAPAN-UNITED STATES FRIENDSHIP COMMISSION.

(a) RELIEF FROM RESTRICTION OF INTERCHANGE-ABILITY OF FUNDS.—

(1) Section 6(4) of the Japan-United States Friendship Act (22 U.S.C. 2905(4)) is amended by striking ''needed, except'' and all that follows through ''United States'' and inserting ''needed''.

(2) The second sentence of section 7(b) of the Japan-United States Friendship Act (22 U.S.C. 2906(b)) is amended to read as follows: ''Such investment may be made only in interest-bearing obligations of the United States, in obligations guaranteed as to both principal and interest by the United States, in interest-bearing obligations of Japan, or in obligations guaranteed as to both principal and interest by Japan.''.

(b) REVISION OF NAME OF COMMISSION.—

(1) The Japan-United States Friendship Commission is hereby designated as the ''United States-Japan Commission''. Any reference in any provision of law, Executive order, regulation, delegation of authority, or other document to the Japan-United States Friendship Commission shall be deemed to be a reference to the United States-Japan Commission.

(2) The Japan-United States Friendship Act (22 U.S.C. 2901 et seq.) is amended by striking ''Japan-United States Friendship Commission'' each place it appears and inserting ''United States-Japan Commission''.

(3) The heading of section 4 of the Japan-United States Friendship Act (22 U.S.C. 2903) is amended to read as follows:

''UNITED STATES-JAPAN COMMISSION''

(c) REVISION OF NAME OF TRUST FUND.—

(1) The Japan-United States Friendship Trust Fund is hereby designated as the ''United States-Japan Trust Fund''. Any reference in any provision of law, Executive order, regulation, delegation of authority, or other document to the Japan-United States Friendship Trust Fund shall be deemed to be a reference to the United States-Japan Trust Fund.

(2)(A) Subsection (a) of section 3 of the Japan-United States Friendship Act (22 U.S.C. 2902) is amended by striking ''Japan-United States Friendship Trust Fund'' and inserting ''United States-Japan Trust Fund''.

(B) The section heading of that section is amended to read as follows:

''UNITED STATES-JAPAN TRUST FUND''

AMENDMENT NO. 401

(Purpose: To state the sense of the Senate on the use of funds in the Japan-United States Friendship Trust Fund)

On page 118, between lines 16 and 17, insert the following:

SEC. 1215. SENSE OF THE SENATE ON USE OF FUNDS IN JAPAN-UNITED STATES FRIENDSHIP TRUST FUND.

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

(1) The funds used to create the Japan-United States Friendship Trust Fund established under section 3 of the Japan-United States Friendship Act (22 U.S.C. 2902) originated from payments by the Government of Japan to the Government of the United States.

(2) Among other things, amounts in the Fund were intended to be used for cultural and educational exchanges and scholarly research.

(3) The Japan-United States Friendship Commission was created to manage the Fund and to fulfill a mandate agreed upon by the Government of Japan and the Government of the United States.

(4) The statute establishing the Commission includes provisions which make the availability of funds in the Fund contingent upon appropriations of such funds.

(5) These provisions impair the operations of the Commission and hinder it from fulfilling its mandate in a satisfactory manner.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the Japan-United States Friendship Commission shall be able to use amounts in the Japan-United States Friendship Trust Fund in pursuit of the original mandate of the Commission; and

(2) the Office of Management and Budget should—

(A) review the statute establishing the Commission; and

(B) submit to Congress a report on whether or not modifications to the statute are required in order to permit the Commission to pursue fully its original mandate and to use amounts in the Fund as contemplated at the time of the establishment of the Fund.

AMENDMENT NO. 402

(Purpose: To express the sense of Congress that aviation safety be placed on the agenda for the Summit of the Americas to be held in Santiago, Chile, in March 1998)

At the appropriate place, insert the following:

SEC. . AVIATION SAFETY.

It is the sense of Congress that the need for cooperative efforts in transportation and aviation safety be placed on the agenda for the Summit of the Americas to be held in Santiago, Chile, in March 1998. Since April 1996, when ministers and transportation officials from 23 countries in the Western Hemisphere met in Santiago, Chile, in order to develop the Hemispheric Transportation Initiative, aviation safety and transportation standardization has become an increasingly important issue. The adoption of comprehensive Hemisphere-wide measures to enhance transportation safety, including standards for equipment, infrastructure, and operations as well as harmonization of regulations relating to equipment, operations, and transportation safety are imperative. This initiative will increase the efficiency and safety of the current system and consequently facilitate trade.

AMENDMENT NO. 403

(Purpose: Expressing the sense of the Senate regarding United States policy toward the People's Republic of China, and for other purposes)

At the end of title XVI of division B, add the following:

SEC. . SENSE OF THE SENATE ON UNITED STATES POLICY TOWARD THE PEOPLE'S REPUBLIC OF CHINA.

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

(1) As the world's leading democracy, the United States cannot ignore the Government of the People's Republic of China's record on human rights and religious persecution.

(2) According to Amnesty International, ''A fifth of the world's people are ruled by a government that treats fundamental human rights with contempt. Human rights violations continue on a massive scale.''.

(3) According to Human Rights Watch/Asia reported that: ''Unofficial Christian and Catholic communities were targeted by the government during 1996. A renewed campaign aimed at forcing all churches to register or face dissolution, resulted in beating and harassment of congregants, closure of churches, and numerous arrests, fines, and sentences. In Shanghai, for example, more than 300 house churches or meeting points were closed down by the security authorities in April alone.''.

(4) The People's Republic of China's compulsory family planning policies include forced abortions.

(5) China's attempts to intimidate Taiwan and the activities of its military, the People's Liberation Army, both in the United States and abroad, are of major concern.

(6) The Chinese government has threatened international stability through its weapons sales to regimes, including Iran and Iraq, that sponsor terrorism and pose a direct threat to American military personnel and interests.

(7) The efforts of two Chinese companies, the China North Industries Group (NORINCO) and the China Poly Group (POLY), deserve special rebuke for their involvement in the sale of AK–47 machine guns to California street gangs.

(8) Allegations of the Chinese government's involvement in our political system may involve both civil and criminal violations of our laws.

(9) The Senate is concerned that China may violate the 1984 Sino-British Joint Declaration transferring Hong Kong from British to Chinese rule by limiting political and economic freedom in Hong Kong.

(10) The Senate strongly believes time has come to take steps that would signal to Chinese leaders that religious persecution, human rights abuses, forced abortions, military threats and weapons proliferation, and attempts to influence American elections are unacceptable to the American people.

(11) The United States should signal its disapproval of Chinese government actions through targeted sanctions, while at the same time encouraging worthwhile economic and cultural exchanges that can lead to positive change in China.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the United States should—

(1) limit the granting of United States visas to Chinese government offices who work in entities the implementation of China's laws and directives on religious practices and coercive family planning, and those officials materially involved in the massacre of Chinese students in Tiananmen square;

(2) limit United States taxpayer subsidies for the Chinese government through multilateral development institutions such as the World Bank, Asian Development Bank, and the International Monetary Fund;

(3) publish a list of all companies owned in part or wholly by the People's Liberation Army (PLA) of the Chinese government who export to, or have an office in, the United States;

(4) consider imposing targeted sanctions on NORINCO and POLY by not allowing them to export to, nor to maintain a physical presence in, the United States for a period of one year; and

(5) promote democratic values in China by increasing United States Government funding of Radio Free Asia, the National Endowment for Democracy's programs in China and existing student, cultural, and legislative exchange programs between the United States and the People's Republic of China.

Mr. ABRAHAM. Mr. President, I want to thank Senator HELMS for accepting my Sense of the Senate amendment. This amendment expresses the sense of the Senate that Congress should impose certain, targeted sanctions against officials and companies working for the Government of the People's Republic of China. The purpose is to express the indignation of our country at the abuses of human rights going on now in that country, as well as recent attempts by entities controlled in whole or in part by the Chinese Government to violate American laws and influence American policy.

Mr. President, everyone knows that the Chinese Government is violating basic human rights and international norms of behavior. The question is, what should the United States do about it? Until now the debate has focused almost exclusively on whether we should extend or revoke China's Most Favored Nation trading status [MFN]. It is time, in my view, to move the discussion out of the MFN ''box'' and find common means to achieve common American goals.

Revoking MFN would punish Americans with higher prices without significantly affecting the Chinese Government. And it would punish innocent Chinese citizens by withdrawing economic opportunities provided by U.S. trade and investment. Even in the short term, in my view, we should not underestimate trade and investment's positive impact. Already, writes China expert Stephen J. Yates of the Heritage Foundation, Chinese ''employees at U.S. firms earn higher wages and are free to choose where to live, what to eat, and how to educate and care for their children.''

Regardless of their views on MFN, Americans should be able to agree on measures pressuring the Chinese Government to stop its current policies while encouraging greater openness in that country.

The list of objectionable Chinese Government practices is long. It includes religious persecution, abuses against minorities, forced abortion, military threats and weapons proliferation, and attempts to improperly influence American elections.

Mr. President, to pressure China's Government to stop these policies without punishing average citizens, I have introduced S. 810, ''The China Sanctions and Human Rights Advancement Act.'' This bill would implement the findings of the current Sense of the Senate Resolution. Let me discuss the provisions of this bill. Under S. 810, the United States Government would refuse visas to human rights violators, including high ranking Chinese officials implementing and enforcing directives on religious practices. The same would go for those involved in the massacre of students in Tianenman

Square. To allow a proscribed individual into the United States, the President would have to send Congress written notification explaining why this would be in America's national interest and override United States concerns about China's human rights practices.

The bill also would require United States representatives to vote ''no'' on all loans to China at the World Bank, Asian Development Bank, and International Monetary Fund. An exception would be made for humanitarian relief in the event of natural disaster.

In addition, for every dollar a multilateral development bank or international family planning organization gives to China, S. 810 would subtract out a dollar in American taxpayer funding to those bodies. Simply put, instead of raising taxes on Americans, we should stop taxpayer subsidies to the Chinese Government. If China continues its current behavior, it can fund development programs by reducing expenditures on its military and State enterprises.

The legislation also targets Chinese companies engaged in improper conduct. The Clinton administration already has imposed sanctions on two companies found to have sold chemical weapons components to Iran. Top executives from two other Chinese companies—Polytechnologies Incorporated [POLY], and China North Industries Group [NORINCO]—have been indicted for attempting to sell automatic weapons to California street gangs. This bill would ban POLY and NORINCO from exporting to or being physically present in the United States for 1 year.

Even as we implement these tough measures, we should maintain valuable interchange with China. That is why the legislation doubles funding for United States-China exchange programs, Radio Free Asia, and programs in China operated through the National Endowment for Democracy.

Finally, the legislation requires the President to file an annual report on whether China has improved its human rights record, including its behavior during the transition to Chinese control in Hong Kong. The sanctions sunset after 1 year, allowing Congress to evaluate the situation and determine whether and in what form sanctions should continue.

Mr. President, the United States must stay engaged with China, and trade and investment provide a valuable avenue for that engagement. But signaling our disapproval and refusing to subsidize oppressive policies need not interfere with expanding basic interaction between the American and Chinese people.

America can stand with the Chinese people, and stand by the principles of political, religious, and economic liberty on which our Nation was founded. Let's not punish American and Chinese families by raising tariffs. Instead, let's punish specific abuses and encourage further development of the economic and political liberties we cherish.

AMENDMENT NO. 404

(Purpose: To express the Sense of the Senate encouraging programs by the National Endowment For Democracy regarding the rule of law in China)

At the appropriate place insert the following:

(a) FINDINGS.—

(1) The establishment of the rule of law is a necessary prerequisite for the success of democratic governance and the respect for human rights.

(2) In recent years efforts by the United States and United States-based organizations, including the National Endowment for Democracy, have been integral to legal training and the promotion of the rule of law in China drawing upon both western and Chinese experience and tradition.

(3) The National Endowment for Democracy has already begun to work on these issues, including funding a project to enable independent scholars in China to conduct research on constitutional reform issues and the Hong Kong-China Law Database Network.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate to encourage the National Endowment for Democracy to expand its activities in China and Hong Kong on projects which encourage the rule of law, including the study and dissemination of information on comparative constitutions, federalism, civil codes of law, civil and penal code reform, legal education, freedom of the press, and contracts.

AMENDMENT NO. 405

(Purpose: Concerning the Palestinian Authority)

At the appropriate place insert the following:

SEC. . CONCERNING THE PALESTINIAN AUTHORITY.

(a) Congress finds that—

(1) The Palestinian Authority Justice Minister Freih Abu Medein announced in April 1997, that anyone selling land to Jews was committing a crime punishable by death;

(2) Since this announcement, three Palestinians were allegedly murdered in the Jerusalem and Ramallah areas for, selling real estate to Jews;

(3) Israeli police managed to foil the attempted abduction of a fourth person;

(4) Israeli security services have acquired evidence indicating that the intelligence services of the Palestinian Authority were directly involved in at least two of these murders;

(5) Subsequent statements by high-ranking Palestinian Authority officials have justified these murders further encouraging this intolerable policy;

(b) It is the Sense of the Congress that—

(1) The Secretary of State should thoroughly investigate the Palestinian Authority's role in any killings connected with this policy and should immediately report its findings to the Congress;

(2) The Palestinian Authority, with Yasser Arafat as its chairman, must immediately issue a public and unequivocal statement denouncing these acts and reversing this policy;

(3) This policy is an affront to all those who place high value on peace and basic human rights; and

(4) The United States should rehear the provision of assistance to the Palestinian Authority in light of this policy.

AMENDMENT NO. 406

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

SEC. . Of the amounts authorized to be appropriated pursuant to section 1101 in this Act, up to $90,000,000 are authorized to be appropriated for the renovation, acquisition and construction of housing and secure diplomatic facilities at the United States Embassy Beijing and the United States Consulate in Shanghai, People's Republic of China.

Mr. HOLLINGS. Mr. President, I want to thank Chairman HELMS and Senator BIDEN for accepting this amendment regarding facilities to support our men and women serving in the United States' Diplomatic Service in the People's Republic of China.

Our United States diplomatic facilities in China are in poor shape. The housing is in disrepair and for our chancery we occupy a building that formerly was used as the Pakistani Embassy. We spend years training our diplomatic personnel to be China hands who speak Chinese fluently. They are the best and the brightest in our foreign service. And, then we send them and their families to live and work in substandard facilities. It sends the wrong message.

Mr. President, it hurts morale and retention. With the fall of the wall, these Americans are our front-line—our State Department economic officers, our commerce Department commercial officers, our consular officers who help Americans in distress overseas, our Customs Service employees who enforce our trade laws, and other agency personnel.

Regardless of what your position is with China, on human rights or trade, the fact remains that the United States and China have and will have one of the most important bilateral relationships in the world. The People's Republic of China is our fifth largest trading partner and the Chinese economy is growing at over 10 percent per partner and the Chinese economy is growing at over 10 percent per year. They are becoming the preeminent geo-political power in Asia.

I have raised this issue with former Secretary Christopher and Secretary of State Albright. I have discussed it with Ambassador Sasser. They all agree that something must be done to invest in our facilities to support our people who are serving in China. This amendment provides that from within the total amounts authorized in this bill, up to $90 million is provided for renovation, acquisition, and construction of housing and secure diplomatic facilities at the United States Embassy in Beijing and the consulate in Shanghai. It does so without adding additional funds. It requires the Appropriations committee, on which I serve as ranking member on the Commerce, Justice and State Subcommittee, to actually scrub the budget and find the money and address this issue.

Mr. President, this amendment is the right thing to do. It is cosponsored by Senator MURRAY from Washington who has been to Beijing recently and who has seen firsthand the need for modernization of facilities.

Again, I thank Chairman HELMS and Senator BIDEN for their support.

AMENDMENT NO. 407

(Purpose: To provide for an independent Inspector General for the Broadcasting Board of Governors)

On page 20, beginning on line 4, strike all through page 24, line 8, and insert the following:

(1) in paragraph (1), by striking ''the United States Information Agency'' and inserting ''the Broadcasting Board of Governors''; and

(2) in paragraph (2), by striking ''the United States Information Agency,'' and inserting ''the Broadcasting Board of Governors,''.

(c) EXECUTIVE SCHEDULE.—Section 5315 of title 5, United States Code, is amended—

(1) by striking the following:

''Inspector General, United States Information Agency.''; and

(2) by inserting the following:

''Inspector General, Broadcasting Board of Governors.''.

(d) AMENDMENTS TO PUBLIC LAW 103–236.—Subsections (i) and (j) of section 308 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6207 (i) and (j)) are amended—

(1) by striking ''Inspector General of the United States Information Agency'' each place it appears and inserting ''Inspector General of the Broadcasting Board of Governors''; and

(2) by striking ''the Director of the United States Information Agency,''.

(e) TRANSFER OF FUNCTIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), there are transferred to the Office of the Inspector General of the Department of State and the Foreign Service the functions that the Office of Inspector General of the United States Information Agency exercised before the effective date of this title (including all related functions of the Inspector General of the United States Information Agency).

(2) TRANSFER TO INSPECTOR GENERAL OF BROADCASTING BOARD OF GOVERNORS.—There are transferred to the Inspector General of the Broadcasting Board of Governors the functions (including related functions) that the Office of Inspector General of the United States Information Agency exercised with respect to the International Broadcasting Bureau, Voice of America, WORLDNET TV and Film Service, the office of Cuba Broadcasting, and RFE/RL, Incorporated, before the effective date of this title.

(f) TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.—The Director of the Office of Management and Budget, in consultation with the Secretary of State, is authorized to make such incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of this section.

SEC. 315. INTERIM TRANSFER OF FUNCTIONS.

(a) INTERIM TRANSFER.—Except as otherwise provided in this division, there are transferred to the Secretary of State the following functions of the United States Information Agency exercised as of the day before the effective date of this section:

(1) The functions exercised by the Office of Public Liaison of the Agency.

(2) The functions exercised by the Office of Congressional and Intergovernmental Affairs of the Agency.

(b) EFFECTIVE DATE.—This section shall take effect on the earlier of—

(1) October 1, 1998, or

(2) the date of the proposed transfer of functions described in this section pursuant to the reorganization plan described in section 601.

CHAPTER 3—INTERNATIONAL BROADCASTING

SEC. 321. CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSE.

Congress finds that—

(1) it is the policy of the United States to promote the right of freedom of opinion and expression, including the freedom ''to seek, receive, and impart information and ideas through any media and regardless of frontiers,'' in accordance with Article 19 of the Universal Declaration of Human Rights;

(2) open communication of information and ideas among the peoples of the world contributes to international peace and stability and the promotion of such communication is in the interests of the United States;

(3) it is in the interest of the United States to support broadcasting to other nations consistent with the requirements of this chapter and the United States International Broadcasting Act of 1994; and

(4) international broadcasting is, and should remain, an essential instrument of the United States foreign policy.

SEC. 322. CONTINUED EXISTENCE OF BROADCASTING BOARD OF GOVERNORS.

Section 304(a) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6203(a)) is amended to read as follows:

''(a) CONTINUED EXISTENCE WITHIN EXECUTIVE BRANCH.—

''(1) IN GENERAL.—The Broadcasting Board of Governors shall continue to exist within the Executive branch of Government as an entity described in section 104 of title 5, United States Code.

''(2) RETENTION OF EXISTING BOARD MEMBERS.—The members of the Broadcasting Board of Governors appointed by the President pursuant to subsection (b)(1)(A) before the effective date of the Foreign Affairs Agencies Consolidation Act of 1997 and holding office as of that date shall serve the remainder of their terms of office without reappointments.

(3) ESTABLISHMENT OF INSPECTOR GENERAL OF BROADCASTING BOARD OF GOVERNORS.—There shall be established an Inspector General of the Broadcasting Board of Governors.

''(4) INSPECTOR GENERAL AUTHORITIES.—The Inspector General of the Broadcasting Board of Governors shall exercise the same authorities with respect to the Broadcasting Board of Governors as the Inspector General of the Department of State and the Foreign Service exercises under section 209 of the Foreign Service Act of 1980 with respect to the Department of State. The Inspector General of the Broadcasting Board of Governors, in carrying out the functions of the Inspector General, shall respect the professional independence and integrity of all the broadcasters covered by this title.''.

Mr. FEINGOLD. Mr. President, this amendment would establish an independent inspector general for the new agency. Under the committee-reported legislation, the State Department's IG would assume responsibility for the new agency.

An independent IG was designated for the Board for International Broadcasting in the 1988 inspector general legislation. When we consolidated BIB into USIA in the 1994 broadcasting legislation, those functions were assumed by the USIA Inspector General. More recently, the USIA inspector general's office was merged with the State Department inspector general.

Because of the problems that had plagued the BIB and the role that the then-BIB inspector general's office had played in bringing those problems to public attention through a series of well-documented reviews, I authored provisions in the 1994 legislation that required continuous on-site monitoring by the inspector general of the activities of RFE/RL.

Frankly, Mr. President, I have been disappointed at the level of attention and quality of work that has been provided by the State Department IG since that office assumed responsibilities for the broadcasting programs. History has demonstrated, over and over, that these programs have been fertile grounds for fiscal abuses and mismanagement. Between 1988 and 1994, the independent IG assigned solely to the BIB produced detailed reports to Congress every 6 months on the problem areas, in addition to a series of special reports that helped identify the abuses in the areas of excessive salaries, deferred compensation, housing allowances, travel improprieties, and other problem areas within BIB.

If we are going down the path of recreating the BIB structure, then I think it is very important that we recreate the watchdog entity that helped bring to light what fiscal abuses were rampant in these programs under the independent agency structure.

I am very concerned that the IG's office in the State Department may have little incentive to provide the broadcasting programs the kinds of scrutiny that is warranted, given the history of abuse.

Therefore, the amendment that I am offering will reestablish the independent IG's office within the new agency in the same manner that its predecessor, BIB, had an independent IG.

I appreciate the willingness of the managers to accept this amendment.

AMENDMENT NO. 408

(Purpose: To assist victims of torture by providing funding for the United Nations Voluntary Fund for Victims of Torture)

At the end of section 2101(a) of the bill, insert the following: ''Of the funds made available under this subsection $3,000,000 for the fiscal year 1998 and $3,000,000 for the fiscal year 1999 are authorized to be appropriated only for a United States contribution to the United Nations Voluntary Fund for Victims of Torture.''.

AMENDMENT NO. 409

(Purpose: To clarify that unmarried adult children of Vietnamese reeducation camp internees are eligible for refugee status under the Orderly Departure Program)

At the appropriate place, insert the following new section:

SEC. . ELIGIBILITY FOR REFUGEE STATUS.

Section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997 (Public Law 104–208; 110 Stat. 3009–171) is amended—

(1) in subsection (a)—

(A) by striking ''For purposes'' and inserting ''Notwithstanding any other provision of law, for purposes''; and

(B) by striking ''fiscal year 1997'' and inserting ''fiscal years 1997 and 1998''; and

(2) by amending subsection (b) to read as follows:

''(b) ALIENS COVERED.—

''(1) IN GENERAL.—An alien described in this subsection is an alien who—

''(A) is the son or daughter of a qualified national;

''(B) is 21 years of age of older; and

''(C) was unmarried as of the date of acceptance of the alien's parent for resettlement under the Orderly Departure Program.

''(2) QUALIFIED NATIONAL.—For purposes of paragraph (1), the term 'qualified national' means a national of Vietnam who—

''(A)(i) was formerly interned in a reeducation camp in Vietnam by the Government of the Socialist Republic of Vietnam; or

''(ii) is the widow or widower of an individual described in clause (i); and

''(B)(i) qualified for refugee processing under the reeducation camp internees subprogram of the Orderly Departure Program; and

''(ii) on or after April 1, 1995, is accepted—

''(I) for resettlement as a refugee; or

''(II) for admission as an immigrant under the Orderly Departure Program.''.

Mr. MCCAIN. Mr. President, this amendment is basically a technical correction to language that I had included in the Fiscal Year 1997 Omnibus Consolidated Appropriations Act. That language, and the amendment I offer today, are designed to make humanitarian exceptions for the unmarried adult children of former re-education camp detainees seeking to emigrate to the United States under the Orderly Departure Program. Despite what I considered to have been pretty unambiguous legislation in both word and intent, the Immigration and Naturalization Service and Department of State interpreted my amendment to the 1997 bill so as to exclude the very people to whom the provision was targeted.

Prior to April 1995, the adult married children of former Vietnamese re-education camp prisoners were granted derivative refugee status and were permitted to accompany their parents to the United States under a sub-program of the Orderly Departure Program [ODP].

This policy changed in April 1995. My amendment to FY1997 Foreign Operations Appropriations Bill, which comprises part of the Omnibus Appropriations Act, was intended to restore the status quo ante regarding the adult unmarried children of former prisoners. My comments in the CONGRESSIONAL RECORD from July 25, 1996 clearly spelled this out.

Unfortunately, certain categories of children who, prior to April 1995 had received derivative refugee status and whom Congress intended to be covered by last year's amendment, are now considered ineligible to benefit from that legislation.

To ask these widows to come to the United States without their children is equal to denying them entry under the program. Many of these women are elderly and in poor health, and the presence of their children is essential to providing the semblance of a family unit with the care that includes.

The second problem stemming from INS and the State Department's interpretation of the 1997 language involves the roughly 20 percent of former Vietnamese re-education camp prisoners resettled in the United States who were processed as immigrants, at the convenience of the United States Government.

Their unmarried adult children, prior to April 1995, were still given derivative refugee status, however, the position of INS and State is that these children are now ineligible because the language in the FY 1997 bill included the phrase ''processed as refugees for resettlement in the United States.''

That phrase was intended to identify the children of former prisoners being brought to the United States under the subprogram of the ODP and eligible to be processed as a refugee—which all clearly were—as distinct from the children of former prisoners who were not being processed for resettlement in the United States.

The fact that a former prisoner, eligible to be processed as a refugee under the ODP subprogram, was processed as an immigrant had no effect prior to April 1995, and their children were granted refugee status. The intention of last year's legislation was to restore the status quo ante, including for the unmarried adult children of former prisoners eligible for and included in this subprogram but resettled as immigrants.

AMENDMENT NO. 410

(Purpose: To facilitate the counterdrug and anti-crime activities of the Department of State)

On page 89, between lines 9 and 10, insert the following:

SEC. 1128. COUNTERDRUG AND ANTI-CRIME ACTIVITIES OF THE DEPARTMENT OF STATE.

(a) COUNTERDRUG AND LAW ENFORCEMENT STRATEGY.—

(1) REQUIREMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary of State shall establish, implement, and submit to Congress a comprehensive, long-term strategy to carry out the counterdrug responsibilities of the Department of State in a manner consistent with the National Drug Control Strategy. The strategy shall involve all elements of the Department in the United States and abroad.

(2) OBJECTIVES.—In establishing the strategy, the Secretary shall—

(A) coordinate with the Office of National Drug Control Policy in the development of clear, specific, and measurable counterdrug objectives for the Department that support the goals and objectives of the National Drug Control Strategy;

(B) develop specific, and to the maximum extent practicable, quantifiable measures of performance relating to the objectives, including annual and long-term measures of performance, for purposes of assessing the success of the Department in meeting the objectives;

(C) assign responsibilities for meeting the objectives to appropriate elements of the Department;

(D) develop an operational structure within the Department that minimizes impediments to meeting the objectives;

(E) ensure that every United States ambassador or chief of mission is fully briefed on the strategy and works to achieve the objectives; and

(F) ensure that all budgetary requests and transfers of equipment (including the financing of foreign military sales and the transfer of excess defense articles) relating to international counterdrug efforts conforms to meet the objectives.

(3) REPORTS.—Not later than February 15 each year, the Secretary shall submit to Congress an update of the strategy submitted under paragraph (1). The update shall include an outline of the proposed activities with respect to the strategy during the succeeding year, including the manner in which such activities will meet the objectives set forth in paragraph (2).

(4) LIMITATION ON DELEGATION.—The Secretary shall designate an official in the Department who reports directly to the Secretary to oversee the implementation of the strategy throughout the Department.

(b) INFORMATION ON INTERNATIONAL CRIMINALS.—

(1) INFORMATION SYSTEM.—The Secretary shall, in consultation with the heads of appropriate United States law enforcement agencies, including the Attorney General and the Secretary of the Treasury take appropriate actions to establish an information system or improve existing information system containing comprehensive information on serious crimes committed by foreign nationals. The information system shall be available to United States embassies and missions abroad for use in consideration of applications for visas for entry into the United States.

(2) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report on the actions taken under paragraph (1)

(c) OVERSEAS COORDINATION OF COUNTERDRUG AND ANTI-CRIME PROGRAMS, POLICY, AND ASSISTANCE.—

(1) STRENGTHENING COORDINATION.—The responsibilities of every foreign mission of the United States shall include the strengthening of cooperation between and among the United States and foreign governmental entities and multilateral entities with respect to activities relating to international narcotics and crime.

(2) DESIGNATION OF OFFICERS.—

(A) IN GENERAL.—The chief of mission of every foreign mission shall designate an officer or officers within the mission to carry out the responsibility of the mission under paragraph (1), including the coordination of counterdrug programs, policy, and assistance and law enforcement programs, policy, and assistance. Such officer or officers shall report to the chief of mission, or the designee of the chief of mission, on a regular basis regarding activities undertaken in carrying out such responsibility.

(B) REPORTS.—The chief of mission of every foreign mission shall submit to the Secretary on a regular basis a report on the actions undertaken by the mission to carry out such responsibility.

(3) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report on the status of any proposals for action or on action undertaken to improve staffing and personnel management at foreign missions in order to carry out the responsibility set forth in paragraph (1).

Mr. COVERDELL. Mr. President, as the cold war fades into memory, our foreign affairs establishment must aggressively target and confront the new

threats facing America. The crime and violence sown by international narcotics mafias requires a new thinking and focus. While diplomatic efforts for most of our Nation's history have focused on checking unfriendly governments, the challenge of narcotics trafficking and organized crime forces us to grapple with a more shadowy and elusive adversary. These cartels are not confined by borders and operate outside of the bright scrutiny of international affairs. They respect no nation's laws or ethics, outmaneuver government bureaucracies with a ruthless efficiency and have financial resources which dwarf many national budgets. In the face of this great menace, our State Department cannot hope to make progress without a forward looking strategy, clearly defined goals, and the ability to learn from experience and agilely adapt to match this constantly changing threat.

Far too often our diplomatic structures have not adopted to address these new, transnational problems and remained locked in a bilateral mind set. The State Department's strong efforts in an individual country can be easily foiled as these elusive mafias shift operations across borders. In order to effect a new transnational mind set and give the threats of narcotics and international crime the focus they demand, direction must come from the highest levels of the State Department. The various bureaus and country teams under the State Department must operate under coordinated plan with specific goals which they are held responsible for achieving. Like the adversaries which it must confront, our diplomatic effort must learn from its mistakes and recalibrate its strategies to adjust to new situations.

Mr. President, the Coverdell-Kerry amendment seeks to do just that. This amendment does not seek to dictate the policy of the State Department or expand its role in counterdrug matters. It merely requires that the State Department formulate its own plan of action in coordination with the dictate of the President's National Drug Control Strategy. If, as some have claimed, the State Department is already following a clear strategy, this amendment will ensure that its goals and objectives are clear to the Congress which is responsible for its oversight and funding. In any event, it is crucial that we defend America's children and our national interest in the most effective manner possible. As we work to regain ground in our international struggle against drug trafficking, it is our responsibility to ensure that our resources are focused on strategic objectives and are specifically targeted to have an impact in the war on drugs.

This amendment also calls on the State Department to work with Federal law enforcement agencies to further shield Americans from international criminals. Currently the failure of our Federal agencies to coordinate has allowed terrorists and other violent criminals to slip into our Nation. The establishment of the new information sharing system called for in this amendment will help ensure that our State Department has the information necessary to keep violent international criminals off America's streets.

The reforms called for in the Coverdell-Kerry amendment are just first steps in what must be a thorough rethinking of how our national policies should be adapted to protect Americans from these new threats. I look forward to working with Senator KERRY and others as we approach the difficult task of preparing our Nation to meet these important challenges.

Mr. KERRY. Mr. President, I am pleased to cosponsor the amendment by the Senator from Georgia and I congratulate him for leading this effort to get the State Department to better focus its counternarcotics resources.

For too long our fight against drugs has suffered from a lack of quantifiable goals by which to measure progress. Year after year we spend hundreds of millions of dollars on our international drug control programs without a clear idea of how these programs fit into the overall counterdrug effort and with no way to determine whether these programs are having the desired effect.

This amendment will require the State Department to come up with a plan for implementing its portion of the President's national strategy and to establish specific goals that will allow us to know how well we are doing. This is a very simple concept that anyone who has been in private business understands. You devise a strategy and then you set goals and objectives that will let you know that you are on target in implementing that strategy. That is what we want the State Department to do.

I want to emphasize that the amendment requires the Secretary of State to submit to Congress a long-term strategy that is consistent with the national drug control strategy. This is not an attempt to undermine the President's Office of National Drug Control Policy [ONDCP] and its role in devising the national drug control strategy. General McCafferey has done a good job at defining the national strategy and setting broad national objectives. I know that he is working to develop a comprehensive performance measurement system that would give us a better sense of how well programs are working. This amendment supports that effort.

We want the State Department to follow the lead of the drug czar's office and to develop a long-term plan that supports the national strategy. Likewise we want to see quantifiable measures of performance that conform to whatever comprehensive measurement system that ONDCP develops.

The second part of this amendment is also straight forward. For several years the State Department has used a database to identify narcotics traffickers and deny them visas. This amendment expands that effort to include other international crime figures.

Finally, the amendment seeks to strengthen the coordination of U.S. crime fighting efforts by designating an officer in every U.S. Embassy that will be responsible for ensuring the fullest possible cooperation with the host nation on these issues. This is particularly, important in countries where we do not have a full-time law enforcement officer assigned to the embassy.

These may seem like modest steps but they are the kinds of initiatives that will greatly enhance the effectiveness of our efforts to battle the international criminal organizations. Again I thank the Senator from Georgia for his leadership and I urge my colleagues to support this amendment.

AMENDMENT NO. 411

(Purpose: To clarify section 1166)

On line 17 on page 110, delete ''knowingly assists or has'' and insert in lieu thereof: ''is known by the Department of State to have intentionally''.

On line 20 on page 110, delete ''is providing or has provided'' and insert in lieu thereof: ''is known by the Department of State to be intentionally providing''.

At the end of line 3 on page 111 insert the following: ''as designated at the discretion of the Secretary of State,''.

On line 7 on page 111 before the period, insert the following: '', and such person and child are permitted to return to the United States. Nothing in clauses (i) or (ii) of this section shall be deemed to apply to a government official of the United States who is acting within the scope of his or her official duties. Nothing in clause (i) or (ii) of this section shall be deemed to apply to a government official of any foreign government if such person has been designated by the Secretary of State at the Secretary's discretion''.

Mrs. FEINSTEIN. Mr. President, I am pleased to have had the opportunity to work with my colleagues and the administration to perfect section 1166 of this bill, relating to the inadmissibility of persons supporting international child abductors.

This section of the bill, which was included at my request in the chairman's mark considered last week by the Foreign Relations Committee, was inspired by the case of Patricia Roush, a constituent of mine whose two daughters were abducted by her ex-husband and taken to his home country of Saudi Arabia 11 years ago in direct violation of the custody order of an Illinois court.

Since then, she has seen the girls only once for 2 hours. All efforts to negotiate a resolution have been rebuffed by the father.

This section attempts to address tragic situations like Ms. Roush's. Current law, section 212(a)(10)(C) of the Immigration and Nationality Act, says that any alien who holds a child overseas in violation of a custody order of a U.S. court may not receive a visa to come to the United States until the child has been returned to the parent with rightful custody.

This new section would expand the visa restriction to three categories of

people: Anyone who helped carry out the abduction of the child; anyone providing material support or safe haven to the abducting parent; and immediate family members of the abducting parent.

Any of these people already in the United States would also be deportable.

This law would not apply if the child is located in a country which is a signatory to the Hague Convention, which is an international agreement designed to resolve international child abduction cases.

The goal of this legislation is to expand the circle of people affected when an American child is abducted. There can be no doubt that persons who assist in the abduction of such a child should be subject to the same restrictions as the abductor him or herself. The same goes for those who support and protect the abductor subsequent to the abduction.

The only area that has raised questions is the provision applying the restriction to immediate family members of the abductor. We decided to proceed in this fashion because of Ms. Roush's experience during the tenure of the previous United States Ambassador to Saudi Arabia, Ray Mabus.

After years without any progress toward a resolution, Ambassador Mabus implied to relatives of Ms. Roush's ex-husband that he might withhold their visas to the United States unless the case was solved. He never actually threatened to withhold the visas, which he lacked the authority to do, but he hoped to at least get information about the girls' condition and the father's thinking throught this tactic.

Ambassador Mabus discovered that even the implied threat of withholding visas from family members produced a new spirit of flexibility on the part of the father. By the time he returned to the United States, they had come close to negotiating a resolution, but that fell through after Mabus left.

But this experience suggests that withholding visas from family members and other associates of the abducting parent is an effective way to put pressure on that parent to negotiate a resolution.

There is a precedent for withholding visas from family members. In the Helms-Burton law on Cuba passed in 1996—Public Law 104–114, spouses and minor children of officers of corporations doing prohibited business with Cuba were made excludable.

I thank the chairman and ranking member of the Foreign Relations Committee and the Senator from Maryland, Senator SARBANES, for their cooperation and for helping perfect this amendment.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. THOMAS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BROWNBACK. I rise today, while we are just about to finish up on this historic State Department reorganization bill, to say a couple of things about it and the people who have been involved.

I was in the House of Representatives on the Foreign Affairs Committee where we started the attempt to reorganize the State Department. We were able to pass it through, and the bill got vetoed by the President. I think that is what is historic and taking place here.

We are now working together to do the thing we need to do, which is to make the overall operation run more efficiently, to eliminate some of the apparatus created by the cold war, and to try to create a foreign policy agency and a setup that is more forward looking, more organized, and that I think can represent our interests better in this post-cold-war atmosphere.

I think it is a real tribute to the people who have been involved in this that we have been able to get this done. Overhauling the American foreign policy bureaucracy needed to be done, and this bill will abolish agencies and bureaus born of the cold war imperatives that are no longer necessary. Achievement was hard won and something the American people can be proud of. Now we can reduce the size of the Federal Government, something I have certainly long supported. I want to thank those people involved.

There are two other things I want to quickly note that have taken place in here as well. I chair the Middle East Subcommittee. One of the things we have been focused on is how do we contain some of the radical elements of that region that seek to terrorize us around the world? One of the things that is contained in this bill is Radio Free Iran, and that will be broadcast into the Iranian airwaves to send forward clear and accurate information about what is taking place around the rest of the world.

I think this is a very important tool that we can use to be able to work with the Iranian people, who are some of the most repressed around the world. They have recently voted to elect a more moderate leader, yet most have said they will not really be able to express what they want to do because the leader they elected will not have the power or the authority to get that done.

Yet, I think we can continue to fight for the Iranian people by putting forward good information, true information, of how much we support what they are doing on the cause in the battle of freedom. I think Radio Free Iran will be a very helpful signal, something important, as we move forward in working to contain those terroristic elements in the world that seek to do us harm and seek harm in much of the rest of the world.

Also, I look forward in the future to encouraging other countries to further engage with us in initiatives to expand democracy, free markets and capitalism around the world. I look forward in the future to working with Central Asian countries to link them more with the democracies and the democracy movement and free markets that are gaining strength all around the world. Some dub this a silk road strategy, and I think it is important that we do this in moving forward a positive agenda, not just one that is always negative toward others but one that is very open and positive toward encouraging the rest of the world.

I look forward to working with other chairmen, including Chairman SMITH, also on the Foreign Relations Committee, as we seek to open up the Central Asian regions to further democracy, to free markets, to capitalism, to liberty. I think that is a good move on our part. Part of it is going to be contained in the future of the world. Radio Free Iran is in this bill and I think that is a positive move. It doesn't diminish the act of privatizing Radio Free Europe. It is important to move forward in that regard. This is a win for the American people, and a win for people around the world who seek freedom for themselves and their marketplace, their future and their families. With that, I yield the floor.

The PRESIDING OFFICER. Who seeks time?

AMENDMENT NO. 398 WITHDRAWN

Mr. MURKOWSKI. Mr. President, I believe I have an amendment that is at the desk.

The PRESIDING OFFICER. The Senator is correct.

Mr. MURKOWSKI. Mr. President, I just had a conversation with the Secretary of State, Madeleine Albright, relative to the reasons why I have offered an amendment which would require that the Foreign Relations Committee confirm the coordinator of Taiwan affairs at the State Department.

As the Chair is aware, the Taiwan Relations Act requires the Committee on Foreign Relations to oversee the implementation of the TRA and the operations and procedures of the American Institute in Taiwan. And, furthermore, then Secretary of State Vance assured the committee in a letter to then Chairman Frank Church that ''the names of prospective trustees and officers will be forwarded to the Foreign Relations Committee. If the Committee expresses reservations about a prospective trusteer, [the Department of State] will undertake to discuss the matter fully with the Committee before proceeding.''

The Secretary of State assured me that she will put into a formal letter that the State Department will agree to consult with the Foreign Relations Committee prior to appointing any director or chairman of the American Institute in Taiwan. The letter will, of course, be directed to the chairman of the Foreign Relations Committee. A copy will be given to the minority, as well as to me, and Secretary of State Madeleine Albright agreed to refer,

specifically, in her letter, to the assurance that Chairman Frank Church received from Secretary of State Vance regarding the intent and interpretation of the committee's role under the Taiwan Relations Act.

So as a consequence of that assurance, Mr. President, and with thanks to the chairman of the Foreign Relations Committee, I think that Secretary Albright has met my concern by assuring the chairman of the Foreign Relations Committee that, indeed, the State Department will put into writing its agreement to consult with the committee prior to appointing the director or chairman of the American Institute in Taiwan. As we all know, and the concern we have is that, previously, the appointments took place before the consultations took place. That will not be the case. I thank Senator BIDEN for his role in taking the first call from the Secretary and, again, I appreciate Senator HELMS' indulgence in providing me with the time to come to the floor, as well as to talk to the Secretary. As a consequence of that, Mr. President, I withdraw the amendment.

The PRESIDING OFFICER. Amendment No. 398 is withdrawn.

Mr. HELMS. If the Senator will yield, I think he has done a good day's work. I commend him.

Mr. President, I ask unanimous consent to discharge H.R. 1757 from the committee, and all after the enacting clause be stricken and that the language of S. 903, as amended, be inserted, and the bill be read the third time.

The PRESIDING OFFICER (Mr. BROWNBACK). Without objection, it is so ordered.

The amendments were ordered to be engrossed, and the bill to be read the third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mr. HELMS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Wyoming [Mr. ENZI], the Senator from Idaho [Mr. KEMPTHORNE], and the Senator from Kansas [Mr. ROBERTS] are necessarily absent.

Mr. FORD. I announce that the Senator from South Dakota [Mr. DASCHLE] and the Senator from South Dakota [Mr. JOHNSON] are necessarily absent.

I further announce that the Senator from South Dakota [Mr. JOHNSON] is absent attending a funeral.

I also announce that the Senator from South Dakota [Mr. DASCHLE] is absent due to a death in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 90, nays 5, as follows:

[Rollcall Vote No. 105 Leg.]

YEAS—90

Abraham	Feingold	Lott
Akaka	Feinstein	Lugar
Allard	Ford	Mack
Ashcroft	Frist	McCain
Baucus	Glenn	McConnell
Bennett	Gorton	Mikulski
Biden	Graham	Moseley-Braun
Bond	Gramm	Moynihan
Boxer	Grams	Murkowski
Breaux	Grassley	Murray
Brownback	Gregg	Nickles
Bryan	Hagel	Reed
Bumpers	Hatch	Reid
Burns	Helms	Robb
Campbell	Hollings	Rockefeller
Chafee	Hutchinson	Roth
Cleland	Hutchison	Santorum
Coats	Inhofe	Sessions
Cochran	Inouye	Shelby
Collins	Jeffords	Smith (NH)
Conrad	Kennedy	Smith (OR)
Coverdell	Kerrey	Snowe
Craig	Kerry	Specter
D'Amato	Kohl	Stevens
DeWine	Kyl	Thomas
Dodd	Landrieu	Thompson
Domenici	Lautenberg	Thurmond
Dorgan	Leahy	Torricelli
Durbin	Levin	Warner
Faircloth	Lieberman	Wyden

NAYS—5

Bingaman	Harkin	Wellstone
Byrd	Sarbanes	

NOT VOTING—5

Daschle	Johnson	Roberts
Enzi	Kempthorne	

So the bill (H.R. 1757), as amended, was passed as follows:

Resolved, That the bill from the House of Representatives (H.R. 1757) entitled ''An Act to consolidate international affairs agencies, to authorize appropriations for the Department of State and related agencies for fiscal years 1998 and 1999, and to ensure that the enlargement of the North Atlantic Treaty Organization (NATO) proceeds in a manner consistent with United States interests, to strengthen relations between the United States and Russia, to preserve the prerogatives of the Congress with respect to certain arms control agreements, and for other purposes.'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Foreign Affairs Reform and Restructuring Act of 1997''.

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into three divisions as follows:

(1) DIVISION A.—Foreign Affairs Agencies Consolidation Act of 1997.

(2) DIVISION B.—Foreign Relations Authorization Act, Fiscal Years 1998 and 1999.

(3) DIVISION C.—United Nations Reform Act of 1997.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.

DIVISION A—CONSOLIDATION OF FOREIGN AFFAIRS AGENCIES

TITLE I—GENERAL PROVISIONS

Sec. 101. Short title.
Sec. 102. Purposes.
Sec. 103. Definitions.
Sec. 104. Report on budgetary cost savings resulting from reorganization.

TITLE II—UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

CHAPTER 1—GENERAL PROVISIONS

Sec. 201. Effective date.

CHAPTER 2—ABOLITION AND TRANSFER OF FUNCTIONS

Sec. 211. Abolition of United States Arms Control and Disarmament Agency.
Sec. 212. Transfer of functions to Secretary of State.
Sec. 213. Under Secretary for Arms Control and International Security.
Sec. 214. Reporting requirements.
Sec. 215. Repeal relating to Inspector General for United States Arms Control and Disarmament Agency.

CHAPTER 3—CONFORMING AMENDMENTS

Sec. 221. References.
Sec. 222. Repeal of establishment of ACDA.
Sec. 223. Repeal of positions and offices.
Sec. 224. Compensation of officers.

TITLE III—UNITED STATES INFORMATION AGENCY

CHAPTER 1—GENERAL PROVISIONS

Sec. 301. Effective date.

CHAPTER 2—ABOLITION AND TRANSFER OF FUNCTIONS

Sec. 311. Abolition of United States Information Agency.
Sec. 312. Transfer of functions.
Sec. 313. Under Secretary of State for Public Diplomacy.
Sec. 314. Abolition of Office of Inspector General of United States Information Agency and transfer of functions.
Sec. 315. Interim transfer of functions.

CHAPTER 3—INTERNATIONAL BROADCASTING

Sec. 321. Congressional findings and declaration of purpose.
Sec. 322. Continued existence of Broadcasting Board of Governors.
Sec. 323. Conforming amendments to the United States International Broadcasting Act of 1994.
Sec. 324. Amendments to the Radio Broadcasting to Cuba Act.
Sec. 325. Amendments to the Television Broadcasting to Cuba Act.
Sec. 326. Savings provisions.
Sec. 327. Report on the privatization of RFE/RL, Incorporated.

CHAPTER 4—CONFORMING AMENDMENTS

Sec. 331. References.
Sec. 332. Amendments to title 5, United States Code.
Sec. 333. Ban on domestic activities.

TITLE IV—UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

CHAPTER 1—GENERAL PROVISIONS

Sec. 401. Effective date.

CHAPTER 2—ABOLITION AND TRANSFER OF FUNCTIONS

Sec. 411. Abolition of United States International Development Cooperation Agency.
Sec. 412. Transfer of functions.
Sec. 413. Status of AID.

CHAPTER 3—CONFORMING AMENDMENTS

Sec. 421. References.
Sec. 422. Conforming amendments.

TITLE V—AGENCY FOR INTERNATIONAL DEVELOPMENT

CHAPTER 1—GENERAL PROVISIONS

Sec. 501. Effective date.

CHAPTER 2—REORGANIZATION AND TRANSFER OF FUNCTIONS

Sec. 511. Reorganization of Agency for International Development.

CHAPTER 3—AUTHORITIES OF THE SECRETARY OF STATE

Sec. 521. Definition of United States assistance.
Sec. 522. Placement of Administrator of AID under the direct authority of the Secretary of State.

Sec. 523. Assistance programs coordination, implementation, and oversight.
Sec. 524. Sense of the Senate regarding apportionment of certain funds to the Secretary of State.

TITLE VI—TRANSITION

CHAPTER 1—REORGANIZATION PLAN

Sec. 601. Reorganization plan.

CHAPTER 2—REORGANIZATION AUTHORITY

Sec. 611. Reorganization authority.
Sec. 612. Transfer and allocation of appropriations and personnel.
Sec. 613. Incidental transfers.
Sec. 614. Savings provisions.
Sec. 615. Property and facilities.
Sec. 616. Authority of Secretary of State to facilitate transition.
Sec. 617. Final report.

TITLE VII—FUNCTIONS, CONDUCT, AND STRUCTURE OF UNITED STATES FOREIGN POLICY FOR THE 21ST CENTURY.

Sec. 701. Findings.
Sec. 702. Establishment.
Sec. 703. Composition and qualifications.
Sec. 704. Duties of the Commission.
Sec. 705. Commission reports.
Sec. 706. Powers.
Sec. 707. Personnel.
Sec. 708. Payment of Commission expenses.
Sec. 709. Termination.
Sec. 710. Executive branch action.
Sec. 711. Annual foreign affairs strategy report.
Sec. 712. Definition of foreign affairs agencies.

DIVISION B—FOREIGN RELATIONS AUTHORIZATION

TITLE X—GENERAL PROVISIONS

Sec. 1001. Short title.
Sec. 1002. Definition.

TITLE XI—DEPARTMENT OF STATE AND RELATED AGENCIES

CHAPTER 1—AUTHORIZATIONS OF APPROPRIATIONS

Sec. 1101. Authorizations of appropriations for Administration of Foreign Affairs.
Sec. 1102. Migration and refugee assistance.
Sec. 1103. Asia Foundation.

CHAPTER 2—AUTHORITIES AND ACTIVITIES

Sec. 1121. Reduction in required reports.
Sec. 1122. Authority of the Foreign Claims Settlement Commission.
Sec. 1123. Procurement of services.
Sec. 1124. Fee for use of diplomatic reception rooms.
Sec. 1125. Prohibition on judicial review Department of State counterterrorism and narcotics-related rewards program.
Sec. 1126. Office of the Inspector General.
Sec. 1127. Reaffirming United States international telecommunications policy.
Sec. 1128. Counterdrug and anti-crime activities of the Department of State.

CHAPTER 3—PERSONNEL

Sec. 1131. Elimination of position of Deputy Assistant Secretary of State for Burdensharing.
Sec. 1132. Restriction on lobbying activities of former United States chiefs of mission.
Sec. 1133. Recovery of costs of health care services.
Sec. 1134. Nonovertime differential pay.
Sec. 1135. Pilot program for foreign affairs reimbursement.
Sec. 1136. Grants to overseas educational facilities.
Sec. 1137. Grants to remedy international child abductions.
Sec. 1138. Foreign Service reform.
Sec. 1139. Law enforcement availability pay.
Sec. 1140. Law enforcement authority of DS special agents overseas.
Sec. 1141. Limitations on management assignments.

CHAPTER 4—CONSULAR AND RELATED ACTIVITIES

Sec. 1151. Consular officers.
Sec. 1152. Repeal of outdated consular receipt requirements.
Sec. 1153. Elimination of duplicate Federal Register publication for travel advisories.
Sec. 1154. Inadmissibility of members of former Soviet Union intelligence services.
Sec. 1155. Denial of visas to aliens who have confiscated property claimed by nationals of the United States.
Sec. 1156. Inadmissibility of aliens supporting international child abductors.

TITLE XII—OTHER INTERNATIONAL ORGANIZATIONS AND COMMISSIONS

CHAPTER 1—AUTHORIZATION OF APPROPRIATIONS

Sec. 1201. International conferences and contingencies.
Sec. 1202. International commissions.

CHAPTER 2—GENERAL PROVISIONS

Sec. 1211. International criminal court participation.
Sec. 1212. Withholding of assistance for parking fines owed by foreign countries.
Sec. 1213. United States membership in the Interparliamentary Union.
Sec. 1214. Reporting of foreign travel by United States officials.
Sec. 1215. Sense of the Senate on use of funds in Japan-United States Friendship Trust Fund.

TITLE XIII—UNITED STATES INFORMATIONAL, EDUCATIONAL, AND CULTURAL PROGRAMS

CHAPTER 1—AUTHORIZATION OF APPROPRIATIONS

Sec. 1301. Authorization of appropriations.
Sec. 1302. National Endowment for Democracy.

CHAPTER 2—USIA AND RELATED AGENCIES AUTHORITIES AND ACTIVITIES

Sec. 1311. Authorization to receive and recycle fees.
Sec. 1312. Appropriations transfer authority.
Sec. 1313. Expansion of Muskie Fellowship Program.
Sec. 1314. Au pair extension.
Sec. 1315. Radio broadcasting to Iran in the Farsi language.
Sec. 1316. Voice of America broadcasts.
Sec. 1317. Working group on government-sponsored international exchanges and training.
Sec. 1318. International information programs.
Sec. 1319. Authority to administer summer travel and work programs.

TITLE XIV—PEACE CORPS

Sec. 1401. Short title.
Sec. 1402. Authorization of appropriations.
Sec. 1403. Amendments to the Peace Corps Act.

TITLE XV—UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

CHAPTER 1—AUTHORIZATION OF APPROPRIATIONS

Sec. 1501. Authorization of appropriations.

CHAPTER 2—AUTHORITIES

Sec. 1511. Statutory construction.

TITLE XVI—FOREIGN POLICY

Sec. 1601. Payment of Iraqi claims.
Sec. 1602. United Nations membership for Belarus.
Sec. 1603. United States policy with respect to Jerusalem as the capital of Israel.
Sec. 1604. Special envoy for Tibet.
Sec. 1605. Financial transactions with state sponsors of international terrorism.
Sec. 1606. United States policy with respect to the involuntary return of persons in danger of subjection to torture.
Sec. 1607. Reports on the situation in Haiti.
Sec. 1608. Report on an alliance against narcotics trafficking in the Western Hemisphere.
Sec. 1609. Report on greenhouse gas emissions agreement.
Sec. 1610. Reports and policy concerning diplomatic immunity.
Sec. 1611. Italian confiscation of property case.
Sec. 1612. Designation of additional countries eligible for NATO enlargement assistance.
Sec. 1613. Sense of Senate regarding United States citizens held in prisons in Peru.
Sec. 1614. Exclusion from the United States of aliens who have been involved in extrajudicial and political killings in Haiti.
Sec. 1615. Sense of the Senate on enforcement of the Iran-Iraq Arms Non-Proliferation Act of 1992 with respect to the acquisition by Iran of C–802 cruise missiles.
Sec. 1616. Sense of the Senate on persecution of Christian minorities in the People's Republic of China.
Sec. 1617. Sense of Congress regarding the North Atlantic Treaty Organization.
Sec. 1618. Japan-United States Friendship Commission.
Sec. 1619. Aviation safety.
Sec. 1620. Sense of the Senate on United States policy toward the People's Republic of China.
Sec. 1621. Sense of the Senate encouraging programs by the National Endowment for Democracy regarding the rule of law in China.
Sec. 1622. Concerning the Palestinian authority.
Sec. 1623. Authorization of Appropriations for facilities in Beijing and Shanghai.
Sec. 1624. Eligibility for refugee status.

DIVISION C—UNITED NATIONS REFORM

TITLE XX—GENERAL PROVISIONS

Sec. 2001. Short title.
Sec. 2002. Definitions.
Sec. 2003. Nondelegation of certification requirements.

TITLE XXI—AUTHORIZATION OF APPROPRIATIONS

Sec. 2101. Assessed contributions to the United Nations and affiliated organizations.
Sec. 2102. United Nations policy on Israel and the Palestinians.
Sec. 2103. Assessed contributions for international peacekeeping activities.
Sec. 2104. Data on costs incurred in support of United Nations peace and security operations.
Sec. 2105. Reimbursement for goods and services provided by the United States to the United Nations.
Sec. 2106. Restriction on United States funding for United Nations peace operations.
Sec. 2107. United States policy regarding United Nations peacekeeping missions.
Sec. 2108. Organization of American States.

TITLE XXII—ARREARS PAYMENTS AND REFORM

CHAPTER 1—ARREARAGES TO THE UNITED NATIONS

SUBCHAPTER A—AUTHORIZATION OF APPROPRIATIONS; DISBURSEMENT OF FUNDS

Sec. 2201. Authorization of appropriations.
Sec. 2202. Disbursement of funds.

SUBCHAPTER B—UNITED STATES SOVEREIGNTY

Sec. 2211. Certification requirements.

SUBCHAPTER C—REFORM OF ASSESSMENTS AND UNITED NATIONS PEACE OPERATIONS

Sec. 2221. Certification requirements.

SUBCHAPTER D—BUDGET AND PERSONNEL REFORM
Sec. 2231. Certification requirements.
CHAPTER 2—MISCELLANEOUS PROVISIONS
Sec. 2241. Statutory construction on relation to existing laws.
Sec. 2242. Prohibition on payments relating to UNIDO and other organizations from which the United States has withdrawn or rescinded funding.

DIVISION A—CONSOLIDATION OF FOREIGN AFFAIRS AGENCIES

TITLE I—GENERAL PROVISIONS

SEC. 101. SHORT TITLE.

This division may be cited as the ''Foreign Affairs Agencies Consolidation Act of 1997''.

SEC. 102. PURPOSES.

The purposes of this division are—

(1) to strengthen—

(A) the coordination of United States foreign policy; and

(B) the leading role of the Secretary of State in the formulation and articulation of United States foreign policy;

(2) to consolidate and reinvigorate the foreign affairs functions of the United States within the Department of State by—

(A) abolishing the United States Arms Control and Disarmament Agency, the United States Information Agency, the United States International Development Cooperation Agency, and transferring the functions of these agencies to the Department of State while preserving the quality and integrity of these functions;

(B) transferring certain functions of the Agency for International Development to the Department of State; and

(C) providing for the reorganization of the Department of State to maximize the efficient use of resources, which may lead to budget savings, eliminated redundancy in functions, and improvement in the management of the Department of State;

(3) to ensure that programs critical to the promotion of United States national interests be maintained;

(4) to assist congressional efforts to balance the Federal budget and reduce the Federal debt;

(5) to ensure that the United States maintains effective representation abroad within budgetary restraints; and

(6) to encourage United States foreign affairs agencies to maintain a high percentage of the best qualified, most competent United States citizens serving in the United States Government.

SEC. 103. DEFINITIONS.

The following terms have the following meanings for the purposes of this division:

(1) The term ''ACDA'' means the United States Arms Control and Disarmament Agency.

(2) The term ''appropriate congressional committees'' means the Committee on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(3) The term ''Department'' means the Department of State.

(4) The term ''Federal agency'' has the meaning given to the term ''agency'' by section 551(1) of title 5, United States Code.

(5) The term ''function'' means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

(6) The term ''office'' includes any office, administration, agency, institute, unit, organizational entity, or component thereof.

(7) The term ''Secretary'' means the Secretary of State.

(8) The term ''USIA'' means the United States Information Agency.

SEC. 104. REPORT ON BUDGETARY COST SAVINGS RESULTING FROM REORGANIZATION.

Not later than 90 days after the date of enactment of this Act, and every 180 days thereafter through the end of fiscal year 2000, the Secretary of State shall submit a report to the appropriate congressional committees describing the total anticipated and achieved cost savings in budget outlays and budget authority related to the reorganization made under this Act, including cost savings by each of the following categories:

(1) Reductions in personnel.

(2) Administrative consolidation.

(3) Program consolidation.

(4) Sales of real property.

(5) Termination of property leases.

(6) Coordinated procurement.

TITLE II—UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

CHAPTER 1—GENERAL PROVISIONS

SEC. 201. EFFECTIVE DATE.

This title, and the amendments made by this title, shall take effect on the earlier of—

(1) October 1, 1998; or

(2) the date of abolition of the United States Arms Control and Disarmament Agency pursuant to the reorganization plan described in section 601.

CHAPTER 2—ABOLITION AND TRANSFER OF FUNCTIONS

SEC. 211. ABOLITION OF UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY.

The United States Arms Control and Disarmament Agency is abolished.

SEC. 212. TRANSFER OF FUNCTIONS TO SECRETARY OF STATE.

Except as otherwise provided in this division, there are transferred to the Secretary of State—

(1) all functions of the Director of the United States Arms Control and Disarmament Agency, and

(2) all functions of the United States Arms Control and Disarmament Agency and any office or component of such agency under any statute, reorganization plan, Executive order, or other provision of law,

as of the day before the effective date of this title.

SEC. 213. UNDER SECRETARY FOR ARMS CONTROL AND INTERNATIONAL SECURITY.

Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a) is amended in subsection (b)—

(1) by striking ''There'' and inserting the following:

''(1) IN GENERAL.—There''; and

(2) by adding at the end the following:

''(2) UNDER SECRETARY FOR ARMS CONTROL AND INTERNATIONAL SECURITY.—There shall be in the Department of State, among the Under Secretaries authorized by paragraph (1), an Under Secretary for Arms Control and International Security who shall assist the Secretary and the Deputy Secretary in matters related to international security policy, arms control, and nonproliferation matters. Subject to the direction of the President, the Under Secretary may attend and participate in meetings of the National Security Council in his role as advisor on arms control and nonproliferation matters.''.

SEC. 214. REPORTING REQUIREMENTS.

(a) VERIFICATION OF COMPLIANCE.—Section 37 of the Arms Control and Disarmament Act (22 U.S.C. 2577) is amended—

(1) in subsection (a), by striking ''Director'' each place it appears and inserting ''Under Secretary of State for Arms Control and International Security'';

(2) in subsection (d), by striking ''Director'' each place it appears and inserting ''Under Secretary of State'';

(3) by redesignating subsections (b) through (d) as subsections (c) through (e), respectively; and

(4) by inserting after subsection (a) the following:

''(b) INCLUSION OF COMMENTS BY THE SECRETARY OF STATE.—In the preparation of each report under subsection (a), the Under Secretary of State for Arms Control and International Security shall include the comments, if any, of the Secretary of State after the Secretary has had an opportunity to review the report for a period of not to exceed 14 days.''.

(b) ANNUAL REPORT.—Section 51 of that Act (22 U.S.C. 2593a) is amended—

(1) in subsection (a)—

(A) by striking ''Director'' and inserting ''Under Secretary of State for Arms Control and International Security''; and

(B) by striking ''the Secretary of State,'';

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(3) by inserting after subsection (a) the following:

''(b) INCLUSION OF COMMENTS BY THE SECRETARY OF STATE.—In the preparation of each report under subsection (a), the Under Secretary of State for Arms Control and International Security shall include the comments, if any, of the Secretary of State after the Secretary has had an opportunity to review the report for a period of not to exceed 14 days.''.

SEC. 215. REPEAL RELATING TO INSPECTOR GENERAL FOR UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY.

Section 50 of the Arms Control and Disarmament Act (22 U.S.C. 2593a), relating to the ACDA Inspector General, is repealed.

CHAPTER 3—CONFORMING AMENDMENTS

SEC. 221. REFERENCES.

Except as provided in section 214, any reference in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding to—

(1) the Director of the United States Arms Control and Disarmament Agency, or any other officer or employee of the United States Arms Control and Disarmament Agency, shall be deemed to refer to the Secretary of State; and

(2) the United States Arms Control and Disarmament Agency shall be deemed to refer to the Department of State.

SEC. 222. REPEAL OF ESTABLISHMENT OF ACDA.

Section 21 of the Arms Control and Disarmament Act (22 U.S.C. 2561; relating to the establishment of ACDA) is repealed.

SEC. 223. REPEAL OF POSITIONS AND OFFICES.

The following sections of the Arms Control and Disarmament Act are repealed:

(1) Section 22 (22 U.S.C. 2562; relating to the Director).

(2) Section 23 (22 U.S.C. 2563; relating to the Deputy Director).

(3) Section 24 (22 U.S.C. 2564; relating to Assistant Directors).

(4) Section 25 (22 U.S.C. 2565; relating to bureaus, offices, and divisions).

SEC. 224. COMPENSATION OF OFFICERS.

Title 5, United States Code, is amended—

(1) in section 5313, by striking ''Director of the United States Arms Control and Disarmament Agency.'',

(2) in section 5314, by striking ''Deputy Director of the United States Arms Control and Disarmament Agency.'',

(3) in section 5315—

(A) by striking ''Assistant Directors, United States Arms Control and Disarmament Agency (4).'', and

(B) by striking ''Special Representatives of the President for arms control, nonproliferation, and disarmament matters, United States Arms Control and Disarmament Agency'', and inserting ''Special Representatives of the President for arms control, nonproliferation, and disarmament matters, Department of State'', and

(4) in section 5316, by striking ''General Counsel of the United States Arms Control and Disarmament Agency.''.

TITLE III—UNITED STATES INFORMATION AGENCY

CHAPTER 1—GENERAL PROVISIONS

SEC. 301. EFFECTIVE DATE.

Except as otherwise provided, this title, and the amendments made by this title, shall take effect on the earlier of—

(1) October 1, 1999; or

(2) the date of abolition of the United States Information Agency pursuant to the reorganization plan described in section 601.

CHAPTER 2—ABOLITION AND TRANSFER OF FUNCTIONS

SEC. 311. ABOLITION OF UNITED STATES INFORMATION AGENCY.

The United States Information Agency (other than the Broadcasting Board of Governors) is abolished.

SEC. 312. TRANSFER OF FUNCTIONS.

There are transferred to the Secretary of State all functions of the Director of the United States Information Agency and all functions of the United States Information Agency and any office or component of such agency under any statute, reorganization plan, Executive order, or other provision of law as of the day before the effective date of this title, except as otherwise provided in this division.

SEC. 313. UNDER SECRETARY OF STATE FOR PUBLIC DIPLOMACY.

Section 1(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(b)) is amended—

(1) by striking ''There'' and inserting the following:

''(1) IN GENERAL.—There''; and

(2) by adding at the end the following:

''(2) UNDER SECRETARY FOR PUBLIC DIPLOMACY.—There shall be in the Department of State, among the Under Secretaries authorized by paragraph (1), an Under Secretary for Public Diplomacy who shall have responsibility to assist the Secretary and the Deputy Secretary in the formation and implementation of United States public diplomacy policies and activities, including international educational and cultural exchange programs, information, and international broadcasting.''.

SEC. 314. ABOLITION OF OFFICE OF INSPECTOR GENERAL OF UNITED STATES INFORMATION AGENCY AND TRANSFER OF FUNCTIONS.

(a) ABOLITION OF OFFICE.—The Office of Inspector General of the United States Information Agency is abolished.

(b) AMENDMENTS TO INSPECTOR GENERAL ACT OF 1978.—Section 11 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (1), by striking ''the United States Information Agency'' and inserting ''the Broadcasting Board of Governors''; and

(2) in paragraph (2), by striking ''the United States Information Agency,'' and inserting ''the Broadcasting Board of Governors,''.

(c) EXECUTIVE SCHEDULE.—Section 5315 of title 5, United States Code, is amended—

(1) by striking the following:

''Inspector General, United States Information Agency.''; and

(2) by inserting the following:

''Inspector General, Broadcasting Board of Governors.''.

(d) AMENDMENTS TO PUBLIC LAW 103–236.—Subsections (i) and (j) of section 308 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6207 (i) and (j)) are amended—

(1) by striking ''Inspector General of the United States Information Agency'' each place it appears and inserting ''Inspector General of the Broadcasting Board of Governors''; and

(2) by striking ''the Director of the United States Information Agency,''.

(e) TRANSFER OF FUNCTIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), there are transferred to the Office of the Inspector General of the Department of State and the Foreign Service the functions that the Office of Inspector General of the United States Information Agency exercised before the effective date of this title (including all related functions of the Inspector General of the United States Information Agency).

(2) TRANSFER TO INSPECTOR GENERAL OF BROADCASTING BOARD OF GOVERNORS.—There are transferred to the Inspector General of the Broadcasting Board of Governors the functions (including related functions) that the Office of Inspector General of the United States Information Agency exercised with respect to the International Broadcasting Bureau, Voice of America, WORLDNET TV and Film Service, the office of Cuba Broadcasting, and RFE/RL, Incorporated, before the effective date of this title.

(f) TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.—The Director of the Office of Management and Budget, in consultation with the Secretary of State, is authorized to make such incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of this section.

SEC. 315. INTERIM TRANSFER OF FUNCTIONS.

(a) INTERIM TRANSFER.—Except as otherwise provided in this division, there are transferred to the Secretary of State the following functions of the United States Information Agency exercised as of the day before the effective date of this section:

(1) The functions exercised by the Office of Public Liaison of the Agency.

(2) The functions exercised by the Office of Congressional and Intergovernmental Affairs of the Agency.

(b) EFFECTIVE DATE.—This section shall take effect on the earlier of—

(1) October 1, 1998, or

(2) the date of the proposed transfer of functions described in this section pursuant to the reorganization plan described in section 601.

CHAPTER 3—INTERNATIONAL BROADCASTING

SEC. 321. CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSE.

Congress finds that—

(1) it is the policy of the United States to promote the right of freedom of opinion and expression, including the freedom ''to seek, receive, and impart information and ideas through any media and regardless of frontiers,'' in accordance with Article 19 of the Universal Declaration of Human Rights;

(2) open communication of information and ideas among the peoples of the world contributes to international peace and stability and the promotion of such communication is in the interests of the United States;

(3) it is in the interest of the United States to support broadcasting to other nations consistent with the requirements of this chapter and the United States International Broadcasting Act of 1994; and

(4) international broadcasting is, and should remain, an essential instrument of United States foreign policy.

SEC. 322. CONTINUED EXISTENCE OF BROADCASTING BOARD OF GOVERNORS.

Section 304(a) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6203(a)) is amended to read as follows:

''(a) CONTINUED EXISTENCE WITHIN EXECUTIVE BRANCH.—

''(1) IN GENERAL.—The Broadcasting Board of Governors shall continue to exist within the Executive branch of Government as an entity described in section 104 of title 5, United States Code.

''(2) RETENTION OF EXISTING BOARD MEMBERS.—The members of the Broadcasting Board of Governors appointed by the President pursuant to subsection (b)(1)(A) before the effective date of the Foreign Affairs Agencies Consolidation Act of 1997 and holding office as of that date shall serve the remainder of their terms of office without reappointment.

''(3) ESTABLISHMENT OF INSPECTOR GENERAL OF BROADCASTING BOARD OF GOVERNORS.—There shall be established an Inspector General of the Broadcasting Board of Governors.

''(4) INSPECTOR GENERAL AUTHORITIES.—The Inspector General of the Broadcasting Board of Governors shall exercise the same authorities with respect to the Broadcasting Board of Governors as the Inspector General of the Department of State and the Foreign Service exercises under section 209 of the Foreign Service Act of 1980 with respect to the Department of State. The Inspector General of the Broadcasting Board of Governors, in carrying out the functions of the Inspector General, shall respect the professional independence and integrity of all the broadcasters covered by this title.''.

SEC. 323. CONFORMING AMENDMENTS TO THE UNITED STATES INTERNATIONAL BROADCASTING ACT OF 1994.

(a) REFERENCES IN SECTION.—Whenever in this section an amendment or repeal is expressed as an amendment or repeal of a provision, the reference shall be deemed to be made to the United States International Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.).

(b) SUBSTITUTION OF UNDER SECRETARY OF STATE FOR PUBLIC DIPLOMACY.—Sections 304(b)(1)(B), 304(b) (2) and (3), 304(c), 304(e), 305(c), and 306 (22 U.S.C. 6203(b)(1)(B), 6203(b) (2) and (3), 6203(c), 6203(e), 6204(c), and 6205) are amended by striking ''Director of the United States Information Agency'' each place it appears and inserting ''Under Secretary of State for Public Diplomacy''.

(c) SUBSTITUTION OF ACTING UNDER SECRETARY OF STATE FOR PUBLIC DIPLOMACY.—Section 304(c) (22 U.S.C. 6203(c)) is amended by striking ''acting Director of the agency'' and inserting ''Acting Under Secretary of State for Public Diplomacy''.

(d) STANDARDS AND PRINCIPLES OF INTERNATIONAL BROADCASTING.—Section 303 (22 U.S.C. 6202) is amended—

(1) in paragraph (3), by inserting '', including editorials, broadcast by the Voice of America, which present the views of the United States Government'' after ''policies'';

(2) by redesignating paragraphs (4) through (9) as paragraphs (5) through (10), respectively; and

(3) by inserting after paragraph (3) the following:

''(4) the capability to provide a surge capacity to support United States foreign policy objectives during crises abroad;'';

(e) AUTHORITIES OF THE BOARD.—Section 305(a) (22 U.S.C. 6204(a)) is amended—

(1) in paragraph (1), by striking ''direct and'';

(2) in paragraph (4), by inserting '', after consultation with the Secretary of State,'' after ''annually,'';

(3) in paragraph (9), by striking '', through the Director of the United States Information Agency,'';

(4) in paragraph (12)—

(A) by striking ''1994 and 1995'' and inserting ''1998 and 1999''; and

(B) by striking ''to the Board for International Broadcasting for such purposes for fiscal year 1993'' and inserting ''to the Board and the International Broadcasting Bureau for such purposes for fiscal year 1997''; and

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

''(15)(A) To procure temporary and intermittent personal services to the same extent as is authorized by section 3109 of title 5, United States Code, at rates not to exceed the daily equivalent of the rate provided for positions classified above grade GS–15 of the General Schedule under section 5108 of title 5, United States Code.

''(B) To allow those providing such services, while away from their homes or their regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently, while so employed.

''(16) To receive donations, bequests, devises, gifts, and other forms of contributions of cash, services, and other property, from persons, corporations, foundations, and all other groups and entities both within the United States and abroad, and, pursuant to the Federal Property and Administrative Services Act of 1949, to use, sell, or otherwise dispose of such property for the carrying out of its functions. For the purposes of sections 170, 2055, and 2522 of the Internal Revenue Code of 1986 (26 U.S.C. 170, 2055, or 2522), the Board shall be deemed to be a corporation described in section 170(c)(2), 2055(a)(2), or 2522(a)(2) of the Code, as the case may be.''.

(f) BROADCASTING BUDGETS.—Section 305(b)(1) (22 U.S.C. 6204(b)(1)) is amended—

(1) by striking ''(1)'' before ''The Director''; and

(2) by striking ''the Director of the United States Information Agency for the consideration of the Director as a part of the Agency's budget submission to''.

(g) REPEAL.—Section 305(b)(2) (22 U.S.C. 6204(b)(2)) is repealed.

(h) IMPLEMENTATION.—Section 305(c) (22 U.S.C. 6204(c)) is amended—

(1) by striking ''Director of the United States Information Agency and the''; and

(2) by striking ''their'' and inserting ''its''.

(i) FOREIGN POLICY GUIDANCE.—Section 306 (22 U.S.C. 6205) is amended by inserting before the period at the end the following: '', as the Secretary may deem appropriate''.

(j) INTERNATIONAL BROADCASTING BUREAU.—Section 307 (22 U.S.C. 6206) is amended—

(1) in subsection (a), by striking ''within the United States Information Agency'' and inserting ''under the Board'';

(2) in subsection (b)(1), by striking ''Chairman of the Board, in consultation with the Director of the United States Information Agency and with the concurrence of a majority of the Board'' and inserting ''President, by and with the advice and consent of the Senate''; and

(3) by redesignating subsection (b)(1) as subsection (b).

(k) REPEALS.—The following provisions of law are repealed:

(1) Subsections (k) and (l) of section 308 (22 U.S.C. 6207(k).

(2) Section 310 (22 U.S.C. 6209).

(l) ADDITIONAL REFERENCE TO DIRECTOR OF USIA.—Section 311 (22 U.S.C. 6210) is amended by striking ''the Director of the United States Information Agency and''.

SEC. 324. AMENDMENTS TO THE RADIO BROADCASTING TO CUBA ACT.

The Radio Broadcasting to Cuba Act (22 U.S.C. 1465 et seq.) is amended—

(1) by striking ''United States Information Agency'' each place it appears and inserting ''Broadcasting Board of Governors'';

(2) by striking ''Agency'' each place it appears and inserting ''Board'';

(3) by striking ''the Director of the United States Information Agency'' each place it appears and inserting ''the Chairman of the Broadcasting Board of Governors'';

(4) in section 4 (22 U.S.C. 1465b), by striking ''the Director of the Voice of America'' and inserting ''the International Broadcasting Bureau''; and

(5) by striking any other reference to ''Director'' not amended by paragraph (3) each place it appears and inserting ''Chairman''.

SEC. 325. AMENDMENTS TO THE TELEVISION BROADCASTING TO CUBA ACT.

The Television Broadcasting to Cuba Act (22 U.S.C. 1465aa et seq.) is amended—

(1) by striking ''United States Information Agency'' and inserting ''Broadcasting Board of Governors'' each place it appears;

(2) by striking ''Agency'' and inserting ''Board'' each place it appears;

(3) by striking ''Director of the United States Information Agency'' each place it appears and inserting ''Chairman of the Broadcasting Board of Governors'';

(4) in section 244a. (22 U.S.C. 1465cc(a)), by striking ''the Director of the Voice of America'' and inserting ''the International Broadcasting Bureau''; and

(5) by striking any other reference to ''Director'' not amended by paragraph (3) or (4) each place it appears and inserting ''Chairman''.

SEC. 326. SAVINGS PROVISIONS.

(a) CONTINUING EFFECT OF LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(1) which have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions exercised by the Broadcasting Board of Governors of the United States Information Agency on the day before the effective date of this chapter, and

(2) which are in effect at the time this chapter takes effect, or were final before the effective date of this chapter and are to become effective on or after the effective date of this chapter,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Broadcasting Board of Governors, or other authorized official, a court of competent jurisdiction, or by operation of law.

(b) PROCEEDINGS NOT AFFECTED.—The provisions of this chapter, or amendments made by this chapter, shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before the Broadcasting Board of Governors of the United States Information Agency at the time this chapter takes effect, with respect to functions exercised by the Board as of the effective date of this chapter but such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this chapter had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this chapter had not been enacted.

(c) SUITS NOT AFFECTED.—The provisions of this chapter, and amendments made by this chapter, shall not affect suits commenced before the effective date of this chapter, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this chapter had not been enacted.

(d) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the Board, or by or against any individual in the official capacity of such individual as an officer of the Board, shall abate by reason of the enactment of this chapter.

(e) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.—Any administrative action relating to the preparation or promulgation of a regulation by the Board relating to a function exercised by the Board before the effective date of this chapter may be continued by the Board with the same effect as if this chapter had not been enacted.

(f) REFERENCES.—Reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to the Broadcasting Board of Governors of the United States Information Agency with regard to functions exercised before the effective date of this chapter, shall be deemed to refer to the Board.

SEC. 327. REPORT ON THE PRIVATIZATION OF RFE/RL, INCORPORATED.

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

(1) The Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, set a limitation on the operating costs of RFE/RL, Incorporated, at $75,000,000 for any fiscal year after fiscal year 1995.

(2) Section 312(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, expressed the sense of Congress that, in furtherance of the objectives of section 302 of that Act, the funding of RFE/RL, Incorporated, should be assumed by the private sector not later than December 31, 1999.

(3) The conference report on the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (House Report 103–482) noted that ''The committee on the conference expects that the Broadcasting Board of Governors will do everything possible, within available resources, to support this privatization effort''.

(b) DECLARATION OF POLICY.—It is the sense of Congress that RFE/RL, Incorporated, should act in accordance with subsection (a)(2), that is, that the United States Government should cease Federal support for RFE/RL, Incorporated, prior to December 31, 1999.

(c) REPORT.—Not later than 90 days after the date of enactment of this Act and every 180 days thereafter, the President acting through the Chairman of the Broadcasting Board of Governors shall submit to the appropriate congressional committees a report on the progress of the Board and of RFE/RL, Incorporated, in implementing section 312(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995. The report under this subsection shall include the following:

(1) Efforts by RFE/RL, Incorporated, to terminate individual language services.

(2) A detailed description of steps taken to comply with subsection (a)(2).

(3) An analysis of prospects for privatization over the coming year.

(d) DEFINITIONS.—In this section, the term ''the Board'' means the Broadcasting Board of Governors.

CHAPTER 4—CONFORMING AMENDMENTS

SEC. 331. REFERENCES.

Any reference in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding to—

(1) the Director of the United States Information Agency or the Director of the International Communication Agency shall be deemed to refer to the Secretary of State; and

(2) the United States Information Agency, USIA, or the International Communication Agency shall be deemed to refer to the Department of State, except as otherwise provided by this division.

SEC. 332. AMENDMENTS TO TITLE 5, UNITED STATES CODE.

Title 5, United States Code, is amended—

(1) in section 5313, by striking ''Director of the United States Information Agency.'';

(2) in section 5315—

(A) by striking ''Deputy Director of the United States Information Agency.''; and

(B) by adding at the end the following:

''Director of the International Broadcasting Bureau.''; and

(3) in section 5316, by striking ''Deputy Director, Policy and Plans, United States Information Agency.'' and striking ''Associate Director (Policy and Plans), United States Information Agency.''.

SEC. 333. BAN ON DOMESTIC ACTIVITIES.

Section 208 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 1461–1a) is amended—

(1) by striking out ''United States Information Agency'' each of the two places it appears and inserting ''Department of State''; and

(2) by inserting ''in carrying out international information, educational, and cultural activities comparable to those previously administered by the United States Information Agency'' before ''shall be distributed''.

TITLE IV—UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

CHAPTER 1—GENERAL PROVISIONS

SEC. 401. EFFECTIVE DATE.

This title, and the amendments made by this title, shall take effect on the earlier of—

(1) October 1, 1998; or

(2) the date of abolition of the United States International Development Cooperation Agency pursuant to the reorganization plan described in section 601.

CHAPTER 2—ABOLITION AND TRANSFER OF FUNCTIONS

SEC. 411. ABOLITION OF UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY.

(a) IN GENERAL.—Except for the components described in subsection (b), the United States International Development Cooperation Agency (including the Institute for Scientific and Technological Cooperation) is abolished.

(b) OPIC AND AID EXEMPTED.—Subsection (a) does not apply to the Agency for International Development or the Overseas Private Investment Corporation.

SEC. 412. TRANSFER OF FUNCTIONS.

(a) TO THE SECRETARY OF STATE.—There are transferred to the Secretary of State the functions of the Director of the United States International Development Cooperation Agency and of the United States International Development Cooperation Agency, as of the day before the effective date of this title, in allocating the funds described in subsection (d).

(b) WITH RESPECT TO THE OVERSEAS PRIVATE INVESTMENT CORPORATION.—There are transferred to the Administrator of the Agency for International Development all functions of the Director of the United States International Development Cooperation Agency as of the day before the effective date of this title with respect to the Overseas Private Investment Corporation.

(c) TO ANOTHER AGENCY OR AGENCIES.—

(1) PURSUANT TO A REORGANIZATION PLAN.—Except as provided in paragraph (2), there are transferred to such agency or agencies as may be specified in the reorganization plan transmitted under section 601 all functions not transferred under subsection (a) of the Director of the United States International Development Cooperation Agency and the United States International Development Cooperation Agency as of the day before the effective date of this title.

(2) FAILURE TO SUBMIT A REORGANIZATION PLAN.—In the event that the President fails to submit a reorganization plan under section 601, all functions not transferred under subsection (a) or (b) of the Director of the United States International Development Cooperation Agency and the United States International Development Cooperation Agency as of the day before the effective date of this title shall be transferred to the Secretary of State.

(d) ALLOCATION OF FUNDS.—Funds under the categories of assistance deemed allocated to the Director of the International Development Cooperation Agency under section 1–801 of Executive Order No. 12163 (22 U.S.C. 2381 note) as of the day before the effective date of this title shall be deemed allocated to the Secretary of State on and after that date without further action by the President.

SEC. 413. STATUS OF AID.

(a) IN GENERAL.—Unless abolished pursuant to the reorganization plan submitted under section 601, and except as provided in section 412, there is within the Executive branch of Government the United States Agency for International Development as an entity described in section 104 of title 5, United States Code.

(b) RETENTION OF OFFICERS.—Nothing in this section shall require the reappointment of any officer of the United States serving in the Agency for International Development of the United States International Development Cooperation Agency as of the day before the effective date of this title.

(c) UTILIZATION OF THE FOREIGN SERVICE PERSONNEL SYSTEM.—Section 202(a)(1) of the Foreign Service Act of 1980 (22 U.S.C. 3922(a)(1)) is amended to read as follows:

''(a)(1) The Administrator of the United States Agency for International Development may utilize the Foreign Service personnel system with respect to the Agency in accordance with this Act.''.

CHAPTER 3—CONFORMING AMENDMENTS

SEC. 421. REFERENCES.

Except as otherwise provided in this title, any reference in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding to the Director or any other officer or employee of the United States International Development Cooperation Agency (IDCA) or the Agency—

(1) insofar as such references relate to functions transferred under section 412(a), shall be deemed to refer to the Secretary of State;

(2) insofar as such references relate to functions transferred under section 412(b), shall be deemed to refer to the Administrator of the Agency for International Development; and

(3) insofar as such references relate to functions transferred under section 412(c), shall be deemed to refer to such agency or agencies as may be specified in the reorganization plan submitted under section 601.

SEC. 422. CONFORMING AMENDMENTS.

The following shall cease to be effective:

(1) Reorganization Plan Numbered 2 of 1979 (5 U.S.C. App.).

(2) Section 1–101 through 1–103, sections 1–401 through 1–403, section 1–801(a), and such other provisions that relate to the United States International Development Cooperation Agency or the Director of such Agency, of Executive Order No. 12163 (22 U.S.C. 2381 note; relating to administration of foreign assistance and related functions).

(3) The International Development Cooperation Agency Delegation of Authority Numbered 1 (44 Fed. Reg. 57521), except for section 1–6 of such Delegation of Authority.

(4) Section 3 of Executive Order No. 12884 (58 Fed. Reg. 64099; relating to the delegation of functions under the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992, the Foreign Assistance Act of 1961, the Foreign Operations, Export Financing and Related Programs Appropriations Act, 1993, and section 301 of title 3, United States Code).

TITLE V—AGENCY FOR INTERNATIONAL DEVELOPMENT

CHAPTER 1—GENERAL PROVISIONS

SEC. 501. EFFECTIVE DATE.

This title, and the amendments made by this title, shall take effect on the earlier of—

(1) October 1, 1998; or

(2) the date of reorganization of the Agency for International Development pursuant to the reorganization plan described in section 601.

CHAPTER 2—REORGANIZATION AND TRANSFER OF FUNCTIONS

SEC. 511. REORGANIZATION OF AGENCY FOR INTERNATIONAL DEVELOPMENT.

(a) IN GENERAL.—The Agency for International Development shall be reorganized in accordance with this division and the reorganization plan transmitted pursuant to section 601.

(b) FUNCTIONS TO BE TRANSFERRED.—The reorganization of the Agency for International Development shall provide, at a minimum, for the transfer to and consolidation with the Department of State of the following functions of the Agency:

(1) Press and public affairs.

(2) Legislative affairs.

CHAPTER 3—AUTHORITIES OF THE SECRETARY OF STATE

SEC. 521. DEFINITION OF UNITED STATES ASSISTANCE.

In this chapter, the term ''United States assistance'' means development and other economic assistance, including assistance made available under the following provisions of law:

(1) Chapter 1 of part I of the Foreign Assistance Act of 1961 (relating to development assistance).

(2) Chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund).

(3) Chapter 10 of part I of the Foreign Assistance Act of 1961 (relating to the Development Fund for Africa).

(4) Chapter 11 of part I of the Foreign Assistance Act of 1961 (relating to assistance for the independent states of the former Soviet Union).

(5) The Support for East European Democracy Act (22 U.S.C. 5401 et seq.).

(6) The FREEDOM Support Act (22 U.S.C. 5801 et seq.).

SEC. 522. PLACEMENT OF ADMINISTRATOR OF AID UNDER THE DIRECT AUTHORITY OF THE SECRETARY OF STATE.

The Administrator of the Agency for International Development, appointed pursuant to section 624(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2384(a)), shall serve under the direct authority of the Secretary of State.

SEC. 523. ASSISTANCE PROGRAMS COORDINATION, IMPLEMENTATION, AND OVERSIGHT.

(a) AUTHORITY OF THE SECRETARY OF STATE.—

(1) IN GENERAL.—Under the direction of the President, the Secretary of State shall coordinate all programs, projects, and activities of United States assistance in accordance with this section, except as provided in paragraphs (2) and (3).

(2) EXPORT PROMOTION ACTIVITIES.—Coordination of activities relating to promotion of exports of United States goods and services shall continue to be primarily the responsibility of the Secretary of Commerce.

(3) INTERNATIONAL ECONOMIC ACTIVITIES.—Coordination of activities relating to United States participation in international financial institutions and relating to organization of multilateral efforts aimed at currency stabilization, currency convertibility, debt reduction, and comprehensive economic reform programs shall continue to be primarily the responsibility of the Secretary of the Treasury.

(4) RELATION TO EXISTING LAW.—The responsibilities of the Secretary of State under this section are in addition to responsibilities of the Secretary under section 622(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2382(c)).

(b) COORDINATION ACTIVITIES.—Coordination activities of the Secretary of State under subsection (a) shall include—

(1) designing an overall assistance and economic cooperation strategy;

(2) ensuring program and policy coordination among agencies of the United States Government in carrying out the policies set forth in the Foreign Assistance Act of 1961, the Arms Export Control Act, and other relevant assistance Acts;

(3) pursuing coordination with other countries and international organizations;

(4) ensuring proper management, implementation, and oversight by agencies responsible for assistance programs; and

(5) resolving policy, program, and funding disputes among United States Government agencies.

(c) STATUTORY CONSTRUCTION.—Nothing in this section may be construed to lessen the accountability of any Federal agency administering any program, project, or activity of United States assistance for any funds made available to the agency for that purpose.

(d) AUTHORITY TO PROVIDE PERSONNEL OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT.—The Administrator of the Agency for International Development shall, upon request, detail to the Department of State on a nonreimbursable basis such personnel employed by the Agency as the Secretary of State may require to carry out this section.

SEC. 524. SENSE OF THE SENATE REGARDING APPORTIONMENT OF CERTAIN FUNDS TO THE SECRETARY OF STATE.

It is the sense of the Senate that the Director of the Office of Management and Budget should apportion United States assistance funds appropriated to the President under major functional budget category 150 (relating to international affairs) to the Secretary of State in lieu of the apportionment of those funds to the head of any other Federal agency.

TITLE VI—TRANSITION

CHAPTER 1—REORGANIZATION PLAN

SEC. 601. REORGANIZATION PLAN.

(a) SUBMISSION OF PLAN.—Not later than October 1, 1997, or the date that is 15 days after the date of the enactment of this Act, whichever occurs later, the President shall, in consultation with the Secretary and the heads of the agencies under subsection (b), transmit to the appropriate congressional committees a reorganization plan providing for—

(1) with respect to the United States Arms Control and Disarmament Agency, the United States Information Agency, and the United States International Development Cooperation Agency, the abolition of each agency in accordance with this division;

(2) with respect to the Agency for International Development, the consolidation and streamlining of the Agency and the transfer of certain functions of the Agency to the Department in accordance with section 511;

(3) with respect to the United States Information Agency, the transfer of certain functions of the Agency to the Department in accordance with section 313;

(4) the termination of functions of each agency that would be redundant if transferred to the Department, and the separation from service of employees of each such agency or of the Department not otherwise provided for in the plan;

(5) the transfer to the Department of the functions and personnel of each agency consistent with the provisions of this division; and

(6) the consolidation, reorganization, and streamlining of the Department upon the transfer of such functions and personnel in order to carry out such functions.

(b) COVERED AGENCIES.—The agencies under this subsection are the following:

(1) The United States Arms Control and Disarmament Agency.

(2) The United States Information Agency.

(3) The United States International Development Cooperation Agency.

(4) The Agency for International Development.

(c) PLAN ELEMENTS.—The plan transmitted under subsection (a) shall—

(1) identify the functions of each agency that will be transferred to the Department under the plan;

(2) identify the number of personnel and number of positions of each agency (including civil service personnel, Foreign Service personnel, and detailees) that will be transferred to the Department, separated from service with such agency, or eliminated under the plan, and set forth a schedule for such transfers, separations, and terminations;

(3) identify the number of personnel and number of positions of the Department (including civil service personnel, Foreign Service personnel, and detailees) that will be transferred within the Department, separated from service with the Department, or eliminated under the plan, and set forth a schedule for such transfers, separations, and terminations;

(4) specify the steps to be taken by the Secretary of State to reorganize internally the functions of the Department, including the consolidation of offices and functions, that will be required under the plan in order to permit the Department to carry out the functions transferred to it under the plan;

(5) specify the funds available to each agency that will be transferred to the Department as a result of the transfer of functions of such agency to the Department;

(6) specify the proposed allocations within the Department of unexpended funds transferred in connection with the transfer of functions under the plan;

(7) specify the proposed disposition of the property, facilities, contracts, records, and other assets and liabilities of each such agency in connection with the transfer of the functions of the agency to the Department; and

(8) recommend legislation necessary to carry out changes made by this division relating to personnel and to incidental transfers.

(d) REORGANIZATION PLAN OF AGENCY FOR INTERNATIONAL DEVELOPMENT.—In addition to applicable provisions of subsection (c), the reorganization plan transmitted under this section for the Agency for International Development—

(1) may provide for the abolition of the Agency for International Development and the transfer of all its functions to the Department of State; or

(2) in lieu of the abolition and transfer of functions under paragraph (1)—

(A) shall provide for the transfer to and consolidation within the Department of the functions of the agency set forth in section 511; and

(B) may provide for additional consolidation, reorganization, and streamlining of the Agency, including—

(i) the termination of functions and reductions in personnel of the Agency;

(ii) the transfer of functions of the Agency, and the personnel associated with such functions, to the Department; and

(iii) the consolidation, reorganization, and streamlining of the Department upon the transfer of such functions and personnel in order to carry out the functions transferred.

(e) MODIFICATION OF PLAN.—The President may, on the basis of consultations with the appropriate congressional committees, modify or revise the plan transmitted under subsection (a).

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—The reorganization plan described in this section, including any modifications or revisions of the plan under subsection (e), shall become effective on the earlier of the date for the respective agency specified in paragraph (2) or the date announced by the President under paragraph (3).

(2) STATUTORY EFFECTIVE DATES.—The effective dates under this paragraph for the reorganization plan described in this section are the following:

(A) October 1, 1998, with respect to functions of the Agency for International Development described in section 511.

(B) October 1, 1998, with respect to functions of the United States Information Agency described in section 313.

(C) October 1, 1998, with respect to the abolition of the United States Arms Control and Disarmament Agency and the United States International Development Cooperation Agency.

(D) October 1, 1999, with respect to the abolition of the United States Information Agency (other than as described in subparagraph (B)).

(3) EFFECTIVE DATE BY PRESIDENTIAL DETERMINATION.—An effective date under this paragraph for a reorganization plan described in this section is such date as the President shall determine to be appropriate and announce by notice published in the Federal Register, which date may be not earlier than 60 calendar days (excluding any day on which either House of Congress is not in session because of an adjournment sine die or because of an adjournment of more than 3 days to a day certain) after the President has transmitted the reorganization plan to the appropriate congressional committees pursuant to subsection (a).

(4) STATUTORY CONSTRUCTION.—Nothing in this subsection may be construed to require the transfer of functions, personnel, records, balance of appropriations, or other assets of an agency on a single date.

(5) SUPERSEDES EXISTING LAW.—Paragraph (1) shall apply notwithstanding section 905(b) of title 5, United States Code.

CHAPTER 2—REORGANIZATION AUTHORITY

SEC. 611. REORGANIZATION AUTHORITY.

(a) IN GENERAL.—The Secretary is authorized, subject to the requirements of this division, to allocate or reallocate any function transferred to the Department under any title of this division among the officers of the Department, and to establish, consolidate, alter, or discontinue such organizational entities within the Department as may be necessary or appropriate to carry out any reorganization under this division, but the authority of the Secretary under this section does not extend to—

(1) the abolition of organizational entities or officers established by this Act or any other Act; or

(2) the alteration of the delegation of functions to any specific organizational entity or officer required by this Act or any other Act.

(b) REQUIREMENTS AND LIMITATIONS ON REORGANIZATION PLAN.—The reorganization plan under section 601 may not have the effect of—

(1) creating a new executive department;

(2) continuing a function beyond the period authorized by law for its exercise or beyond the time when it would have terminated if the reorganization had not been made;

(3) authorizing an agency to exercise a function which is not authorized by law at the time the plan is transmitted to Congress;

(4) creating a new agency which is not a component or part of an existing executive department or independent agency; or

(5) increasing the term of an office beyond that provided by law for the office.

SEC. 612. TRANSFER AND ALLOCATION OF APPROPRIATIONS AND PERSONNEL.

(a) IN GENERAL.—Except as otherwise provided in this Act, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available in connection with the functions and offices, or portions thereof transferred by any title of this division, subject to section 1531 of title 31, United States Code, shall be transferred to the Secretary for appropriate allocation.

(b) LIMITATION ON USE OF TRANSFERRED FUNDS.—Unexpended and unobligated funds transferred pursuant to any title of this division shall be used only for the purposes for which the funds were originally authorized and appropriated.

SEC. 613. INCIDENTAL TRANSFERS.

The Director of the Office of Management and Budget, in consultation with the Secretary, is authorized to make such incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of any title of this division. The Director of the Office of Management

and Budget, in consultation with the Secretary, shall provide for the termination of the affairs of all entities terminated by this division and for such further measures and dispositions as may be necessary to effectuate the purposes of any title of this division.

SEC. 614. SAVINGS PROVISIONS.

(a) CONTINUING LEGAL FORCE AND EFFECT.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(1) that have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions that are transferred under any title of this division; and

(2) that are in effect at the time such title takes effect, or were final before the effective date of such title and are to become effective on or after the effective date of such title,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary, or other authorized official, a court of competent jurisdiction, or by operation of law.

(b) PENDING PROCEEDINGS.—(1) The provisions of any title of this division shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending on the effective date of any title of this division before any department, agency, commission, or component thereof, functions of which are transferred by any title of this division. Such proceedings and applications, to the extent that they relate to functions so transferred, shall be continued.

(2) Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this division had not been enacted. Orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by the Secretary, by a court of competent jurisdiction, or by operation of law.

(3) Nothing in this division shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this division had not been enacted.

(4) The Secretary is authorized to promulgate regulations providing for the orderly transfer of proceedings continued under this subsection to the Department.

(c) NO EFFECT ON JUDICIAL PROCEEDINGS.—Except as provided in subsection (e)—

(1) the provisions of this division shall not affect suits commenced prior to the effective date of this Act, and

(2) in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and effect as if this division had not been enacted.

(d) NONABATEMENT OF PROCEEDINGS.—No suit, action, or other proceeding commenced by or against any officer in the official capacity of such individual as an officer of any department or agency, functions of which are transferred by any title of this division, shall abate by reason of the enactment of this division. No cause of action by or against any department or agency, functions of which are transferred by any title of this division, or by or against any officer thereof in the official capacity of such officer shall abate by reason of the enactment of this division.

(e) CONTINUATION OF PROCEEDING WITH SUBSTITUTION OF PARTIES.—If, before the date on which any title of this division takes effect, any department or agency, or officer thereof in the official capacity of such officer, is a party to a suit, and under this division any function of such department, agency, or officer is transferred to the Secretary or any other official of the Department, then such suit shall be continued with the Secretary or other appropriate official of the Department substituted or added as a party.

(f) REVIEWABILITY OF ORDERS AND ACTIONS UNDER TRANSFERRED FUNCTIONS.—Orders and actions of the Secretary in the exercise of functions transferred under any title of this division shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the agency or office, or part thereof, exercising such functions immediately preceding their transfer. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function transferred by any title of this division shall apply to the exercise of such function by the Secretary.

SEC. 615. PROPERTY AND FACILITIES.

The Secretary shall review the property and facilities transferred to the Department under this division to determine whether such property and facilities are required by the Department.

SEC. 616. AUTHORITY OF SECRETARY OF STATE TO FACILITATE TRANSITION.

Prior to, or after, any transfer of a function under any title of this division, the Secretary is authorized to utilize—

(1) the services of such officers, employees, and other personnel of an agency with respect to functions that will be or have been transferred to the Department by any title of this division; and

(2) funds appropriated to such functions for such period of time as may reasonably be needed to facilitate the orderly implementation of any title of this division.

SEC. 617. FINAL REPORT.

Not later than January 1, 2000, the President, in consultation with the Secretary of the Treasury and the Director of the Office of Management and Budget shall submit to the appropriate congressional committees a report which provides a final accounting of the finances and operations of the agencies abolished under this division.

TITLE VII—FUNCTIONS, CONDUCT, AND STRUCTURE OF UNITED STATES FOREIGN POLICY FOR THE 21ST CENTURY.

SEC. 701. FINDINGS.

Congress makes the following findings:

(1) The United States has prevailed after a half-century of Cold War and must now redesign diplomacy to meet the different challenges of a new and changed international context.

(2) The security of the United States requires that the United States maintain an effective, professional diplomacy, working in concert with the national intelligence and defense forces of the United States.

(3) With modern communications and accelerating technological change, the world is ever more interdependent.

(4) Because 30 percent of the United States gross domestic product is trade-related and every one billion dollars of United States exports represents 20,000 American jobs, national prosperity requires assured access to foreign markets and our diplomacy promotes and defends that access.

(5) American consumers and American industry count upon the availability of foreign goods and raw materials.

(6) The new international agenda includes the following pressing issues, which the Cold War diplomatic structure of the United States is not framed to address adequately: intellectual property rights, refugee migrations, runaway immigration, ethnic conflict, narcotics, international terrorism, epidemic disease, human rights, the advancement of democracy and of market economic systems in developing countries, and a hospitable natural environment.

(7) The United States, as the one remaining global power, must provide global leadership to address these issues that affect Americans.

(8) It is in the national interest to review the functions, conduct, and structure of United States foreign policy for the 21st century.

SEC. 702. ESTABLISHMENT.

There is established a commission to be known as the Commission on the Functions, Conduct, and Structure of United States Foreign Policy for the 21st Century (in this title referred to as the ''Commission'').

SEC. 703. COMPOSITION AND QUALIFICATIONS.

(a) MEMBERSHIP.—The Commission shall be composed of 9 members who shall be United States citizens who have substantial experience with and expertise in the operations of the foreign affairs agencies of the Federal Government, to be selected as follows:

(1) Five members shall be appointed by the President, at least 3 of whom shall have held senior positions in at least 1 foreign affairs agency of the Federal Government, except that not more than 3 members may be appointed from the same political party.

(2) One member shall be appointed by the Majority Leader of the Senate.

(3) One member shall be appointed by the Minority Leader of the Senate.

(4) One member shall be appointed by the Speaker of the House of Representatives.

(5) One member shall be appointed by the Minority Leader of the House of Representatives.

(b) CHAIR AND VICE CHAIR.—The President shall designate, in consultation with the Majority Leader of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives, 2 of the members of the Commission to serve as Chair and Vice Chair, respectively.

(c) PERIOD OF APPOINTMENT, VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers but shall be filled expeditiously in the same manner as the original appointment.

(d) DEADLINE FOR APPOINTMENTS.—The appointments required by subsection (a) shall, to the extent practicable, be made within 30 days after the date of enactment of this Act.

(e) MEETINGS.—

(1) FREQUENCY OF MEETINGS.—The Commission shall meet upon request of the Chair but not less than once every 2 months for the duration of the Commission.

(2) FIRST MEETING.—The Commission shall hold its first meeting not later than 2 months after the date of enactment of this Act.

(f) QUORUM.—Five members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings, take testimony, or receive evidence.

(g) SECURITY CLEARANCES.—Appropriate security clearances shall be required for members of the Commission. Such clearances shall be processed and completed on an expedited basis by appropriate elements of the executive branch of Government and shall, in any case, be completed within 60 days after the date such members are appointed.

SEC. 704. DUTIES OF THE COMMISSION.

(a) IN GENERAL.—It shall be the duty of the Commission—

(1) to review the functions required of United States foreign policy to assure continued United States global leadership in the 21st century;

(2) to assess the effectiveness and adequacy of the current structures, procedures, and priorities of foreign policy decisionmaking and management, and, if necessary, to consider alternatives;

(3) to evaluate the general level and apportionment of resources necessary to promote United States interests, values, and principles abroad and to assess the contribution of diplomatic functions to the national security of the United States; and

(4) to submit reports and recommendations as described in section 705.

(b) IMPLEMENTATION.—In carrying out subsection (a), the Commission shall consult with appropriate officers of the executive branch of Government and appropriate Members of Congress and shall specifically consider the following:

(1) What should be the operating principles and functions of the foreign affairs bureaucracies of the United States?

(2) Is the apparatus for formulating and executing the foreign affairs policies of the United States organized most effectively to achieve its aims, particularly with respect to the nonmilitary aspects of the President's national security strategy?

(3) What are the implications for the functions, resources, and structures of the foreign affairs agencies of the United States of fundamental changes in the international environment, especially advances in information technology, economic interdependence, and the emergence of rival countries or interests?

(4) Is the overseas representation of the United States Government of adequate size, properly distributed, and supported with sufficient resources to advocate effectively the national interests, values, and principles of the United States?

(5) Are the foreign affairs agencies structured to best advance the national interests, values, and principles of the United States?

(6) Do the current personnel systems of the foreign affairs agencies produce individuals trained and supported in the skills necessary to project American leadership abroad in the 21st century?

(7) What level and allocation among foreign affairs agencies and functions of resources are necessary to promote effectively United States national interests, values, and principles?

(8) What is the rationale, mission, and mechanism for delivering foreign assistance? Could such resources be better managed and delivered through private entities or other organizations?

(9) How should multilateral institutions, coalition building, and unilateral actions be used to promote American national interests, values, and principles abroad? What is the most effective way to coordinate the foreign policy interests of special interest groups, including nongovernmental organizations?

(10) How should coordination be improved and resources be allocated between all the United States foreign affairs agencies?

(11) What is the appropriate mechanism for determining the appropriate level of representation overseas of each department or agency of the United States?

(12) What is the appropriate mechanism to foster cooperation and coordination between the Department of the State and all departments or agencies of the United States abroad?

(13) How can consultation and cooperation be improved between the executive and legislative branches of Government in the formulation, execution, and evaluation of American foreign policy interests so that the United States can maximize its international effectiveness and speak with a strong voice on vital American interests, values, and principles?

SEC. 705. COMMISSION REPORTS.

(a) INITIAL REPORT.—Not later than 2 months after the date of enactment of this Act, the Commission shall transmit to Congress, the President, and the Secretary of State a report describing its plan to carry out the work of the Commission.

(b) PRELIMINARY REPORT.—Before the submission of the report required by subsection (c), but not later than 6 months after the date of enactment of this Act, the Commission shall submit a report to the Secretary of State a report on its preliminary findings and recommendations.

(c) FINAL REPORT ON FINDINGS AND RECOMMENDATIONS.—

(1) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Commission shall submit to the President, the Secretary of State, and Congress a report describing the activities, findings, and recommendations of the Commission.

(2) LEGISLATIVE RECOMMENDATIONS.—In addition to the requirements of paragraph (1), the report shall make recommendations that may be implemented through the enactment of legislation or the issuance of an Executive order, as appropriate.

(d) INTERIM REPORTS ON IMPLEMENTATION.—The Commission shall submit to the President, the Secretary of State, and Congress such interim reports on the status of implementation of recommendations as it deems necessary and appropriate.

(e) EVALUATION OF IMPLEMENTATION.—The members of the Commission shall make themselves available to relevant committees of Congress to discuss their views of the implementation of recommendations and proposals submitted by the Secretary of State in compliance with the provisions of this title.

SEC. 706. POWERS.

(a) HEARINGS.—The Commission or, at its direction, any panel of members of the Commission, may, for the purpose of carrying out the provisions of this title, hold hearings, take testimony, receive evidence, and administer oaths to the extent that the Commission or any panel considers advisable.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency information that the Commission considers necessary to enable the Commission to carry out its responsibilities under this section. Upon the request of the Chair of the Commission, the head of any such department or agency shall furnish such information expeditiously to the Commission.

(c) POSTAL, PRINTING, AND BINDING SERVICES.—The Commission may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) PANELS.—The Commission may establish panels composed of less than the full membership of the Commission for the purpose of carrying out the Commission's duties. The action of each panel shall be subject to the review and control of the Commission. Any findings and determinations made by such a panel shall not be considered the findings and determinations of the Commission unless approved as such by the Commission.

(e) AUTHORITY OF INDIVIDUALS TO ACT FOR THE COMMISSION.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take under this title.

SEC. 707. PERSONNEL.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission who is a private United States citizen shall be compensated at a level not greater than the daily equivalent of the annual rate of basic pay payable for level III of the Executive Schedule under section 5317 of title 5, United States Code, for each full day (including travel time) during which the member is engaged in the performance of the duties of the Commission. Any member of the Commission who is already a Government employee shall continue to be paid at the same rate by the employing department or agency on a nonreimbursable basis.

(b) TRAVEL EXPENSES.—Each member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 58 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chair of the Commission may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive services, appoint a staff director, subject to the approval of the Commission, and such additional personnel as necessary to enable the Commission to perform its duties.

(2) COMPENSATION.—The Chair of the Commission may fix the pay of the staff director and other personnel without regard to the provisions of chapter 51 or subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay fixed under this paragraph for the staff director may not exceed the rate payable for level III of the Executive Schedule under section 5316 of such title and the rate of pay for other personnel may not exceed the maximum rate payable for grade GS–15 of the General Schedule.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Upon the request of the Chair of the Commission, the head of any Federal department or agency is authorized and encouraged to detail, on a nonreimbursable basis, any personnel of that department or agency to the Commission to assist it in carrying out its functions.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chair of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay payable for level IV of the Executive Schedule under section 5316 of such title.

(f) ADMINISTRATIVE AND SUPPORT SERVICES.—The Secretary of State may furnish the Commission any administrative and support services requested by the Commission consistent with this title. The Department of State shall be reimbursed for any costs for these services by other appropriate Federal departments and agencies on a basis consistent with worldwide levels of international cooperative administrative support system participation and funding.

SEC. 708. PAYMENT OF COMMISSION EXPENSES.

The compensation, travel expenses, and per diem allowances of members and employees of the Commission, and other expenses of the Commission shall be paid out of funds appropriated by Congress.

SEC. 709. TERMINATION.

The Commission shall terminate upon submission of the final report on findings and recommendations, section 705(c), except as provided for in section 705(e).

SEC. 710. EXECUTIVE BRANCH ACTION.

(a) SECRETARY OF STATE'S REVIEW.—Promptly after the date of enactment of this Act, the Secretary of State, in consultation with the heads of all other affected Federal departments and agencies, shall initiate a review of the functions, conduct, and structure of United States foreign relations in the same manner and to the same extent as the review conducted by the Commission under section 704.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Secretary may secure directly from any Federal department or agency information necessary to carry out the responsibilities under this section. Upon the request of the Secretary, the head of any such department or agency shall furnish such information expeditiously.

(c) INITIAL REPORT.—Not later than 2 months after the date of enactment of this Act, the Secretary of State, in consultation with the heads of all other affected departments and agencies, shall transmit to Congress a report describing the plan of the Secretary of State to carry out the review.

(d) PRELIMINARY REPORT.—Not later than 6 months after the date of enactment of this Act, the Secretary of State, in consultation with the heads of all other affected departments and agencies, shall submit to the Commission a report of preliminary findings and recommendations.

(e) FINAL REPORT ON FINDINGS AND PROPOSALS.—Not later than 18 months after the date of

enactment of this Act, the Secretary of State, in consultation with the heads of all other affected foreign affairs agencies, shall submit to Congress a report describing the activities and findings of the Secretary's review and shall include specific proposals for recommended reforms, including those requiring legislative action or Executive order. The report shall respond to, and wherever appropriate, incorporate the findings and recommendations of the Commission as described in section 705(c).

SEC. 711. ANNUAL FOREIGN AFFAIRS STRATEGY REPORT.

Not later than 1 year after the date of enactment of this Act, and on an annual basis thereafter, the Secretary of State, consistent with section 306 of title 5, and section 1115 of title 31, United States Code, and in consultation with the heads of all other foreign affairs agencies, shall submit to Congress in both classified and unclassified versions an annual national foreign relations strategy report describing the priorities and resources required to advance successfully the national interests, values, and principles of the United States.

SEC. 712. DEFINITION OF FOREIGN AFFAIRS AGENCIES.

In this title, the term ''foreign affairs agencies'' includes the following:

(1) The Department of State.

(2) The United States Agency for International Development.

(3) The United States Information Agency.

(4) The United States Arms Control and Disarmament Agency.

(5) The Overseas Private Investment Corporation.

(6) Appropriate elements of the Department of the Treasury.

(7) Appropriate elements of the Department of Defense.

(8) Appropriate elements of the Department of Justice (including the Drug Enforcement Administration and the Federal Bureau of Investigation).

(9) Appropriate elements of the Department of Agriculture.

(10) Office of the United States Trade Representative.

(11) The National Security Council staff.

(12) The Trade and Development Agency.

(13) Appropriate elements of the Department of Commerce.

DIVISION B—FOREIGN RELATIONS AUTHORIZATION

TITLE X—GENERAL PROVISIONS

SEC. 1001. SHORT TITLE.

This division may be cited as the ''Foreign Relations Authorization Act, Fiscal Years 1998 and 1999''.

SEC. 1002. DEFINITION.

In this division, the term ''appropriate congressional committees'' means the Committees on Foreign Relations and Appropriations of the Senate and the Committees on International Relations and Appropriations of the House of Representatives.

TITLE XI—DEPARTMENT OF STATE AND RELATED AGENCIES

CHAPTER 1—AUTHORIZATIONS OF APPROPRIATIONS

SEC. 1101. AUTHORIZATIONS OF APPROPRIATIONS FOR ADMINISTRATION OF FOREIGN AFFAIRS.

The following amounts are authorized to be appropriated for the Department of State under ''Administration of Foreign Affairs'' to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law, including the diplomatic security program:

(1) DIPLOMATIC AND CONSULAR PROGRAMS.—For ''Diplomatic and Consular Programs'' of the Department of State, $1,746,977,000 for the fiscal year 1998, and $1,764,447,000 for the fiscal year 1999.

(2) SALARIES AND EXPENSES.—For ''Salaries and Expenses'' of the Department of State, $363,513,000 for the fiscal year 1998, and $367,148,000 for the fiscal year 1999.

(3) SECURITY AND MAINTENANCE OF BUILDINGS ABROAD.—For ''Security and Maintenance of Buildings Abroad'', $373,081,000 for the fiscal year 1998, and $376,811,000 for the fiscal year 1999.

(4) CAPITAL INVESTMENT FUND.—For the ''Capital Investment Fund'' of the Department of the State, $64,600,000 for the fiscal year 1998, and $64,600,000 for the fiscal year 1999.

(5) REPRESENTATION ALLOWANCES.—For ''Representation Allowances'', $4,100,000 for the fiscal year 1998, and $4,100,000 for the fiscal year 1999.

(6) EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE.—For ''Emergencies in the Diplomatic and Consular Service'', $5,500,000 for the fiscal year 1998, and $5,500,000 for the fiscal year 1999.

(7) OFFICE OF THE INSPECTOR GENERAL.—For ''Office of the Inspector General'', $28,300,000 for the fiscal year 1998, and $28,300,000 for the fiscal year 1999.

(8) PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN.—For ''Payment to the American Institute in Taiwan'', $14,490,000 for the fiscal year 1998, and $14,600,000 for the fiscal year 1999.

(9) PROTECTION OF FOREIGN MISSIONS AND OFFICIALS.—(A) For ''Protection of Foreign Missions and Officials'', $7,900,000 for the fiscal year 1998, and $8,000,000 for the fiscal year 1999.

(B) Each amount appropriated pursuant to this paragraph is authorized to remain available for two fiscal years.

(10) REPATRIATION LOANS.—For ''Repatriation Loans'', $1,200,000 for the fiscal year 1998, and $1,200,000 for the fiscal year 1999, for administrative expenses.

SEC. 1102. MIGRATION AND REFUGEE ASSISTANCE.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for ''Migration and Refugee Assistance'' for authorized activities, $650,000,000 for the fiscal year 1998, and $650,000,000 for the fiscal year 1999.

(b) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to subsection (a) are authorized to remain available until expended.

SEC. 1103. ASIA FOUNDATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of State to make grants to ''The Asia Foundation'', pursuant to The Asia Foundation Act (title IV of Public Law 98–164), $8,000,000 for the fiscal year 1998, and $8,000,000 for the fiscal year 1999.

(b) CONFORMING AMENDMENT.—The first sentence of section 403(a) of The Asia Foundation Act (22 U.S.C. 4402) is amended by striking ''with'' and all that follows through ''404''.

CHAPTER 2—AUTHORITIES AND ACTIVITIES

SEC. 1121. REDUCTION IN REQUIRED REPORTS.

(a) AMENDMENT AND REPEALS.—

(1) AMENDMENT.—Section 40(g)(2) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2712(g)(2)) is amended by striking ''six months'' and inserting ''12 months''.

(2) REPEALS.—The following provisions of law are repealed:

(A) The second sentence of section 161(c) of the Foreign Relations Authorization Act, Fiscal Year 1990 and 1991 (22 U.S.C. 4171 note).

(B) Section 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(b)).

(C) Section 705(c) of the International Security and Development Cooperation Act of 1985 (Public Law 99–83).

(D) Section 123(e)(2) of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (Public Law 99–93).

(E) Section 203(c) of the Special Foreign Assistance Act of 1986 (Public Law 99–529).

(F) Sections 5 and 6 of the Act entitled ''An Act providing for the implementation of the International Sugar Agreement, 1977, and for other purposes'' (Public Law 96–236; 7 U.S.C. 3605 and 3606).

(G) Section 514 of the Foreign Assistance and Related Programs Appropriations Act, 1982 (Public Law 97–121).

(H) Section 209 (c) and (d) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100–204).

(I) Section 228(b) of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (Public Law 102–138; 22 U.S.C. 2452 note).

(b) PROGRESS TOWARD REGIONAL NONPROLIFERATION.—Section 620F(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2376(c); relating to periodic reports on progress toward regional nonproliferation) is amended by striking ''Not later than April 1, 1993 and every six months thereafter,'' and inserting ''Not later than April 1 of each year,''.

(c) REPORT ON OVERSEAS VOTER PARTICIPATION.—Section 101(b)(6) of the Uniformed and Overseas Citizens Absentee Voting Act of 1986 (42 U.S.C. 1973ff(b)(6)) is amended by striking ''of voter participation'' and inserting ''of uniformed services voter participation, a general assessment of overseas nonmilitary participation,''.

SEC. 1122. AUTHORITY OF THE FOREIGN CLAIMS SETTLEMENT COMMISSION.

Section 4(a) of the International Claims Settlement Act of 1949 (22 U.S.C. 1623) is amended—

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

(2) in the first sentence, by striking ''(a) The'' and all that follows through the period and inserting the following:

''(a)(1) The Commission shall have jurisdiction to receive, examine, adjudicate, and render final decisions with respect to claims of the Government of the United States and of nationals of the United States—

''(A) included within the terms of the Yugoslav Claims Agreement of 1948;

''(B) included within the terms of any claims agreement concluded on or after March 10, 1954, between the Government of the United States and a foreign government (exclusive of governments against which the United States declared the existence of a state of war during World War II) similarly providing for the settlement and discharge of claims of the Government of the United States and of nationals of the United States against a foreign government, arising out of the nationalization or other taking of property, by the agreement of the Government of the United States to accept from that government a sum in en bloc settlement thereof; or

''(C) included in a category of claims against a foreign government which is referred to the Commission by the Secretary of State.''; and

(3) by redesignating the second sentence as paragraph (2).

SEC. 1123. PROCUREMENT OF SERVICES.

Section 38(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2710(c)) is amended by inserting ''personal or'' before ''other support services''.

SEC. 1124. FEE FOR USE OF DIPLOMATIC RECEPTION ROOMS.

Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.) is amended by adding at the end the following new section:

''SEC. 54. FEE FOR USE OF DIPLOMATIC RECEPTION ROOMS.

''The Secretary of State is authorized to charge a fee for use of the Department of State diplomatic reception rooms to recover the costs of such use. Fees collected under the authority of this section, including reimbursements, surcharges and fees, shall be deposited as an offsetting collection to any Department of State appropriation to recover the costs of such use and shall remain available for obligation until expended. The Secretary shall, at the time of the submission of the budget pursuant to section

1105 of title 31, United States Code, submit a report to Congress describing each such transaction.''.

SEC. 1125. PROHIBITION ON JUDICIAL REVIEW OF DEPARTMENT OF STATE COUNTER-TERRORISM AND NARCOTICS-RELATED REWARDS PROGRAM.

Section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708) is amended—

(1) in subsection (a)(1), by inserting '', in the sole discretion of the Secretary,'' after ''rewards may be paid'';

(2) by redesignating subsection (i) as subsection (j); and

(3) by inserting after subsection (h) the following:

''(i) JUDICIAL REVIEW.—A determination made by the Secretary of State under this section shall be final and conclusive and shall not be subject to judicial review.''.

SEC. 1126. OFFICE OF THE INSPECTOR GENERAL.

(a) PROCEDURES.—Section 209(c) of the Foreign Service Act of 1980 (22 U.S.C. 3929(c)) is amended by adding at the end the following:

''(4) The Inspector General shall develop and provide to employees—

''(A) information detailing their rights to counsel; and

''(B) guidelines describing in general terms the policies and procedures of the Office of Inspector General with respect to individuals under investigation, other than matters exempt from disclosure under other provisions of law.''.

(b) REPORT.—

(1) IN GENERAL.—Not later than April 30, 1998, the Inspector General of the Department of State shall submit a report to the appropriate congressional committees which includes the following information:

(A) Detailed descriptions of the internal guidance developed or used by the Office of the Inspector General with respect to public disclosure of any information related to an ongoing investigation of any employee or official of the Department of State, the United States Information Agency, or the United States Arms Control and Disarmament Agency.

(B) Detailed descriptions of those instances for the year ending December 31, 1997, in which any disclosure of information to the public by an employee of the Office of Inspector General about an ongoing investigation occurred, including details on the recipient of the information, the date of the disclosure, and the internal clearance process for the disclosure.

(2) EXCLUSION.—Disclosure of information to the public under this section does not include information shared by an employee of the Inspector General Office with Members of Congress.

SEC. 1127. REAFFIRMING UNITED STATES INTERNATIONAL TELECOMMUNICATIONS POLICY.

(a) PROCUREMENT POLICY.—It is the policy of the United States to foster and support procurement of goods and services from private, commercial companies.

(b) IMPLEMENTATION.—In order to achieve the policy set forth in subsection (a), the Diplomatic Telecommunications Service Program Office (DTS-PO) shall—

(1) utilize full and open competition in the procurement of telecommunications services, including satellite space segment, for the Department of State and each other Federal entity represented at United States diplomatic missions and consular ports overseas;

(2) make every effort to ensure and promote the participation of commercial private sector providers of satellite space segment who have no ownership or other connection with an intergovernmental satellite organization; and

(3) implement the competitive procedures required by paragraphs (1) and (2) at the prime contracting level and, to the greatest extent practicable, the subcontracting level.

SEC. 1128. COUNTERDRUG AND ANTI-CRIME ACTIVITIES OF THE DEPARTMENT OF STATE.

(a) COUNTERDRUG AND LAW ENFORCEMENT STRATEGY.—

(1) REQUIREMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary of State shall establish, implement, and submit to Congress a comprehensive, long-term strategy to carry out the counterdrug responsibilities of the Department of State in a manner consistent with the National Drug Control Strategy. The strategy shall involve all elements of the Department in the United States and abroad.

(2) OBJECTIVES.—In establishing the strategy, the Secretary shall—

(A) coordinate with the Office of National Drug Control Policy in the development of clear, specific, and measurable counterdrug objectives for the Department that support the goals and objectives of the National Drug Control Strategy;

(B) develop specific, and to the maximum extent practicable, quantifiable measures of performance relating to the objectives, including annual and long-term measures of performance, for purposes of assessing the success of the Department in meeting the objectives;

(C) assign responsibilities for meeting the objectives to appropriate elements of the Department;

(D) develop an operational structure within the Department that minimizes impediments to meeting the objectives;

(E) ensure that every United States ambassador or chief of mission is fully briefed on the strategy and works to achieve the objectives; and

(F) ensure that all budgetary requests and transfers of equipment (including the financing of foreign military sales and the transfer of excess defense articles) relating to international counterdrug efforts conforms to meet the objectives.

(3) REPORTS.—Not later than February 15 each year, the Secretary shall submit to Congress an update of the strategy submitted under paragraph (1). The update shall include an outline of the proposed activities with respect to the strategy during the succeeding year, including the manner in which such activities will meet the objectives set forth in paragraph (2).

(4) LIMITATION ON DELEGATION.—The Secretary shall designate an official in the Department who reports directly to the Secretary to oversee the implementation of the strategy throughout the Department.

(b) INFORMATION ON INTERNATIONAL CRIMINALS.—

(1) INFORMATION SYSTEM.—The Secretary shall, in consultation with the heads of appropriate United States law enforcement agencies, including the Attorney General and the Secretary of the Treasury, take appropriate actions to establish an information system or improve existing information systems containing comprehensive information on serious crimes committed by foreign nationals. The information system shall be available to United States embassies and missions abroad for use in consideration of applications for visas for entry into the United States.

(2) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report on the actions taken under paragraph (1).

(c) OVERSEAS COORDINATION OF COUNTERDRUG AND ANTI-CRIME PROGRAMS, POLICY, AND ASSISTANCE.—

(1) STRENGTHENING COORDINATION.—The responsibilities of every foreign mission of the United States shall include the strengthening of cooperation between and among the United States and foreign governmental entities and multilateral entities with respect to activities relating to international narcotics and crime.

(2) DESIGNATION OF OFFICERS.—

(A) IN GENERAL.—The chief of mission of every foreign mission shall designate an officer or officers within the mission to carry out the responsibility of the mission under paragraph (1), including the coordination of counterdrug programs, policy, and assistance and law enforcement programs, policy, and assistance. Such officer or officers shall report to the chief of mission, or the designee of the chief of mission, on a regular basis regarding activities undertaken in carrying out such responsibility.

(B) REPORTS.—The chief of mission of every foreign mission shall submit to the Secretary on a regular basis a report on the actions undertaken by the mission to carry out such responsibility.

(3) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report on the status of any proposals for action or on action undertaken to improve staffing and personnel management at foreign missions in order to carry out the responsibility set forth in paragraph (1).

CHAPTER 3—PERSONNEL

SEC. 1131. ELIMINATION OF POSITION OF DEPUTY ASSISTANT SECRETARY OF STATE FOR BURDENSHARING.

Section 161 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 2651a note) is amended by striking subsection (f).

SEC. 1132. RESTRICTION ON LOBBYING ACTIVITIES OF FORMER UNITED STATES CHIEFS OF MISSION.

Section 207(d)(1) of title 18, United States Code, is amended—

(1) by striking ''or'' at the end of subparagraph (B);

(2) in subparagraph (C), by inserting ''or'' after ''title 3,''; and

(3) by inserting after subparagraph (C) the following new subparagraph:

''(D) serves in the position of chief of mission (as defined in section 102(3) of the Foreign Service Act of 1980),''.

SEC. 1133. RECOVERY OF COSTS OF HEALTH CARE SERVICES.

(a) AUTHORITIES.—Section 904 of the Foreign Service Act of 1980 (22 U.S.C. 4084) is amended—

(1) in subsection (a)—

(A) by striking ''and'' before ''members of the families of such members and employees''; and

(B) by inserting before the period '', and (for care provided abroad) such other persons as are designated by the Secretary of State, except that such persons shall be considered persons other than covered beneficiaries for purposes of subsections (g) and (h)'';

(2) in subsection (d) by inserting '', subject to the provisions of subsections (g) and (h)'' before the period; and

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

''(g)(1) In the case of a person who is a covered beneficiary, the Secretary of State is authorized to collect from a third-party payer the reasonable costs incurred by the Department of State on behalf of such person for health care services to the same extent that the covered beneficiary would be eligible to receive reimbursement or indemnification from the third-party payer for such costs.

''(2) If the insurance policy, plan, contract or similar agreement of that third-party payer includes a requirement for a deductible or copayment by the beneficiary of the plan, then the Secretary of State may collect from the third-party payer only the reasonable cost of the care provided less the deductible or copayment amount.

''(3) A covered beneficiary shall not be required to pay any deductible or copayment for health care services under this subsection.

''(4) No provision of any insurance, medical service, or health plan contract or agreement having the effect of excluding from coverage or limiting payment of charges for care in the following circumstances shall operate to prevent collection by the Secretary of State under paragraph (1) for—

''(A) care provided directly or indirectly by a governmental entity;

''(B) care provided to an individual who has not paid a required deductible or copayment; or

''(C) care provided by a provider with which the third party payer has no participation agreement.

''(5) No law of any State, or of any political subdivision of a State, and no provision of any contract or agreement shall operate to prevent or hinder recovery or collection by the United States under this section.

''(6) As to the authority provided in paragraph (1) of this subsection:

''(A) The United States shall be subrogated to any right or claim that the covered beneficiary may have against a third-party payer.

''(B) The United States may institute and prosecute legal proceedings against a third-party payer to enforce a right of the United States under this subsection.

''(C) The Secretary may compromise, settle, or waive a claim of the United States under this subsection.

''(7) The Secretary shall prescribe regulations for the administration of this subsection and subsection (h). Such regulations shall provide for computation of the reasonable cost of health care services.

''(8) Regulations prescribed under this subsection shall provide that medical records of a covered beneficiary receiving health care under this subsection shall be made available for inspection and review by representatives of the payer from which collection by the United States is sought for the sole purposes of permitting the third party to verify—

''(A) that the care or services for which recovery or collection is sought were furnished to the covered beneficiary; and

''(B) that the provision of such care or services to the covered beneficiary meets criteria generally applicable under the health plan contract involved, except that this subsection shall be subject to the provisions of paragraphs (2) and (4).

''(9) Amounts collected under this subsection, under subsection (h), or under any authority referred to in subsection (i), from a third-party payer or from any other payer shall be deposited as an offsetting collection to any Department of State appropriation and shall remain available until expended. Amounts deposited shall be obligated and expended only to the extent and in such amounts as are provided in advance in an appropriation Act.

''(10) In this section:

''(A) The term 'covered beneficiary' means an individual eligible to receive health care under this section whose health care costs are to be paid by a third-party payer under a contractual agreement with such payer.

''(B) The term 'services' as used in 'health care services' includes products.

''(C) The term 'third-party payer' means an entity that provides a fee-for-service insurance policy, contract or similar agreement through the Federal Employees Health Benefit program, under which the expenses of health care services for individuals are paid.

''(h) In the case of a person, other than a covered beneficiary, who receives health care services pursuant to this section, the Secretary of State is authorized to collect from such person the reasonable costs of health care services incurred by the Department of State on behalf of such person. The United States shall have the same rights against persons subject to the provisions of this subsection as against third-party payers covered by subsection (g).

''(i) Nothing in subsection (g) or (h) shall be construed as limiting any authority the Secretary otherwise has with respect to payment and obtaining reimbursement for the costs of medical treatment of an individual eligible under this section for health care.''.

(b) EFFECTIVE DATE.—The authorities of this section shall be effective beginning October 1, 1998.

SEC. 1134. NONOVERTIME DIFFERENTIAL PAY.

Title 5, United States Code, is amended—

(1) in section 5544(a), by inserting after the fourth sentence the following new sentence: ''For employees serving outside the United States in areas where Sunday is a routine workday and another day of the week is officially recognized as the day of rest and worship, the Secretary of State may designate the officially recognized day of rest and worship in lieu of Sunday as the day with respect to which additional pay is authorized by the preceding sentence.''; and

(2) in section 5546(a), by adding at the end the following new sentence: ''For employees serving outside the United States in areas where Sunday is a routine workday and another day of the week is officially recognized as the day of rest and worship, the Secretary of State may designate the officially recognized day of rest and worship in lieu of Sunday as the day with respect to which additional pay is authorized by the preceding sentence.''.

SEC. 1135. PILOT PROGRAM FOR FOREIGN AFFAIRS REIMBURSEMENT.

(a) FOREIGN AFFAIRS REIMBURSEMENT.—

(1) IN GENERAL.—Section 701 of the Foreign Service Act of 1980 (22 U.S.C. 4021) is amended—

(A) by redesignating subsection (d)(4) as subsection (g); and

(B) by inserting after subsection (d) the following new subsections:

''(e)(1) The Secretary of State may, as a matter of discretion, provide appropriate training and related services through the institution to employees of United States companies that are engaged in business abroad, and to the families of such employees.

''(2) In the case of companies that are under contract to provide services to the Department of State, the Secretary of State is authorized to provide job-related training and related services to the companies' employees who are performing such services.

''(3) Training under this subsection shall be on a space-available and reimbursable or advance-of-funds basis. Such reimbursements or advances shall be credited to the currently available applicable appropriation account.

''(4) Training and related services under this subsection is authorized only to the extent that it will not interfere with the institution's primary mission of training employees of the Department and of other agencies in the field of foreign relations.

''(5) Training under this subsection is not available for foreign language services.

''(f)(1) The Secretary of State is authorized to provide on a reimbursable basis training programs to Members of Congress or the Judiciary.

''(2) Legislative Branch staff members and employees of the Judiciary may participate on a reimbursable basis in training programs offered by the institution.

''(3) Reimbursements collected under this subsection shall be credited to the currently available applicable appropriation account.

''(4) Training under this subsection is authorized only to the extent that it will not interfere with the institution's primary mission of training employees of the Department and of other agencies in the field of foreign relations.''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on October 1, 1997.

(3) TERMINATION OF PROGRAM.—Effective October 1, 1999, section 701 of the Foreign Service Act of 1980 (22 U.S.C. 4021) is amended by redesignating subsection (g) as subsection (d)(4) and by striking subsections (e) and (f).

(b) FEES FOR USE OF NATIONAL FOREIGN AFFAIRS TRAINING CENTER.—Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669 et seq.) is amended by adding at the end the following new section:

''SEC. 53. FEES FOR USE OF THE NATIONAL FOREIGN AFFAIRS TRAINING CENTER.

''The Secretary is authorized to charge a fee for use of the Department of State's National Foreign Affairs Training Center Facility. Fees collected under this section, including reimbursements, surcharges and fees, shall be deposited as an offsetting collection to any Department of State appropriation to recover the costs of such use and shall remain available for obligation until expended.''.

(c) REPORTING ON PILOT PROGRAM.—One year after the date of enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees on the number of persons, including their business or government affiliation, who have taken advantage of the pilot program established under subsections (e) and (f) of section 701 of the Foreign Service Act of 1980 and section 53 of the State Department Basic Authorities Act of 1956, the amount of fees collected, and the impact of the program on the primary mission of the institute.

SEC. 1136. GRANTS TO OVERSEAS EDUCATIONAL FACILITIES.

Section 29 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2701) is amended by adding at the end the following: ''Notwithstanding any other provision of law, where the children of United States citizen employees of an agency of the United States Government who are stationed outside the United States attend educational facilities assisted by the Department of State under this section, such agency is authorized to make grants to, or otherwise to reimburse or credit with advance payment, the Department of State for funds used in providing assistance to such educational facilities.''.

SEC. 1137. GRANTS TO REMEDY INTERNATIONAL CHILD ABDUCTIONS.

Section 7 of the International Child Abduction Remedies Act (42 U.S.C. 11606; Public Law 100–300) is amended by adding at the end the following new subsection:

''(e) GRANT AUTHORITY.—The United States Central Authority is authorized to make grants to, or enter into contracts or agreements with, any individual, corporation, other Federal, State, or local agency, or private entity or organization in the United States for purposes of accomplishing its responsibilities under the convention and this Act.''.

SEC. 1138. FOREIGN SERVICE REFORM.

(a) APPOINTMENTS BY THE PRESIDENT.—Section 302(b) of the Foreign Service Act of 1980 (22 U.S.C. 3942(b)) is amended in the second sentence—

(1) by striking ''may elect to'' and inserting ''shall''; and

(2) by striking ''Service,'' and all that follows and inserting ''Service.''.

(b) PERFORMANCE PAY.—Section 405 of the Foreign Service Act of 1980 (22 U.S.C. 3965) is amended—

(1) in subsection (a), by striking ''Members'' and inserting ''Subject to subsection (e), members''; and

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

''(e) Notwithstanding any other provision of law, the Secretary of State may provide for recognition of the meritorious or distinguished service of a member of the Foreign Service described in subsection (a) (including members of the Senior Foreign Service) by means other than an award of performance pay in lieu of making such an award under this section.''.

(c) EXPEDITED SEPARATION OUT.—Not later than 90 days after the date of enactment of this Act, the Secretary of State shall develop and implement procedures to identify, and recommend for separation, members of the Foreign Service

ranked by promotion boards in the bottom five percent of their class for any two of the five preceding years.

SEC. 1139. LAW ENFORCEMENT AVAILABILITY PAY.

(a) LAW ENFORCEMENT AVAILABILITY PAY.—Section 5545a of title 5, United States Code, is amended—

(1) in subsection (a)(2), by striking ''(other than an officer occupying a position under title II of Public Law 99–399)'' and inserting '', including any special agent of the Diplomatic Security Service,''; and

(2) by amending subsection (h) to read as follows:

''(h) Availability pay under this section shall be—

''(1) 25 percent of the rate of basic pay for the position;

''(2) treated as part of basic pay for the purposes of—

''(A) sections 5595(c), 8114(e), 8331(3), 8431, and 8704(c) of this title and section 856 of the Foreign Service Act of 1980; and

''(B) such other purposes as may be expressly provided for by law or as the Office of Personnel Management may by regulations prescribe; and

''(3) treated as part of salary for purposes of sections 609(b)(1), 805, and 806 of the Foreign Service Act of 1980.''.

(b) CONFORMING AMENDMENT.—Section 5542(e) of title 5, United States Code, is amended by inserting '', or section 37(a)(3) of the State Department Basic Authorities Act of 1956,'' after ''section 3056(a) of title 18,''.

(c) IMPLEMENTATION.—Not later than the effective date of this section, each special agent of the Diplomatic Security Service under section 5545a of title 5, United States Code, as amended by this section, and the appropriate supervisory officer, to be designated by the Secretary of State, shall make an initial certification to the Secretary of State that the special agent is expected to meet the requirements of subsection (d) of such section 5545a. The Secretary of State may prescribe procedures necessary to administer this subsection.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first applicable pay period which begins on or after the 90th day following the date of enactment of this Act.

SEC. 1140. LAW ENFORCEMENT AUTHORITY OF DS SPECIAL AGENTS OVERSEAS.

Section 37 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2709) is amended—

(1) by striking ''and'' at the end of subsection (a)(4);

(2) by striking the period at the end of subsection (a)(5)(B) and inserting ''; and'';

(3) by adding at the end of subsection (a) the following:

''(6) conduct investigative leads or perform other law enforcement duties at the request of any duly authorized law enforcement agency while assigned to a United States Mission outside the United States.

Requests for investigative assistance from State and local law enforcement agencies under paragraph (6) shall be coordinated with the Federal law enforcement agency having jurisdiction over the subject matter for which assistance is requested.''; and

(4) by adding at the end the following:

''(d) AGENCIES NOT AFFECTED.—Nothing in subsection (a)(6) may be construed to limit or impair the authority or responsibility of any other Federal or State law enforcement agency with respect to its law enforcement functions.''.

SEC. 1141. LIMITATIONS ON MANAGEMENT ASSIGNMENTS.

Sec. 1017(e)(2) of the Foreign Service Act of 1980 (22 U.S.C. 4117(e)(2)) is amended to read as follows:

''(2) For the purposes of paragraph (1)(A)(ii) and paragraph (1)(B), the term 'management official' does not include chiefs of mission, principal officers or their deputies, administrative and personnel officers abroad, or individuals described in section 1002(12) (B), (C), and (D) who are not involved in the administration of this chapter or in the formulation of the personnel policies and programs of the Department.''.

CHAPTER 4—CONSULAR AND RELATED ACTIVITIES

SEC. 1151. CONSULAR OFFICERS.

(a) PERSONS AUTHORIZED TO ISSUE REPORTS OF BIRTHS ABROAD.—Section 33(2) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2705) is amended by adding at the end the following: ''For purposes of this paragraph, the term 'consular officer' includes any employee of the Department of State who is a United States citizen and who is designated by the Secretary of State to adjudicate nationality abroad pursuant to such regulations as the Secretary may prescribe.''.

(b) PROVISIONS APPLICABLE TO CONSULAR OFFICERS.—Section 31 of the Act of August 18, 1856 (Rev. Stat. 1689; 22 U.S.C. 4191), is amended by inserting after ''such officers'' the following: ''and to such other employees of the Department of State who are United States citizens as may be designated by the Secretary of State pursuant to such regulations as the Secretary may prescribe''.

(c) PERSONS AUTHORIZED TO AUTHENTICATE FOREIGN DOCUMENTS.—

(1) DEFINITION OF CONSULAR OFFICERS.—Section 3492(c) of title 18, United States Code, is amended by adding at the end the following: ''For purposes of this section and sections 3493 through 3496 of this title, the term 'consular officers' includes any officer or employee of the United States Government who is a United States citizen and who is designated to perform notarial functions pursuant to section 24 of the Act of August 18, 1856 (Rev. Stat. 1750; 22 U.S.C. 4221).''.

(2) DESIGNATED UNITED STATES CITIZENS PERFORMING NOTARIAL ACTS.—Section 24 of the Act of August 18, 1856 (Rev. Stat. 1750; 22 U.S.C. 4221) is amended by inserting after the first sentence: ''At any post, port, or place where there is no consular officer, the Secretary of State may authorize any other officer or employee of the United States Government serving overseas including persons employed as United States Government contractors, to perform such acts.''.

(d) PERSONS AUTHORIZED TO ADMINISTER OATHS.—Section 115 of title 35 of the United States Code is amended by adding at the end the following: ''For purposes of this section, the term 'consular officer' includes any officer or employee of the United States Government who is a United States citizen and who is designated to perform notarial functions pursuant to section 24 of the Act of August 18, 1856 (Rev. Stat. 1750; 22 U.S.C. 4221).''.

(e) NATURALIZATION FUNCTIONS.—Section 101(a)(9) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(9)) is amended by adding at the end the following new sentence: ''As used in title III, the term 'consular officer' includes any employee of the Department of State who is a United States citizen and who is designated by the Secretary of State to adjudicate nationality abroad pursuant to such regulations as the Secretary may prescribe.''.

SEC. 1152. REPEAL OF OUTDATED CONSULAR RECEIPT REQUIREMENTS.

The Act of August 18, 1856 (Revised Statutes 1726–28; 22 U.S.C. 4212–14), concerning accounting for consular fees, is repealed.

SEC. 1153. ELIMINATION OF DUPLICATE FEDERAL REGISTER PUBLICATION FOR TRAVEL ADVISORIES.

(a) FOREIGN AIRPORTS.—Section 44908(a) of title 49, United States Code, is amended—

(1) by inserting ''and'' at the end of paragraph (1);

(2) by striking paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

(b) FOREIGN PORTS.—Section 908(a) of the International Maritime and Port Security Act of 1986 (46 U.S.C. App. 1804(a)) is amended by striking the second sentence, relating to Federal Register publication by the Secretary of State.

SEC. 1154. INADMISSIBILITY OF MEMBERS OF FORMER SOVIET UNION INTELLIGENCE SERVICES.

Section 212(a)(3) of the Immigration and Naturalization Act (8 U.S.C. 1182(a)(3)) is amended by adding at the end the following new subparagraph:

''(F) MEMBERS OF FORMER SOVIET UNION INTELLIGENCE SERVICES.—Any alien who was employed by an intelligence service of the Soviet Union prior to the dissolution of the Soviet Union on December 31, 1991, is inadmissible, unless—

''(i) The Secretary of State, in consultation with the Attorney General and the Director of Central Intelligence, determines that it is in the national interest to admit the alien; or

''(ii) The admission of the alien is for the purpose of the alien's attendance at a scholarly conference or educational meeting in the United States.''.

SEC. 1155. DENIAL OF VISAS TO ALIENS WHO HAVE CONFISCATED PROPERTY CLAIMED BY NATIONALS OF THE UNITED STATES.

(a) DENIAL OF VISAS.—Except as otherwise provided in section 401 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (Public Law 104–114), and subject to subsection (b), the Secretary of State may deny the issuance of a visa to any alien who has confiscated or has directed or overseen the confiscation or expropriation of property the claim to which is owned by a national of the United States, or converts or has converted for personal gain confiscated or expropriated property the claim to which is owned by a national of the United States.

(b) EXCEPTION.—This section shall not apply to claims arising from any territory in dispute as a result of war between United Nations member states in which the ultimate resolution of the disputed territory has not been resolved.

(c) REPORTING REQUIREMENT.—

(1) LIST OF FOREIGN NATIONALS.—The Secretary of State shall direct the United States chief of mission in each country to provide the Secretary of State with a list of foreign nationals in that country who have confiscated or converted properties of nationals of the United States where the cases of confiscated or converted properties of nationals of the United States have not been fully resolved.

(2) REPORT.—Not later than 3 months after the date of enactment of this Act and not later than every 6 months thereafter, the Secretary of State shall submit to the Appropriations and Foreign Relations Committees of the Senate and the Appropriations and International Relations Committees of the House of Representatives a report—

(A) listing foreign nationals who could have been denied a visa under subsection (a) but were given a visa to travel to the United States; and

(B) an explanation as to why the visa was given.

SEC. 1156. INADMISSIBILITY OF ALIENS SUPPORTING INTERNATIONAL CHILD ABDUCTORS.

(a) AMENDMENT TO IMMIGRATION AND NATIONALITY ACT.—Section 212(a)(10)(C) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(C)) is amended—

(1) by redesignating clause (ii) as clause (iii);

(2) by inserting after clause (i) the following:

''(ii) ALIENS SUPPORTING ABDUCTORS AND RELATIVES OF ABDUCTORS.—Any alien who—

''(I) is known by the Department of State to have intentionally assisted an alien in the conduct described in clause (i),

''(II) is known by the Department of State to be intentionally providing material support or safe haven to an alien described in clause (i), or

''(III) is a spouse (other than the spouse who is the parent of the abducted child), child (other than the abducted child), parent, sibling, or agent of an alien described in clause (i), as designated at the discretion of the Secretary of State,

is inadmissible until the child described in clause (i) is surrendered to the person granted custody by the order described in that clause, and such person and child are permitted to return to the United States. Nothing in clause (i) or (ii) of this section shall be deemed to apply to a government official of the United States who is acting within the scope of his or her official duties. Nothing in clause (i) or (ii) of this section shall be deemed to apply to a government official of any foreign government if such person has been designated by the Secretary of State at the Secretary's discretion.'';

(3) in clause (i), by striking ''clause (ii)'' and inserting ''clause (iii)''; and

(4) in clause (iii) (as redesignated), by striking ''Clause (i)'' and inserting ''Clauses (i) and (ii)''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to aliens seeking admission to the United States on or after the date of enactment of this Act.

TITLE XII—OTHER INTERNATIONAL ORGANIZATIONS AND COMMISSIONS

CHAPTER 1—AUTHORIZATION OF APPROPRIATIONS

SEC. 1201. INTERNATIONAL CONFERENCES AND CONTINGENCIES.

There are authorized to be appropriated for ''International Conferences and Contingencies'', $3,944,000 for the fiscal year 1998 and $3,500,000 for the fiscal year 1999 for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international conferences and contingencies and to carry out other authorities in law consistent with such purposes.

SEC. 1202. INTERNATIONAL COMMISSIONS.

There are authorized to be appropriated for ''International Commissions'' for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law:

(1) INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO.—For ''International Boundary and Water Commission, United States and Mexico''—

(A) for ''Salaries and Expenses'', $18,200,000 for the fiscal year 1998, and $18,200,000 for the fiscal year 1999; and

(B) for ''Construction'', $6,463,000 for the fiscal year 1998, and $6,463,000 for the fiscal year 1999.

(2) INTERNATIONAL BOUNDARY COMMISSION, UNITED STATES AND CANADA.—For ''International Boundary Commission, United States and Canada'', $785,000 for the fiscal year 1998, and $785,000 for the fiscal year 1999.

(3) INTERNATIONAL JOINT COMMISSION.—For ''International Joint Commission'', $3,225,000 for the fiscal year 1998, and $3,225,000 for the fiscal year 1999.

(4) INTERNATIONAL FISHERIES COMMISSIONS.—For ''International Fisheries Commissions'', $14,549,000 for the fiscal year 1998, and $14,549,000 for the fiscal year 1999.

CHAPTER 2—GENERAL PROVISIONS

SEC. 1211. INTERNATIONAL CRIMINAL COURT PARTICIPATION.

The United States may not participate in an international criminal court with jurisdiction over crimes of an international character except—

(1) pursuant to a treaty made in accordance with Article II, section 2, clause 2 of the Constitution; or

(2) as specifically authorized by statute.

SEC. 1212. WITHHOLDING OF ASSISTANCE FOR PARKING FINES OWED BY FOREIGN COUNTRIES.

(a) IN GENERAL.—Of the funds made available for a foreign country under part I of the Foreign Assistance Act of 1961, an amount equivalent to 110 percent of the total unpaid fully adjudicated parking fines and penalties owed to the District of Columbia, the City of New York, and jurisdictions in the States of Virginia and Maryland by such country as of the date of enactment of this Act shall be withheld from obligation for such country until the Secretary of State certifies and reports in writing to the appropriate congressional committees that such fines and penalties are fully paid to the governments of the District of Columbia, the City of New York, and the States of Virginia and Maryland, respectively.

(b) DEFINITION.—For purposes of this section, the term ''appropriate congressional committees'' means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

SEC. 1213. UNITED STATES MEMBERSHIP IN THE INTERPARLIAMENTARY UNION.

(a) INTERPARLIAMENTARY UNION LIMITATION.—The United States shall either—

(1) pay no more than $500,000 in annual dues for membership in the Interparliamentary Union in fiscal year 1998 and fiscal year 1999; or

(2) formally withdraw from the Organization.

(b) RETURN OF APPROPRIATED FUNDS.—

(1) PROHIBITION.—None of the funds made available under this Act to the Department of State may be used for congressional participation in the International Parliamentary Union.

(2) TRANSFER OF FUNDS.—Unobligated balances of appropriations for the International Parliamentary Union shall be transferred to, and merged with, funds available under the ''Contributions for International Organizations'' appropriations account of the Department of State, to be available only for payment in fiscal year 1998 of United States assessed contributions to international organizations covered by that account.

SEC. 1214. REPORTING OF FOREIGN TRAVEL BY UNITED STATES OFFICIALS.

(a) INITIAL REPORTS.—

(1) PROHIBITION.—Except as provided in paragraph (2), none of the funds made available under this Act may be used to pay—

(A) the expenses of foreign travel by any officer or employee of United States Executive agencies in attending any international conference or in engaging in any other foreign travel; or

(B) the routine services that a United States diplomatic mission or consular post provides in support of travel by such officer or employee,

unless, prior to the commencement of the travel, the individual submits a report to the Director that states the purpose, duration, and estimated cost of the travel.

(2) EXCEPTION.—Paragraph (1) shall not apply to—

(A) the President, the Vice President, or any person traveling on a delegation led by the President or Vice President, or any officer or employee of the Executive Office of the President;

(B) the foreign travel of officers or employees of United States Executive agencies who are carrying out intelligence or intelligence-related activities, or law enforcement activities;

(C) the deployment of members of the Armed Forces of the United States; or

(D) any United States Government official engaged in a sensitive diplomatic mission.

(b) UPDATED REPORTS.—Not later than 30 days after the conclusion of any travel for which a report is required to be submitted under subsection (a)(1), the officer or employee of the United States shall submit an updated report to the Director on the purpose, duration, or costs of the travel from those indicated in the initial report.

(c) QUARTERLY REPORTS.—The Director shall submit a quarterly report suitable for publication, containing the information required in subsection (b) to the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and International Relations of the House of Representatives.

(d) EMERGENCY WAIVER.—Subsection (a)(1) shall not apply if the President determines that an emergency or other unforeseen event necessitates the travel and thus prevents the timely filing of the report required by that subsection, however nothing in this section shall be interpreted to authorize a waiver of subsection (a)(2)(b).

(e) DEFINITIONS.—For purposes of this section:

(1) DIRECTOR.—The term ''Director'' means the Director of the Office of International Conferences of the Department of State.

(2) EXECUTIVE AGENCIES.—The term ''Executive agencies'' means those entities, other than the General Accounting Office, defined in section 105 of title 5, United States Code.

(3) FOREIGN TRAVEL.—The term ''foreign travel'' refers to—

(A) travel between the United States and a foreign country or territory except home leave; and

(B) in the case of personnel assigned to a United States diplomatic mission or consular post in a foreign country or territory, travel outside that country or territory.

(4) UNITED STATES.—The term ''United States'' means the several States and the District of Columbia and the commonwealths, territories, and possessions of the United States.

(f) AVAILABLE FUNDS.—Funds available under section 1201 shall be available for purposes of carrying out this section.

SEC. 1215. SENSE OF THE SENATE ON USE OF FUNDS IN JAPAN-UNITED STATES FRIENDSHIP TRUST FUND.

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

(1) The funds used to create the Japan-United States Friendship Trust Fund established under section 3 of the Japan-United States Friendship Act (22 U.S.C. 2902) originated from payments by the Government of Japan to the Government of the United States.

(2) Among other things, amounts in the Fund were intended to be used for cultural and educational exchanges and scholarly research.

(3) The Japan-United States Friendship Commission was created to manage the Fund and to fulfill a mandate agreed upon by the Government of Japan and the Government of the United States.

(4) The statute establishing the Commission includes provisions which make the availability of funds in the Fund contingent upon appropriations of such funds.

(5) These provisions impair the operations of the Commission and hinder it from fulfilling its mandate in a satisfactory manner.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the Japan-United States Friendship Commission shall be able to use amounts in the Japan-United States Friendship Trust Fund in pursuit of the original mandate of the Commission; and

(2) the Office of Management and Budget should—

(A) review the statute establishing the Commission; and

(B) submit to Congress a report on whether or not modifications to the statute are required in order to permit the Commission to pursue fully its original mandate and to use amounts in the Fund as contemplated at the time of the establishment of the Fund.

TITLE XIII—UNITED STATES INFORMATIONAL, EDUCATIONAL, AND CULTURAL PROGRAMS

CHAPTER 1—AUTHORIZATION OF APPROPRIATIONS

SEC. 1301. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—The following amounts are authorized to be appropriated to carry out international information activities, and educational and cultural exchange programs under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, Reorganization Plan Number 2 of 1977, the Radio Broadcasting to Cuba Act, the Television Broadcasting to Cuba Act, the National Endowment for Democracy Act, the United States International Broadcasting Act of 1994, and to carry out other authorities in law consistent with such purposes:

(1) ''International Information Programs'', $427,097,000 for the fiscal year 1998 and $427,097,000 for the fiscal year 1999.

(2) ''Educational and Cultural Exchange Programs'':

(A) For the ''Fulbright Academic Exchange Programs'', $99,236,000 for the fiscal year 1998 and $99,236,000 for the fiscal year 1999.

(B) For other educational and cultural exchange programs authorized by law, $100,764,000 for the fiscal year 1998 and $100,764,000 for the fiscal year 1999.

(3) ''International Broadcasting Activities'':

(A) For the activities of Radio Free Asia, $20,000,000 for the fiscal year 1998 and $20,000,000 for the fiscal year 1999.

(B) For the activities of Broadcasting to Cuba, $22,095,000 for the fiscal year 1998 and $22,095,000 for the fiscal year 1999.

(C) For the activities of Radio Free Iran, $2,000,000 for the fiscal year 1998 and $2,000,000 for the fiscal year 1999.

(D) For other ''International Broadcasting Activities'', $331,168,000 for the fiscal year 1998 and $331,168,000 for the fiscal year 1999.

(4) ''Radio Construction'', $37,710,000 for the fiscal year 1998 and $31,000,000 for the fiscal year 1999.

(5) ''Technology Fund'', $5,050,000 for the fiscal year 1998 and $5,050,000 for the fiscal year 1999.

(b) VIETNAM FULBRIGHT SCHOLARSHIPS.—Of the funds authorized to be appropriated in subsection (a)(2)(A), $5,000,000 is authorized to be appropriated for fiscal year 1998 and $5,000,000 is authorized to be appropriated for fiscal year 1999 for the Vietnam scholarship program established by section 229 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (Public Law 102–138).

(c) CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST.—There are authorized to be appropriated no more than $10,000,000 for fiscal year 1998 and no more than $10,000,000 for fiscal year 1999.

SEC. 1302. NATIONAL ENDOWMENT FOR DEMOCRACY.

There are authorized to be appropriated $30,000,000 for the fiscal year 1998 and $30,000,000 for the fiscal year 1999 to carry out the National Endowment for Democracy Act (title V of Public Law 98–164), of which amount for each fiscal year not more than 55 percent shall be available only for the following organizations, in equal allotments:

(1) The International Republican Institute (IRI).

(2) The National Democratic Institute (NDI).

(3) The Free Trade Union Institute (FTUI).

(4) The Center for International Private Enterprise (CIPE).

CHAPTER 2—USIA AND RELATED AGENCIES AUTHORITIES AND ACTIVITIES

SEC. 1311. AUTHORIZATION TO RECEIVE AND RECYCLE FEES.

Section 810 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1475e) is hereby amended by adding ''educational advising and counselling, Exchange Visitor Programs Services, advertising sold by the Voice of America, receipts from cooperating international organizations and from the privatization of VOA Europe'' after ''library services'' and before '', and Agency-produced publications,''.

SEC. 1312. APPROPRIATIONS TRANSFER AUTHORITY.

Section 701(f) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1476(f)) is amended—

(1) in paragraph (1), by striking '', for the second fiscal year of any 2-year authorization cycle may be appropriated for such second fiscal year'' and inserting ''for a fiscal year may be appropriated for such fiscal year''; and

(2) by striking paragraph (4).

SEC. 1313. EXPANSION OF MUSKIE FELLOWSHIP PROGRAM.

Section 227(c)(5) of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452 note) is amended—

(1) by inserting in the first sentence ''journalism and communications, education administration, public policy, library and information science,'' immediately following ''business administration,''; and

(2) by inserting in the second sentence ''journalism and communications, education administration, public policy, library and information science,'' immediately following ''business administration,''.

SEC. 1314. AU PAIR EXTENSION.

Section 1(b) of Public Law 104–72 is amended by striking '', through fiscal year 1997''.

SEC. 1315. RADIO BROADCASTING TO IRAN IN THE FARSI LANGUAGE.

(a) RADIO FREE IRAN.—Not more than $2,000,000 of the funds made available under section 1301(a)(3) for each of the fiscal years 1998 and 1999 for grants to RFE/RL, Incorporated, shall be available only for surrogate radio broadcasting by RFE/RL, Incorporated, to the Iranian people in the Farsi language, such broadcasts to be designated as ''Radio Free Iran''.

(b) REPORT TO CONGRESS.—Not later than 60 days after the date of enactment of this Act, the Broadcasting Board of Governors of the United States Information Agency shall submit a detailed report to Congress describing the costs, implementation, and plans for creation of the surrogate broadcasting service to be designated as Radio Free Iran.

(c) AVAILABILITY OF FUNDS.—None of the funds made available under subsection (a) may be made available until submission of the report required under subsection (b).

SEC. 1316. VOICE OF AMERICA BROADCASTS.

(a) IN GENERAL.—The Voice of America shall devote programming time each day to broadcasting information on the individual States of the United States. The broadcasts shall include information on the products, and cultural and educational facilities of each State, potential trade with each State, and interactive discussions with State officials.

(b) REPORT.—Not later than July 1, 1998, the Broadcasting Board of Governors of the United States Information Agency shall submit a report to Congress detailing the actions that have been taken to carry out subsection (a).

SEC. 1317. WORKING GROUP ON GOVERNMENT-SPONSORED INTERNATIONAL EXCHANGES AND TRAINING.

Section 112 of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2460) is amended by adding at the end the following new subsection:

''(g)(1) In order to carry out the purposes of subsection (f) and to improve the coordination, efficiency and effectiveness of Government-sponsored international exchanges and training, there is established within the United States Information Agency a senior-level inter-agency Working Group on Government-Sponsored International Exchanges and Training (in this section referred to as 'the Working Group').

''(2) In this subsection, the term 'Government-sponsored international exchanges and training' refers to the movement of people between countries to promote the sharing of ideas, develop skills, and foster mutual understanding and cooperation, financed wholly or in part, directly or indirectly, with United States Government funds.

''(3) The Working Group shall consist of the Associate Director of the Bureau, who shall act as Chairperson of the Working Group, and comparable senior representatives appointed by the Secretaries of State, Defense, Justice, and Education, and by the Administrator of the United States Agency for International Development. Other departments and agencies shall participate in the Working Group's meetings at the discretion of the Chairperson, and shall cooperate with the Working Group to help accomplish the purposes of the Working Group. The National Security Advisor and the Director of the Office of Management and Budget may, at their discretion, each appoint a representative to participate in the Working Group. The Working Group shall be supported by an interagency staff office established in the Bureau.

''(4) The Working Group shall have the following authority:

''(A) To collect, analyze and report data provided by all United States Government departments and agencies conducting international exchanges and training programs.

''(B) To promote greater understanding and cooperation among concerned United States Government departments and agencies of common issues and challenges in conducting international exchanges and training programs, including through the establishment of a clearinghouse of information on international exchange and training activities in the governmental and non-governmental sectors.

''(C) In order to achieve the most efficient and cost-effective use of Federal resources, to identify administrative and programmatic duplication and overlap of activities by the various United States Government departments and agencies involved in Government-sponsored international exchange and training programs.

''(D) Not later than 1 year after the date of enactment of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999, to submit a report on Government-sponsored international exchange and training programs, along with the findings of the Working Group made under subparagraph (c).

''(E) To develop strategies for expanding public and private partnerships in, and leveraging private sector support for, Government-sponsored international exchange and training activities.

''(5) All reports prepared by the Working Group shall be made to the President through the Director of the United States Information Agency.

''(6) The Working Group shall meet at least on a quarterly basis.

''(7) Four of the members of the Working Group shall constitute a quorum. All decisions of the Working Group shall be by majority vote of the members present and voting.

''(8) The members of the Working Group shall serve without additional compensation for their service on the Working Group, and any expenses incurred by a member of the Working Group in connection with such member's service on the Working Group shall be borne by the member's respective department or agency.

''(9) If any member of the Working Group disagrees regarding to any matter in a report prepared pursuant to this subsection, the member may prepare a statement setting forth the reasons for such disagreement and such statement shall be appended to, and considered a part of, the report.''.

SEC. 1318. INTERNATIONAL INFORMATION PROGRAMS.

Section 704(c) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1477b(c)) is amended—

(1) in paragraph (3), by striking ''Salaries and Expenses'' and inserting ''the 'International Information Programs' appropriations account,''; and

(2) in paragraph (7), by striking ''the 'Salaries and Expenses' account'' and inserting ''the 'International Information Programs' appropriations account,''.

SEC. 1319. AUTHORITY TO ADMINISTER SUMMER TRAVEL AND WORK PROGRAMS.

The Director of the United States Information Agency is authorized to administer summer travel and work programs without regard to preplacement requirements.

TITLE XIV—PEACE CORPS

SEC. 1401. SHORT TITLE.

This title may be cited as the ''Peace Corps Act Amendments of 1997''.

SEC. 1402. AUTHORIZATION OF APPROPRIATIONS.

Section 3(b) of the Peace Corps Act (22 U.S.C. 2502(b)) is amended to read as follows:

''(b) There are authorized to be appropriated to carry out the purposes of this Act $234,000,000 for fiscal year 1998, which are authorized to remain available until September 30, 1999 and $234,000,000 for fiscal year 1999.''.

SEC. 1403. AMENDMENTS TO THE PEACE CORPS ACT.

(a) TERMS AND CONDITIONS OF VOLUNTEER SERVICE.—Section 5 of the Peace Corps Act (22 U.S.C. 2504) is amended—

(1) in subsection (f)(1)(B), by striking ''Civil Service Commission'' and inserting ''Office of Personnel Management'';

(2) in subsection (h), by striking ''the Federal Voting Assistance Act of 1955'' and all that follows through the end of the subsection and inserting ''sections 5584 and 5732 of title 5, United States Code (and readjustment allowances paid under this Act shall be considered as pay for purposes of such section 5732), section 1 of the Act of June 4, 1920 (22 U.S.C. 214), and section 3342 of title 31, United States Code.''; and

(3) in subsection (j), by striking ''section 1757 of the Revised Statutes'' and all that follows through the end of the subsection and inserting ''section 3331 of title 5, United States Code.''.

(b) GENERAL POWERS AND AUTHORITIES.—Section 10 of such Act (22 U.S.C. 2509) is amended—

(1) in subsection (a)(4), by striking ''31 U.S.C. 665(b)'' and inserting ''section 1342 of title 31, United States Code''; and

(2) in subsection (a)(5), by striking '': Provided, That'' and all that follows through the end of the paragraph and inserting '', except that such individuals shall not be deemed employees for the purpose of any law administered by the Office of Personnel Management.''.

(c) UTILIZATION OF FUNDS.—Section 15 of such Act (22 U.S.C. 2514) is amended—

(1) in the first sentence of subsection (c)—

(A) by striking ''Public Law 84–918 (7 U.S.C. 1881 et seq.)'' and inserting ''subchapter VI of chapter 33 of title 5, United States Code (5 U.S.C. 3371 et seq.)''; and

(B) by striking ''specified in that Act'' and inserting ''or other organizations specified in section 3372(b) of such title''; and

(2) in subsection (d)—

(A) in paragraph (2), by striking ''section 9 of Public Law 60–328 (31 U.S.C. 673)'' and inserting ''section 1346 of title 31, United States Code'';

(B) in paragraph (6), by striking ''without regard to section 3561 of the Revised Statutes (31 U.S.C. 543)'';

(C) in paragraph (11)—

(i) by striking ''Foreign Service Act of 1946, as amended (22 U.S.C. 801 et seq.),'' and inserting ''Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.)''; and

(ii) by striking ''and'' at the end;

(D) in paragraph (12), by striking the period at the end and by inserting ''; and''; and

(E) by adding at the end the following:

''(13) the transportation of Peace Corps employees, Peace Corps volunteers, dependents of employees and volunteers, and accompanying baggage, by a foreign air carrier when the transportation is between 2 places outside the United States without regard to section 40118 of title 49, United States Code.''.

(d) PROHIBITION ON USE OF FUNDS FOR ABORTIONS.—Section 15 of such Act (22 U.S.C. 2514) is amended, as amended by this Act, is further amended by adding at the end the following new subsection:

''(e) Funds made available for the purposes of this Act may not be used to pay for abortions.''.

TITLE XV—UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

CHAPTER 1—AUTHORIZATION OF APPROPRIATIONS

SEC. 1501. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out the purposes of the Arms Control and Disarmament Act $39,000,000 for fiscal year 1998.

CHAPTER 2—AUTHORITIES

SEC. 1511. STATUTORY CONSTRUCTION.

Section 33 of the Arms Control and Disarmament Act (22 U.S.C. 2573) is amended by adding at the end the following new subsection:

''(c) STATUTORY CONSTRUCTION.—Nothing contained in this chapter shall be construed to authorize any policy or action by any Government agency which would interfere with, restrict, or prohibit the acquisition, possession, or use of firearms by an individual for the lawful purpose of personal defense, sport, recreation, education, or training.''.

TITLE XVI—FOREIGN POLICY

SEC. 1601. PAYMENT OF IRAQI CLAIMS.

(a) VESTING OF ASSETS.—All nondiplomatic accounts of the Government of Iraq in the United States that have been blocked pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) shall vest in the President, and the President, not later than 30 days after the date of the enactment of this Act, shall liquidate such accounts. Amounts from such liquidation shall be transferred into the Iraq Claims Fund established under subsection (b).

(b) IRAQ CLAIMS FUND.—Upon the vesting of accounts under subsection (a), the Secretary of the Treasury shall establish in the Treasury of the United States a fund to be known as the Iraq Claims Fund (hereafter in this section referred to as the ''Fund'') for payment of private claims or United States Government claims in accordance with subsection (c).

(c) PAYMENTS.—

(1) PAYMENTS ON PRIVATE CLAIMS.—Not later than 2 years after the date of the enactment of this Act, the Secretary of the Treasury shall make payment out of the Fund in ratable proportions on private claims certified under subsection (e) according to the proportions which the total amount of the private claims so certified bear to the total amount in the Fund that is available for distribution at the time such payments are made.

(2) PAYMENTS ON UNITED STATES GOVERNMENT CLAIMS.—After payment has been made in full out of the Fund on all private claims certified under subsection (e), any funds remaining in the Fund shall be made available to satisfy claims of the United States Government against the Government of Iraq determined under subsection (d).

(d) DETERMINATION OF VALIDITY OF UNITED STATES GOVERNMENT CLAIMS.—The President shall determine the validity and amounts of claims of the Government of the United States against the Government of Iraq which the Secretary of State has determined are outside the jurisdiction of the United Nations Commission, and, to the extent that such claims are not satisfied from funds made available by the Fund, the President is authorized and requested to enter into a settlement agreement with the Government of Iraq which would provide for the payment of such unsatisfied claims.

(e) DETERMINATION OF PRIVATE CLAIMS.—

(1) AUTHORITY OF THE FOREIGN CLAIMS SETTLEMENT COMMISSION.—The Foreign Claims Settlement Commission of the United States is authorized to receive and determine, in accordance with substantive law, including international law, the validity and amounts of private claims. The Commission shall complete its affairs in connection with the determination of private claims under this section within such time as is necessary to allow the payment of the claims under subsection (c)(1).

(2) APPLICABILITY.—Except to the extent inconsistent with the provisions of this section, the provisions of title I of the International Claims Settlement Act of 1949 (22 U.S.C. 1621 et seq.) shall apply with respect to private claims under this section. Any reference in such provisions to ''this title'' shall be deemed to refer to those provisions and to this section.

(3) CERTIFICATION.—The Foreign Claims Settlement Commission shall certify to the Secretary of the Treasury the awards made in favor of each private claim under paragraph (1).

(f) UNSATISFIED CLAIMS.—Payment of any award made pursuant to this section shall not extinguish any unsatisfied claim, or be construed to have divested any claimant, or the United States on his or her behalf, of any rights against the Government of Iraq with respect to any unsatisfied claim.

(g) DEFINITIONS.—As used in this section—

(1) the term ''Government of Iraq'' includes agencies, instrumentalities, and controlled entities (including public sector enterprises) of that government;

(2) the term ''private claims'' mean claims of United States persons against the Government of Iraq that are determined by the Secretary of State to be outside the jurisdiction of the United Nations Commission;

(3) the term ''United Nations Commission'' means the United Nations Compensation Commission established pursuant to United Nations Security Council Resolution 687, adopted in 1991; and

(4) the term ''United States person''—

(A) includes—

(i) any person, wherever located, who is a citizen of the United States;

(ii) any corporation, partnership, association, or other legal entity organized under the laws of the United States or of any State, the District of Columbia, or any commonwealth, territory, or possession of the United States; and

(iii) any corporation, partnership, association, or other organization, wherever organized or doing business, which is owned or controlled by persons described in clause (i) or (ii); and

(B) does not include the United States Government or any officer or employee of the United States Government acting in an official capacity.

SEC. 1602. UNITED NATIONS MEMBERSHIP FOR BELARUS.

It is the sense of Congress that, if Belarus concludes a treaty of unification with another country, the United States Permanent Representative to the United Nations and the United States Head of Delegation to the Organization for Security and Cooperation in Europe should introduce resolutions abrogating the sovereign status of Belarus within the United Nations and the OSCE.

SEC. 1603. UNITED STATES POLICY WITH RESPECT TO JERUSALEM AS THE CAPITAL OF ISRAEL.

(a) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated by section 1101(3) for ''Security and Maintenance of Buildings Abroad'', $25,000,000 for the fiscal year 1998 and $75,000,000 for the fiscal year 1999 are authorized to be appropriated for the construction of a United States Embassy in Jerusalem, Israel.

(b) LIMITATION ON USE OF FUNDS FOR CONSULATE IN JERUSALEM.—None of the funds authorized to be appropriated by this Act may be expended for the operation of a United States consulate or diplomatic facility in Jerusalem unless such consulate or diplomatic facility is under the supervision of the United States Ambassador to Israel.

(c) LIMITATION ON USE OF FUNDS FOR PUBLICATIONS.—None of the funds authorized to be appropriated by this Act may be available for the publication of any official government document which lists countries and their capital cities unless the publication identifies Jerusalem as the capital of Israel.

(d) RECORD OF PLACE OF BIRTH AS ISRAEL FOR PASSPORT PURPOSES.—For purposes of the registration of birth, certification of nationality, or issuance of a passport of a United States citizen born in the city of Jerusalem, the Secretary of State shall, upon the request of the citizen, record the place of birth as Israel.

SEC. 1604. SPECIAL ENVOY FOR TIBET.

(a) UNITED STATES SPECIAL ENVOY FOR TIBET.—The President shall appoint within the Department of State a United States Special Envoy for Tibet, who shall hold office at the pleasure of the President.

(b) RANK.—A United States Special Envoy for Tibet appointed under subsection (a) shall have the personal rank of ambassador and shall be appointed by and with the advice and consent of the Senate.

(c) SPECIAL FUNCTIONS.—The United States Special Envoy for Tibet should be authorized and encouraged—

(1) to promote substantive negotiations between the Dalai Lama or his representatives and senior members of the Government of the People's Republic of China;

(2) to promote good relations between the Dalai Lama and his representatives and the United States Government, including meeting with members or representatives of the Tibetan government-in-exile; and

(3) to travel regularly throughout Tibet and Tibetan refugee settlements.

(d) DUTIES AND RESPONSIBILITIES.—The United States Special Envoy for Tibet shall—

(1) consult with the Congress on policies relevant to Tibet and the future and welfare of all Tibetan people;

(2) coordinate United States Government policies, programs, and projects concerning Tibet; and

(3) report to the Secretary of State regarding the matters described in section 536(a)(2) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236).

SEC. 1605. FINANCIAL TRANSACTIONS WITH STATE SPONSORS OF INTERNATIONAL TERRORISM.

(a) PROHIBITED TRANSACTIONS.—Section 2332d(a) of title 18, United States Code, is amended—

(1) by striking ''Except as provided in regulations issued by the Secretary of the Treasury, in consultation with the Secretary of State, whoever'' and inserting ''(1) Except as provided in paragraph (2), whoever'';

(2) by inserting ''of 1979'' after ''Export Administration Act''; and

(3) by adding at the end the following:

''(2) Paragraph (1) does not apply to any financial transaction—

''(A) engaged in by an officer or employee of the United States acting within his or her official capacity;

''(B) for the sole purpose of providing humanitarian assistance in a country designated under section 6(j) of the Export Administration Act of 1979;

''(C) involving travel or other activity by any journalist or other member of the news media in a country designated under section 6(j) of the Export Administration Act of 1979; or

''(D) within a class of financial transactions, and with a specified country, covered by a determination of the President stating that it is vital to the national security interests of the United States that financial transactions of that class and with that country be permitted.

''(3) Each determination under paragraph (2)(D) shall be published in the Federal Register at least 15 days in advance of the transaction and shall include a statement of the determination, a detailed explanation of the types of financial transactions permitted, the estimated dollar amount of the financial transactions permitted, and an explanation of the manner in which those financial transactions would further the national interests of the United States.

''(4) The President shall submit a report to the Committees on Foreign Relations and Appropriations of the Senate and the Committees on International Relations and Appropriations of the House of Representatives and the Speaker of the House of Representatives containing any determination under paragraph (2)(D) at least 30 days before the determination is to take effect. Any such determination shall be effective only for a period of 12 months but may be extended for an additional period or periods of 12 months each.''.

(b) DEFINITION.—Section 2332d(b) of title 18, United States Code, is amended—

(1) by striking ''and'' at the end of paragraph (1);

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following:

''(2) the term 'humanitarian assistance' includes, but is not limited to, the provision of medicines and religious materials; and''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to financial transactions entered into on or after the date of enactment of this Act.

SEC. 1606. UNITED STATES POLICY WITH RESPECT TO THE INVOLUNTARY RETURN OF PERSONS IN DANGER OF SUBJECTION TO TORTURE.

(a) IN GENERAL.—The United States shall not expel, extradite, or otherwise effect the involuntary return of any person to a country in which there are reasonable grounds for believing the person would be in danger of subjection to torture.

(b) DEFINITIONS.—

(1) IN GENERAL.—Except as otherwise provided, terms used in this section have the meanings given such terms under the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, subject to any reservations, understandings, declarations, and provisos contained in the United States Senate resolution of advice and consent to ratification to such convention.

(2) INVOLUNTARY RETURN.—As used in this section, the term ''effect the involuntary return'' means to take action by which it is reasonably foreseeable that a person will be required to return to a country against the person's will, regardless of whether such return is induced by physical force and regardless of whether the person is physically present in the United States.

SEC. 1607. REPORTS ON THE SITUATION IN HAITI.

Section 3 of Public Law 103–423 is amended to read as follows:

''SEC. 3. REPORTS.

''(a) REPORTING REQUIREMENT.—Not later than January 1, 1998, and every six months thereafter, the President shall submit a report to Congress on the situation in Haiti, including—

''(1) a listing of the units of the United States Armed Forces or Coast Guard and of the police and military units of other nations participating in operations in and around Haiti;

''(2) armed incidents or the use of force in or around Haiti involving United States Armed Forces or Coast Guard personnel during the period covered by the report;

''(3) the estimated cumulative cost, including incremental cost, of all United States activities in and around Haiti during the period covered by the report, including—

''(A) the cost of deployments of United States Armed Forces and Coast Guard personnel training, exercises, mobilization, and preparation activities, including the preparation of police and military units of other nations of any multilateral force involved in activities in and around Haiti; and

''(B) the costs of all other activities relating to United States policy toward Haiti, including humanitarian assistance, reconstruction assistance, assistance under part I of the Foreign Assistance Act of 1961, and other financial assistance, and all other costs to the United States Government; and

''(4) a detailed accounting of the source of funds obligated or expended to meet the costs described in paragraph (3), including—

''(A) in the case of amounts expended out of funds available to the Department of Defense budget, by military service or defense agency, line item and program; and

''(B) in the case of amounts expended out of funds available to departments and agencies other than the Department of Defense, by department or agency and program.

''(b) DEFINITION.—The term 'period covered by the report' means the six-month period prior to the date the report is required to be submitted, except that, in the case of the initial report, the term means the period since the date of enactment of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999.''.

SEC. 1608. REPORT ON AN ALLIANCE AGAINST NARCOTICS TRAFFICKING IN THE WESTERN HEMISPHERE.

(a) SENSE OF CONGRESS ON DISCUSSIONS FOR ALLIANCE.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that the President should discuss with the democratically-elected governments of the Western Hemisphere, during the President's trips in the region in 1997 and through other consultations, the prospect of forming a multilateral alliance to address problems relating to international drug trafficking in the Western Hemisphere.

(2) CONSULTATIONS.—In the consultations on the prospect of forming an alliance described in paragraph (1), the President should seek the input of such governments on the possibility of forming one or more structures within the alliance—

(A) to develop a regional, multilateral strategy to address the threat posed to nations in the Western Hemisphere by drug trafficking; and

(B) to establish a new mechanism for improving multilateral coordination of drug interdiction and drug-related law enforcement activities in the Western Hemisphere.

(b) REPORT.—

(1) REQUIREMENT.—Not later than October 1, 1997, the President shall submit to Congress a report on the proposal discussed under subsection (a). The report shall include the following:

(A) An analysis of the reactions of the governments concerned to the proposal.

(B) An assessment of the proposal, including an evaluation of the feasibility and advisability of forming the alliance.

(C) A determination in light of the analysis and assessment whether or not the formation of the alliance is in the national interests of the United States.

(D) If the President determines that the formation of the alliance is in the national interests of the United States, a plan for encouraging and facilitating the formation of the alliance.

(E) If the President determines that the formation of the alliance is not in the national interests of the United States, an alternative proposal to improve significantly efforts against the threats posed by narcotics trafficking in the Western Hemisphere, including an explanation of how the alternative proposal will—

(i) improve upon current cooperation and coordination of counter-drug efforts among nations in the Western Hemisphere;

(ii) provide for the allocation of the resources required to make significant progress in disrupting and disbanding the criminal organizations responsible for the trafficking of illegal drugs in the Western Hemisphere; and

(iii) differ from and improve upon past strategies adopted by the United States Government which have failed to make sufficient progress against the trafficking of illegal drugs in the Western Hemisphere.

(2) UNCLASSIFIED FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may contain a classified annex.

SEC. 1609. REPORT ON GREENHOUSE GAS EMISSIONS AGREEMENT.

(a) ASSESSMENT OF PROPOSED AGREEMENT.—

(1) ASSESSMENT.—The President shall assess the effect on the United States economy and environment of any quantified objectives, targets, policies, or measures proposed for the control, limitation, or reduction of greenhouse gas emissions of Annex I Parties.

(2) ELEMENTS.—The assessment under paragraph (1) shall include—

(A) an assessment of the costs and benefits to the United States economy and the environment of pursuing a policy of reducing greenhouse gas emissions;

(B) an assessment of the schedules for achieving reductions in greenhouse gas emissions;

(C) an assessment of the ability of Annex I Parties to meet the schedules identified under subparagraph (B);

(D) an assessment of the effect of increased greenhouse gas emissions by non-Annex I Parties and all nonparticipating nations on the overall effort to reduce greenhouse gas emissions;

(E) an assessment of the long-term impact on the global economy and the environment of increased greenhouse gas emissions by Annex I Parties; and

(F) an assessment of consequences for employment, trade, consumer activities, competitiveness, and the environment in the United States of the requirements of paragraphs 3, 4, and 5 of Article 4 of the FCCC regarding the transfer by Annex I Parties of financial resources, technology, and other resources to non-Annex I Parties.

(b) NOTIFICATION OF CONGRESS.—Not later than six months before any vote by the parties to the FCCC on the final negotiating text of a proposed agreement to reduce greenhouse gas emissions under the FCCC, the President shall submit to Congress a comprehensive analysis of the effect of the proposed agreement on the United States economy and the environment, including the assessments made under subsection (a). To the extent practicable, the analysis shall include the text and negotiating notes of the proposed agreement.

(c) DEFINITIONS.—For the purposes of this section—

(1) FCCC.—The term ''FCCC'' means the United Nations Framework Convention on Climate Change, with annexes, done at New York May 9, 1992.

(2) ANNEX I PARTIES.—The term ''Annex I Parties'' means the Developed Country Parties of the FCCC, including the United States, Canada, the Russian Federation, the European Union Countries, Australia, Japan, and countries undergoing the process of transition to a market economy, as listed in Annex I of the FCCC.

(3) NON-ANNEX I PARTIES.—The term ''Non-Annex I Parties'' means the developing countries (including China, India, South Korea, Malaysia, Brazil, Mexico, other trading partners of the United States, and the Small Island Countries) that are parties to the FCCC but not listed in Annex I of the FCCC.

SEC. 1610. REPORTS AND POLICY CONCERNING DIPLOMATIC IMMUNITY.

(a) ANNUAL REPORT CONCERNING DIPLOMATIC IMMUNITY.—

(1) REPORT TO CONGRESS.—The Secretary of State shall prepare and submit to the Congress, annually, a report concerning diplomatic immunity entitled ''Report on Cases Involving Diplomatic Immunity''.

(2) CONTENT OF REPORT.—In addition to such other information as the Secretary of State may consider appropriate, the report under paragraph (1) shall include the following:

(A) The number of persons residing in the United States who enjoy full immunity from the criminal jurisdiction of the United States under laws extending diplomatic privileges and immunities.

(B) Each case involving an alien described in subparagraph (A) in which the appropriate authorities of a State, a political subdivision of a State, or the United States reported to the Department of State that the authority had reasonable cause to believe the alien committed a serious criminal offense within the United States.

(C) Each case in which the United States has certified that a person enjoys full immunity from the criminal jurisdiction of the United States under laws extending diplomatic privileges and immunities.

(D) The number of United States citizens who are residing in a receiving state and who enjoy full immunity from the criminal jurisdiction of such state under laws extending diplomatic privileges and immunities.

(E) Each case involving a United States citizen under subparagraph (D) in which the United States has been requested by the government of a receiving state to waive the immunity from criminal jurisdiction of the United States citizen.

(3) SERIOUS CRIMINAL OFFENSE DEFINED.—In this section, the term ''serious criminal offense'' means—

(A) any felony under Federal, State, or local law;

(B) any Federal, State, or local offense punishable by a term of imprisonment of more than 1 year;

(C) any crime of violence as defined for purposes of section 16 of title 18, United States Code; or

(D) driving under the influence of alcohol or drugs or driving while intoxicated if the case involves personal injury to another individual.

(b) UNITED STATES POLICY CONCERNING REFORM OF DIPLOMATIC IMMUNITY.—It is the sense of the Congress that the Secretary of State should explore, in appropriate fora, whether states should enter into agreements and adopt legislation—

(1) to provide jurisdiction in the sending state to prosecute crimes committed in the receiving state by persons entitled to immunity from criminal jurisdiction under laws extending diplomatic privileges and immunities; and

(2) to provide that where there is probable cause to believe that an individual who is entitled to immunity from the criminal jurisdiction of the receiving state under laws extending diplomatic privileges and immunities committed a serious crime, the sending state will waive such immunity or the sending state will prosecute such individual.

SEC. 1611. ITALIAN CONFISCATION OF PROPERTY CASE.

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

(1) The United States and the Italian Republic signed the Treaty of Friendship, Commerce and Navigation in 1948.

(2) Article V, paragraph 2 of the Treaty states that property owned by nationals of either treaty partner shall not be taken without ''due process of law and without the prompt payment of just and effective compensation.''.

(3) The Italian Republic confiscated the property of an American citizen, Mr. Pier Talenti, and has failed to compensate Mr. Talenti for his property.

(4) The failure of the Italian government to compensate Mr. Talenti runs counter to its treaty obligations and accepted international standards.

(5) Mr. Talenti has exhausted all remedies available to him within the Italian judicial system.

(6) To date, Mr. Talenti has not received ''just and effective compensation'' from the Italian government as called for in the Treaty.

(7) In view of the inability of Mr. Talenti to obtain any recourse within the Italian judicial system, on August 5, 1996, the Department of State agreed to espouse Mr. Talenti's claim and formally urged the Italian government to reach a settlement with Mr. Talenti.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Italian Republic must honor its Treaty obligations with regard to the confiscated property of Mr. Pier Talenti by negotiating a prompt resolution of Mr. Talenti's case, and that the Department of State should continue to press the Italian government to resolve Mr. Talenti's claim.

SEC. 1612. DESIGNATION OF ADDITIONAL COUNTRIES ELIGIBLE FOR NATO ENLARGEMENT ASSISTANCE.

(a) DESIGNATION OF ADDITIONAL COUNTRIES.—Effective 180 days after the date of the enactment of this Act, Romania, Estonia, Latvia, Lithuania, and Bulgaria are each designated as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994 and shall be deemed to have been so designated pursuant to section 203(d)(1) of such Act, except that any such country shall not be so designated if, prior to such effective date, the President certifies to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate that the country fails to meet the criteria under section 203(d)(3) of the NATO Participation Act of 1994.

(b) RULE OF CONSTRUCTION.—The designation of countries pursuant to subsection (a) as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994—

(1) is in addition to the designation of other countries by law or pursuant to section 203(d)(2) of such Act as eligible to receive assistance under the program established under section 203(a) of such Act; and

(2) shall not preclude the designation by the President of other emerging democracies in Central and Eastern Europe pursuant to section 203(d)(2) of such Act as eligible to receive assistance under the program established under section 203(a) of such Act.

(c) SENSE OF THE SENATE.—It is the sense of the Senate that Romania, Estonia, Latvia, Lithuania, and Bulgaria—

(1) are to be commended for their progress toward political and economic reform and meeting the guidelines for prospective NATO members;

(2) would make an outstanding contribution to furthering the goals of NATO and enhancing stability, freedom, and peace in Europe should they become NATO members; and

(3) upon complete satisfaction of all relevant criteria should be invited to become full NATO members at the earliest possible date.

SEC. 1613. SENSE OF SENATE REGARDING UNITED STATES CITIZENS HELD IN PRISONS IN PERU.

It is the sense of the Senate that—

(1) as a signatory of the International Covenant on Civil and Political Rights, the Government of Peru is obligated to grant prisoners timely legal proceedings pursuant to Article 9 of the International Covenant on Civil and Political Rights which requires that ''anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release;'' and that ''anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful;''; and

(2) the Government of Peru should take all necessary steps to ensure that any United States citizen charged with committing a crime in that country is accorded open and fair proceedings in a civilian court.

SEC. 1614. EXCLUSION FROM THE UNITED STATES OF ALIENS WHO HAVE BEEN INVOLVED IN EXTRAJUDICIAL AND POLITICAL KILLINGS IN HAITI.

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

(1) At the time of the enactment of this Act, there have been over eighty extrajudicial and political killing cases assigned to the Haitian Special Investigative Unit (SIU) by the Government of Haiti. Furthermore, the government has requested that the SIU investigate on a ''priority basis'' close to two dozen cases relating to extrajudicial and political killings.

(2) President Jean-Bertrand Aristide lived in exile in the United States after he was overthrown by a military coup on September 30, 1991. During his exile, political and extrajudicial killings occurred in Haiti including Aristide financial supporter Antoine Izmery, who was killed on September 11, 1993; Guy Malary, Aristide's Minister of Justice, who was killed on October 14, 1993; and Father Jean-Marie Vincent, a supporter of Aristide, was killed on August 28, 1992.

(3) President Aristide returned to Haiti on October 15, 1994, after some 20,000 United States troops, under the code name Operation Uphold Democracy, entered Haiti as the lead force in a multi-national force with the objective of restoring democratic rule.

(4) From June 25, 1995, through October 1995, elections were held where pro-Aristide candidates won a large share of the parliamentary and local government seats.

(5) On March 28, 1995, a leading opposition leader to Aristide, Attorney Mireille Durocher Bertin, and a client, Eugene Baillergeau, were gunned down in Ms. Bertin's car.

(6) On May 22, 1995, Michel Gonzalez, Haitian businessman and Aristide's next door neighbor, was killed in a drive-by shooting after alleged attempts by Aristide to acquire his property.

(7) After Aristide regained power, three former top Army officers were assassinated: Colonel Max Mayard on March 10, 1995; Colonel Michelange Hermann on May 24, 1995; and Brigadier General Romulus Dumarsais was killed on June 27, 1995.

(8) Presidential elections were held on December 17, 1995. Rene Preval, an Aristide supporter, won, with 89 percent of the votes cast, but with a low voter turnout of only 28 percent, and with many parties allegedly boycotting the election. Preval took office on February 7, 1996.

(9) On March 6,1996, police and ministerial security guards killed at least six men during a raid in Cite Soleil, a Port-au-Prince slum.

(10) On August 20,1996, two opposition politicians, Jacques Fleurival and Baptist Pastor Antoine Leroy were gunned down outside Fleurival's home.

(11) Other alleged extrajudicial and political killings include the deaths of Claude Yves Marie, Mario Beaubrun, Leslie Grimar, Joseph Chilove, and Jean-Hubert Feuille.

(12) Although the Haitian Government claims to have terminated from employment several suspects in the killings, some whom have received training from United States advisors, there has been no substantial progress made in the investigation that has led to the prosecution of any of the above-referenced extrajudicial and political killings.

(13) The expiration of the mandate of the United Nations Support Mission in Haiti has been extended three times, the last to July 31, 1997. The Administration has indicated that a fourth extension through November 1997, may be necessary to ensure the transition to a democratic government.

(b) GROUNDS FOR EXCLUSION.—The Secretary of State shall deny a visa to, and the Attorney General shall exclude from the United States, any alien who the Secretary of State has reason to believe is a person who—

(1) has been credibly alleged to have ordered, carried out, or materially assisted, in the extrajudicial and political killings of Antoine Izmery, Guy Malary, Father Jean-Marie Vincent, Pastor Antoine Leroy, Jacques Fleurival, Mireille Durocher Bertin, Eugene Baillergeau, Michelange Hermann, Max Mayard, Romulus Dumarsais, Claude Yves Marie, Mario Beaubrun, Leslie Grimar, Joseph Chilove, Michel Gonzalez, and Jean-Hubert Feuille;

(2) has been included in the list presented to former president Jean-Bertrand Aristide by former National Security Council Advisor Anthony Lake in December 1995, and acted upon by President Rene Preval;

(3) was a member of the Haitian presidential security unit who has been credibly alleged to have ordered, carried out, or materially assisted, in the extrajudicial and political killings of Pastor Antoine Leroy and Jacques Fleurival, or who was suspended by President Preval for his involvement in or knowledge of the Leroy and Fleurival killings on August 20, 1996;

(4) was sought for an interview by the Federal Bureau of Investigation as part of its inquiry into the March 28, 1995, murder of Mireille Durocher Bertin and Eugene Baillergeau, Jr., and were credibly alleged to have ordered, carried out, or materially assisted, in those murders, per a June 28, 1995, letter to the then Minister of Justice of the Government of Haiti, Jean-Joseph Exume;

(5) any member of the Haitian High Command during the period 1991–1994, who has been credibly alleged to have planned, ordered, or participated with members of the Haitian Armed Forces in the September 1991 coup against the duly elected government of Haiti (and his family members) or the subsequent murders of as many as three thousand Haitians during that period; or

(6) any individual who has been credibly alleged to have been a member of the paramilitary organization known as FRAPH who planned, ordered, or participated in acts of violence against the Haitian people.

(c) EXEMPTION.—This section shall not apply where the Secretary of State finds, on a case by case basis, that the entry into the United States of the person who would otherwise be excluded under this section is necessary for medical reasons, or such person has cooperated fully with the investigation of these political murders. If the Secretary of State exempts such a person, the Secretary shall notify the appropriate congressional committees in writing.

(d) REPORTING REQUIREMENT.—(1) The United States chief of mission in Haiti shall provide the Secretary of State a list of those who have been credibly alleged to have ordered or carried out the extrajudicial and political killings mentioned in paragraph (1) of subsection (b).

(2) The Secretary of State shall submit the list provided under paragraph (1) to the appropriate congressional committees not later than three months after the date of enactment of this Act.

(3) The Secretary of State shall submit to the appropriate congressional committees a list of aliens denied visas, and the Attorney General shall submit to the appropriate congressional committees a list of aliens refused entry to the United States as a result of this provision.

(4) The Secretary shall submit a report under this subsection not later than six months after the date of enactment of this Act and not later than March 1 of each year thereafter as long as the Government of Haiti has not completed the investigation of the extrajudicial and political killings and has not prosecuted those implicated for the killings specified in paragraph (1) of subsection (b).

(e) DEFINITION.—In this section, the term ''appropriate congressional committees'' means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

SEC. 1615. SENSE OF THE SENATE ON ENFORCEMENT OF THE IRAN-IRAQ ARMS NON-PROLIFERATION ACT OF 1992 WITH RESPECT TO THE ACQUISITION BY IRAN OF C–802 CRUISE MISSILES.

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

(1) The United States escort vessel U.S.S. Stark was struck by a cruise missile, causing the death of 37 United States sailors.

(2) The China National Precision Machinery Import Export Corporation is marketing the C–802 model cruise missile for use against escort vessels such as the U.S.S. Stark.

(3) The China National Precision Machinery Import Export Corporation has delivered 60 C–802 cruise missiles to Iran for use by vessels of the Iranian Revolutionary Guard Navy.

(4) Iran is acquiring land batteries to launch C–802 cruise missiles which will provide its armed forces with a weapon of greater range, reliability, accuracy, and mobility than before.

(5) Iran has acquired air launched C–802K cruise missiles giving it a 360 degree attack capability.

(6) 15,000 members of the United States Armed Forces are stationed within range of the C–802 cruise missiles being acquired by Iran.

(7) The Department of State believes that ''[t]hese cruise missiles pose new, direct threats to deployed United States forces''.

(8) The delivery of cruise missiles to Iran is a violation of the Iran-Iraq Arms Non-Proliferation Act of 1992 (50 U.S.C. 1701 note).

(9) The Clinton Administration ''has concluded at present that the known types [of C–802 cruise missiles] are not of a destabilizing number and type''.

(b) SENSE OF SENATE.—It is the sense of the Senate to urge the Clinton Administration to enforce the provisions of the Iran-Iraq Arms Non-Proliferation Act of 1992 with respect to the acquisition by Iran of C–802 model cruise missiles.

SEC. 1616. SENSE OF THE SENATE ON PERSECUTION OF CHRISTIAN MINORITIES IN THE PEOPLE'S REPUBLIC OF CHINA.

(a) The Senate finds that—

(1) Chinese law requires all religious congregations, including Christian congregations, to ''register'' with the Bureau of Religious Affairs, and Christian congregations, depending on denominational affiliation, to be monitored by either the ''Three Self Patriotic Movement Committee of the Protestant Churches of China'', the ''Chinese Christian Council'', the ''Chinese Patriotic Catholic Association'', or the ''Chinese Catholic Bishops College'';

(2) the manner in which these registration requirements are implemented and enforced allows the government to exercise direct control over all congregations and their religious activities, and also discourages congregants who fear government persecution and harassment on account of their religious beliefs;

(3) in the past several years, unofficial Protestant and Catholic communities have been targeted by the Chinese government in an effort to force all churches to register with the government or face forced dissolution;

(4) this campaign has resulted in the beating and harassment of congregants by Chinese public security forces, the closure of churches, and numerous arrests, fines, and criminal and administrative sentences. For example, as reported by credible American and multinational non-governmental organizations—

(A) in February 1995, 500 to 600 evangelical Christians from Jiangsu and Zhejiang Provinces met in Huaian, Jiangsu Province. Public Security Bureau personnel broke up the meeting, beat several participants, imprisoned several of the organizers, and levied severe fines on others;

(B) in April 1996 government authorities in Shanghai closed more than 300 home churches or meeting places;

(C) from January through May 1996, security forces fanned out through northern Hebei Province, a Catholic stronghold, in order to prevent

an annual attendance at a major Marian shrine by arresting clergy and lay Catholics and confining prospective attendees to their villages;

(D) a communist party document dated November 20, 1996 entitled ''The Legal Procedures for Implementing the Eradication of the Illegal Activities of the Underground Catholic Church'' details steps for eliminating the Catholic movement in Chongren, Xian, Fuzhou and Jiangxi Provinces and accuses believers of ''seriously disturbing the social order and affecting [the] political stability'' of the country; and

(E) in March 1997, public security officials raided the home of the ''underground'' Bishop of Shanghai, confiscating religious articles and $2,500 belonging to the church.

(b) It is, therefore, the sense of the Senate that—

(1) the government of the People's Republic of China be urged to release from incarceration all those held for participation in religious activities outside the aegis of the official churches, and cease prosecuting or detaining those who participate in such religious activities;

(2) the government of the People's Republic of China be urged to abolish its present church registration process;

(3) the government of the People's Republic of China fully adhere to the religious principles protected by the United Nations Universal Declaration of Human Rights; and

(4) the Administration should raise the United States concerns over the persecution of Protestant and Catholic believers with the government of the People's Republic of China, including at the proposed state visit by President Jiang Zemin to the United States, and at other high-level meetings which may take place.

SEC. 1617. SENSE OF CONGRESS REGARDING THE NORTH ATLANTIC TREATY ORGANIZATION.

(a) FINDINGS.—Congress finds the following:

(1) The West's victory in the Cold War dramatically changed the political and national security landscape in Europe.

(2) The unity, resolve, and strength of the North Atlantic Treaty Organization was the principal factor behind that victory.

(3) The North Atlantic Treaty was signed in April 1949 and created the most successful defense alliance in history.

(4) The President of the United States and leaders of other NATO countries have indicated their intention to enlarge alliance membership to include at least three new countries.

(5) The Senate expressed its approval of the enlargement process by voting 81–16 in favor of the NATO Enlargement Facilitation Act of 1996.

(6) The United States is bound by Article Five of the North Atlantic Treaty to respond to an attack on any NATO member as it would to an attack on the United States itself.

(7) Although the prospect of NATO membership has provided the impetus for several countries to resolve long standing disputes, the North Atlantic Treaty does not provide for a formal dispute resolution process by which members can resolve differences among themselves without undermining Article Five obligations.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the North Atlantic Treaty Organization should consider a formal dispute resolution process within the Alliance prior to its December 1997 ministerial meeting.

SEC. 1618. JAPAN-UNITED STATES FRIENDSHIP COMMISSION.

(a) RELIEF FROM RESTRICTION OF INTERCHANGEABILITY OF FUNDS.—

(1) Section 6(4) of the Japan-United States Friendship Act (22 U.S.C. 2905(4)) is amended by striking ''needed, except'' and all that follows through ''United States'' and inserting ''needed''.

(2) The second sentence of section 7(b) of the Japan-United States Friendship Act (22 U.S.C. 2906(b)) is amended to read as follows: ''Such investment may be made only in interest-bearing obligations of the United States, in obligations guaranteed as to both principal and interest by the United States, in interest-bearing obligations of Japan, or in obligations guaranteed as to both principal and interest by Japan.''.

(b) REVISION OF NAME OF COMMISSION.—

(1) The Japan-United States Friendship Commission is hereby designated as the ''United States-Japan Commission''. Any reference in any provision of law, Executive order, regulation, delegation of authority, or other document to the Japan-United States Friendship Commission shall be deemed to be a reference to the United States-Japan Commission.

(2) The Japan-United States Friendship Act (22 U.S.C. 2901 et seq.) is amended by striking ''Japan-United States Friendship Commission'' each place it appears and inserting ''United States-Japan Commission''.

(3) The heading of section 4 of the Japan-United States Friendship Act (22 U.S.C. 2903) is amended to read as follows:

''UNITED STATES-JAPAN COMMISSION''.

(c) REVISION OF NAME OF TRUST FUND.—

(1) The Japan-United States Friendship Trust Fund is hereby designated as the ''United States-Japan Trust Fund''. Any reference in any provision of law, Executive order, regulation, delegation of authority, or other document to the Japan-United States Friendship Trust Fund shall be deemed to be a reference to the United States-Japan Trust Fund.

(2)(A) Subsection (a) of section 3 of the Japan-United States Friendship Act (22 U.S.C. 2902) is amended by striking ''Japan-United States Friendship Trust Fund'' and inserting ''United States-Japan Trust Fund''.

(B) The section heading of that section is amended to read as follows:

''UNITED STATES-JAPAN TRUST FUND''.

SEC. 1619. AVIATION SAFETY.

It is the sense of Congress that the need for cooperative efforts in transportation and aviation safety be placed on the agenda for the Summit of the Americas to be held in Santiago, Chile, in March 1998. Since April 1996, when ministers and transportation officials from 23 countries in the Western Hemisphere met in Santiago, Chile, in order to develop the Hemispheric Transportation Initiative, aviation safety and transportation standardization has become an increasingly important issue. The adoption of comprehensive Hemisphere-wide measures to enhance transportation safety, including standards for equipment, infrastructure, and operations as well as harmonization of regulations relating to equipment, operations, and transportation safety are imperative. This initiative will increase the efficiency and safety of the current system and consequently facilitate trade.

SEC. 1620. SENSE OF THE SENATE ON UNITED STATES POLICY TOWARD THE PEOPLE'S REPUBLIC OF CHINA.

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

(1) As the world's leading democracy, the United States cannot ignore the Government of the People's Republic of China's record on human rights and religious persecution.

(2) According to Amnesty International, ''A fifth of the world's people are ruled by a government that treats fundamental human rights with contempt. Human rights violations continue on a massive scale.''.

(3) According to Human Rights Watch/Asia reported that: ''Unofficial Christian and Catholic communities were targeted by the government during 1996. A renewed campaign aimed at forcing all churches to register or face dissolution, resulted in beating and harassment of congregants, closure of churches, and numerous arrests, fines, and sentences. In Shanghai, for example, more than 300 house churches or meeting points were closed down by the security authorities in April alone.''.

(4) The People's Republic of China's compulsory family planning policies include forced abortions.

(5) China's attempts to intimidate Taiwan and the activities of its military, the People's Liberation Army, both in the United States and abroad, are of major concern.

(6) The Chinese government has threatened international stability through its weapons sales to regimes, including Iran and Iraq, that sponsor terrorism and pose a direct threat to American military personnel and interests.

(7) The efforts of two Chinese companies, the China North Industries Group (NORINCO) and the China Poly Group (POLY), deserve special rebuke for their involvement in the sale of AK–47 machine guns to California street gangs.

(8) Allegations of the Chinese government's involvement in our political system may involve both civil and criminal violations of our laws.

(9) The Senate is concerned that China may violate the 1984 Sino-British Joint Declaration transferring Hong Kong from British to Chinese rule by limiting political and economic freedom in Hong Kong.

(10) The Senate strongly believes time has come to take steps that would signal to Chinese leaders that religious persecution, human rights abuses, forced abortions, military threats and weapons proliferation, and attempts to influence American elections are unacceptable to the American people.

(11) The United States should signal its disapproval of Chinese government actions through targeted sanctions, while at the same time encouraging worthwhile economic and cultural exchanges that can lead to positive change in China.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the United States should—

(1) limit the granting of United States visas to Chinese government offices who work in entities the implementation of China's laws and directives on religious practices and coercive family planning, and those officials materially involved in the massacre of Chinese students in Tiananmen square;

(2) limit United States taxpayer subsidies for the Chinese government through multilateral development institutions such as the World Bank, Asian Development Bank, and the International Monetary Fund;

(3) publish a list of all companies owned in part or wholly by the People's Liberation Army (PLA) of the Chinese government who export to, or have an office in, the United States;

(4) consider imposing targeted sanctions on NORINCO and POLY by not allowing them to export to, nor to maintain a physical presence in, the United States for a period of one year; and

(5) promote democratic values in China by increasing United States Government funding of Radio Free Asia, the National Endowment for Democracy's programs in China and existing student, cultural, and legislative exchange programs between the United States and the People's Republic of China.

SEC. 1621. SENSE OF THE SENATE ENCOURAGING PROGRAMS BY THE NATIONAL ENDOWMENT FOR DEMOCRACY REGARDING THE RULE OF LAW IN CHINA.

(a) FINDINGS.—

(1) The establishment of the rule of law is a necessary prerequisite for the success of democratic governance and the respect for human rights.

(2) In recent years efforts by the United States and United States-based organizations, including the National Endowment for Democracy, have been integral to legal training and the promotion of the rule of law in China drawing upon both western and Chinese experience and tradition.

(3) The National Endowment for Democracy has already begun to work on these issues, including funding a project to enable independent scholars in China to conduct research on constitutional reform issues and the Hong Kong-China Law Database Network.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate to encourage the National Endowment for Democracy to expand its activities in China and Hong Kong on projects which encourage the rule of law, including the study and dissemination of information on comparative constitutions, federalism, civil codes of law, civil and penal code reform, legal education, freedom of the press, and contracts.

SEC. 1622. CONCERNING THE PALESTINIAN AUTHORITY.

(a) Congress finds that:

(1) The Palestinian Authority Justice Minister Freih Abu Medein announced in April 1997 that anyone selling land to Jews was committing a crime punishable by death.

(2) Since this announcement, three Palestinians were allegedly murdered in the Jerusalem and Ramallah areas for selling real estate to Jews.

(3) Israeli police managed to foil the attempted abduction of a fourth person.

(4) Israeli security services have acquired evidence indicating that the intelligence services of the Palestinian Authority were directly involved in at least two of these murders.

(5) Subsequent statements by high-ranking Palestinian Authority officials have justified these murders, further encouraging this intolerable policy.

(b) It is the sense of the Congress that—

(1) the Secretary of State should thoroughly investigate the Palestinian Authority's role in any killings connected with this policy and should immediately report its findings to the Congress;

(2) the Palestinian Authority, with Yasser Arafat as its chairman, must immediately issue a public and unequivocal statement denouncing these acts and reversing this policy;

(3) this policy is an affront to all those who place high value on peace and basic human rights; and

(4) the United States should renew the provision of assistance to the Palestinian Authority in light of this policy.

SEC. 1623. AUTHORIZATION OF APPROPRIATIONS FOR FACILITIES IN BEIJING AND SHANGHAI.

Of the amounts authorized to be appropriated pursuant to section 1101 in this Act, up to $90,000,000 are authorized to be appropriated for the renovation, acquisition and construction of housing and secure diplomatic facilities at the United States Embassy in Beijing and the United States Consulate in Shanghai, People's Republic of China.

SEC. 1624. ELIGIBILITY FOR REFUGEE STATUS.

Section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997 (Public Law 104–208; 110 Stat. 3009–171) is amended—

(1) in subsection (a)—

(A) by striking ''For purposes'' and inserting ''Notwithstanding any other provision of law, for purposes''; and

(B) by striking ''fiscal year 1997'' and inserting ''fiscal years 1997 and 1998''; and

(2) by amending subsection (b) to read as follows:

''(b) ALIENS COVERED.—

''(1) IN GENERAL.— An alien described in this subsection is an alien who—

''(A) is the son or daughter of a qualified national;

''(B) is 21 years of age or older; and

''(C) was unmarried as of the date of acceptance of the alien's parent for resettlement under the Orderly Departure Program.

''(2) QUALIFIED NATIONAL.—For purposes of paragraph (1), the term 'qualified national' means a national of Vietnam who—

''(A)(i) was formerly interned in a reeducation camp in Vietnam by the Government of the Socialist Republic of Vietnam; or

''(ii) is the widow or widower of an individual described in clause (i); and

''(B)(i) qualified for refugee processing under the reeducation camp internees subprogram of the Orderly Departure Program; and

''(ii) on or after April 1, 1995, is accepted—

''(I) for resettlement as a refugee; or

''(II) for admission as an immigrant under the Orderly Departure Program.''.

DIVISION C—UNITED NATIONS REFORM

TITLE XX—GENERAL PROVISIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the ''United Nations Reform Act of 1997''.

SEC. 2002. DEFINITIONS.

In this division:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

(2) DESIGNATED SPECIALIZED AGENCY DEFINED.—In this section, the term ''designated specialized agency'' refers to the International Labor Organization, the World Health Organization, and the Food and Agriculture Organization.

(3) SECRETARY GENERAL.—The term ''Secretary General'' means the Secretary General of the United Nations.

(4) UNITED NATIONS MEMBER.—The term ''United Nations member'' means any country that is a member of the United Nations.

(5) UNITED NATIONS PEACE OPERATION.—The term ''United Nations peace operation'' means any United Nations-led peace operation paid for from the assessed peacekeeping budget and authorized by the Security Council.

SEC. 2003. NONDELEGATION OF CERTIFICATION REQUIREMENTS.

The Secretary of State may not delegate the authority in this division to make any certification.

TITLE XXI—AUTHORIZATION OF APPROPRIATIONS

SEC. 2101. ASSESSED CONTRIBUTIONS TO THE UNITED NATIONS AND AFFILIATED ORGANIZATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated under the heading ''Assessed Contributions to International Organizations'' $938,000,000 for the fiscal year 1998 and $900,000,000 for the fiscal year 1999 for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international organizations and to carry out other authorities in law consistent with such purposes. Of the funds made available under this subsection $3,000,000 for the fiscal year 1998 and $3,000,000 for the fiscal year 1999 are authorized to be appropriated only for a United States contribution to the United Nations Voluntary Fund for Victims of Torture.

(b) NO GROWTH BUDGET.—Of the funds made available under subsection (a), $80,000,000 may be made available during each fiscal year only on a semi-annual basis and only after the Secretary of State certifies on a semi-annual basis that the United Nations has taken no action during the preceding six months to increase funding for any United Nations program without identifying an offsetting decrease during that six month period elsewhere in the United Nations budget of $2,533,000,000 and cause the United Nations to exceed its budget for the biennium 1998–99 adopted in December 1997.

(c) INSPECTOR GENERAL OF THE UNITED NATIONS.—

(1) WITHHOLDING OF FUNDS.—Twenty percent of the funds made available in each fiscal year under subsection (a) for the assessed contribution of the United States to the United Nations shall be withheld from obligation and expenditure until a certification is made under paragraph (2).

(2) CERTIFICATION.—A certification under this paragraph is a certification by the Secretary of State in the fiscal year concerned that the following conditions are satisfied:

(A) ACTION BY THE UNITED NATIONS.—The United Nations—

(i) has met the requirements of paragraphs (1) through (6) of section 401(b) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 287e note); and

(ii) has established procedures that require the Under Secretary General of the Office of Internal Oversight Service to report directly to the Secretary General on the adequacy of the Office's resources to enable the Office to fulfill its mandate.

(B) ACTION BY OIOS.—The Office of Internal Oversight Services has authority to audit, inspect, or investigate each program, project, or activity funded by the United Nations, and each executive board created under the United Nations has been notified, in writing, of that authority.

(d) PROHIBITION ON CERTAIN GLOBAL CONFERENCES.—Funds made available under subsection (a) shall be withheld from disbursement until the Secretary of State certifies to Congress that the United States has not contributed any funds authorized to be appropriated in subsection (a) to pay for any expenses related to the holding of a United Nations Global Conference.

(e) REDUCTION IN NUMBER OF POSTS.—

(1) FISCAL YEAR 1998.—Of the funds appropriated for fiscal year 1998 for the United Nations pursuant to subsection (a), $50,000,000 shall be withheld from disbursement until the Secretary of State certifies to Congress that the number of posts established under the 1998–99 regular budget of the United Nations and authorized by the General Assembly has been reduced by at least 1,000 posts from those authorized by the 1996–97 biennium, as a result of a suppression of that number of posts.

(2) FISCAL YEAR 1999.—Of the funds appropriated for fiscal year 1999 for the United Nations, pursuant to subsection (a), $50,000,000 shall be withheld from disbursement until the Secretary of State certifies to Congress that the 1998–99 United Nations budget contains a vacancy rate of not less than 5 percent for professional staff and not less than 2.5 percent for general services staff.

(f) PROHIBITION ON FUNDING ORGANIZATIONS OTHER THAN UNITED NATIONS.—None of the funds made available under subsection (a) shall be available for disbursement until the Secretary of State certifies to Congress that no portion of the United States contribution will be used to fund any other organization other than the United Nations out of the United Nations regular budget, including the Framework Convention on Global Climate Change and the International Seabed Authority.

(g) LIMITATION.—

(1) IN GENERAL.—The total amount of funds made available for all United States memberships in international organizations under the heading ''Assessed Contributions to International Organizations'' may not exceed $900,000,000 for each of fiscal years 1999 and 2000.

(h) FOREIGN CURRENCY EXCHANGE RATES.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated by subsection (a), there are authorized to be appropriated such sums as may be necessary for each of fiscal years 1998 and 1999 to offset adverse fluctuations in foreign currency exchange rates.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated under this subsection shall be available for obligation and expenditure only to the extent that the Director of the Office of Management and Budget determines and certifies to Congress that such amounts are necessary due to such fluctuations.

(i) REFUND OF EXCESS CONTRIBUTIONS.—The United States shall continue to insist that the

United Nations and its specialized and affiliated agencies shall establish and implement a procedure to credit or refund to each member of the agency concerned its proportionate share of the amount by which the total contributions to the agency exceed the expenditures of the regular assessed budgets of these agencies.

SEC. 2102. UNITED NATIONS POLICY ON ISRAEL AND THE PALESTINIANS.

(a) CONGRESSIONAL STATEMENT.—It shall be the policy of the United States to promote an end to the persistent inequity experienced by Israel in the United Nations whereby Israel is the only longstanding member of the organization to be denied acceptance into any of the United Nation's regional blocs.

(b) POLICY ON ABOLITION OF CERTAIN UNITED NATIONS GROUPS.—It shall be the policy of the United States to seek abolition of certain United Nations groups the existence of which is inimical to the ongoing Middle East peace process, those groups being the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and other Arabs of the Occupied Territories; the Committee on the Exercise of the Inalienable Rights of the Palestinian People; the Division for the Palestinian Rights; and the Division on Public Information on the Question of Palestine.

(c) CONSULTATIONS WITH CONGRESS.—Not later than 90 days after the date of the enactment of this Act and on a semi-annual basis thereafter, the Secretary of State shall consult with the appropriate congressional committees (in classified or unclassified form as appropriate) on—

(1) actions taken by representatives of the United States to encourage the nations of the Western Europe and Others Group (WEOG) to accept Israel into their regional bloc;

(2) specific responses received by the Secretary of State from each of the nations of the Western Europe and Others Group (WEOG) on their position concerning Israel's acceptance into their organization;

(3) other measures being undertaken, and which will be undertaken, to ensure and promote Israel's full and equal participation in the United Nations; and

(4) steps taken by the United States to secure abolition by the United Nations of groups under subsection (b).

SEC. 2103. ASSESSED CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated under the heading ''Assessed Contributions for International Peacekeeping Activities'' $200,000,000 for the fiscal year 1998 and $205,000,000 for the fiscal year 1999 for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international peacekeeping activities and to carry out other authorities in law consistent with such purposes.

(b) CODIFICATION OF REQUIRED NOTICE OF PROPOSED UNITED NATIONS PEACEKEEPING OPERATIONS.—

(1) CODIFICATION.—Section 4 of the United Nations Participation Act of 1945 (22 U.S.C. 287b) is amended—

(A) in subsection (a), by striking the second sentence;

(B) by striking subsection (e); and

(C) by adding after subsection (d) the following new subsections:

''(e) CONSULTATIONS AND REPORTS ON UNITED NATIONS PEACEKEEPING OPERATIONS.—

''(1) CONSULTATIONS.—Each month the President shall consult with Congress on the status of United Nations peacekeeping operations.

''(2) INFORMATION TO BE PROVIDED.—In connection with such consultations, the following information shall be provided each month to the designated congressional committees:

''(A) With respect to ongoing United Nations peacekeeping operations, the following:

''(i) A list of all resolutions of the United Nations Security Council anticipated to be voted on during such month that would extend or change the mandate of any United Nations peacekeeping operation.

''(ii) For each such operation, any changes in the duration, mandate, and command and control arrangements that are anticipated as a result of the adoption of the resolution.

''(iii) An estimate of the total cost to the United Nations of each such operation for the period covered by the resolution, and an estimate of the amount of that cost that will be assessed to the United States.

''(iv) Any anticipated significant changes in United States participation in or support for each such operation during the period covered by the resolution (including the provision of facilities, training, transportation, communication, and logistical support, but not including intelligence activities reportable under title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.)) and the estimated costs to the United States of such changes.

''(B) With respect to each new United Nations peacekeeping operation that is anticipated to be authorized by a Security Council resolution during such month, the following information for the period covered by the resolution:

''(i) The anticipated duration, mandate, the command and control arrangements of such operation, the planned exit strategy, and the vital national interest to be served.

''(ii) An estimate of the total cost to the United Nations of the operation, an estimate of the amount of that cost that will be assessed to the United States, and a notice of intent to submit a reprogramming of funds to cover that cost.

''(iii) A description of the functions that would be performed by any United States Armed Forces participating in or otherwise operating in support of the operation, an estimate of the number of members of the Armed Forces that will participate in or otherwise operate in support of the operation, and an estimate of the cost to the United States of such participation or support.

''(iv) A description of any other United States assistance to or support for the operation (including the provision of facilities, training, transportation, communication, and logistical support, but not including intelligence activities reportable under title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.)) and an estimate of the cost to the United States of such assistance or support.

''(3) FORM AND TIMING OF INFORMATION.—

''(A) FORM.—The President shall submit information under clauses (i) and (iii) of paragraph (2)(A) in writing.

''(B) TIMING.—

''(i) IN GENERAL.—The information required under paragraph (2)(A) for a month shall be submitted not later than the 10th day of the month.

''(ii) PARTICULAR INFORMATION.—The information required under paragraph (2)(B) shall be submitted in writing not less than 15 days before the anticipated date of the vote on the resolution concerned or, if a 15-day advance submission is not practicable, in as far advance of the vote as is practicable.

''(4) NEW UNITED NATIONS PEACEKEEPING OPERATION DEFINED.—As used in paragraph (2), the term 'new United Nations peacekeeping operation' includes any existing or otherwise ongoing United Nations peacekeeping operation—

''(A) in the case of an operation in existence, where the authorized force strength is to be expanded by more than 15 percent in an operation of less than 200 military or police personnel, or 10 percent in an operation of more than 200 military or police personnel during the period covered by the Security Council resolution;

''(B) that is to be authorized to operate in a country in which it was not previously authorized to operate; or

''(C) the mandate of which is to be changed so that the operation would be engaged in significant additional or different functions.

''(5) NOTIFICATION AND QUARTERLY REPORTS REGARDING UNITED STATES ASSISTANCE.—

''(A) NOTIFICATION OF CERTAIN ASSISTANCE.—

''(i) IN GENERAL.—The President shall notify the designated congressional committees at least 15 days before the United States provides any assistance to the United Nations to support peacekeeping operations.

''(ii) EXCEPTION.—This subparagraph does not apply to—

''(I) assistance having a value of less than $3,000,000 in the case of nonreimbursable assistance or less than $14,000,000 in the case of reimbursable assistance; or

''(II) assistance provided under the emergency drawdown authority of sections 506(a)(1) and 552(c)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2318(a)(1) and 2348a(c)(2)).

''(B) QUARTERLY REPORTS.—

''(i) IN GENERAL.—The President shall submit quarterly reports to the designated congressional committees on all assistance provided by the United States during the preceding calendar quarter to the United Nations to support peacekeeping operations.

''(ii) MATTERS INCLUDED.—Each report under this subparagraph shall describe the assistance provided for each such operation, listed by category of assistance.

''(iii) FOURTH QUARTER REPORT.—The report under this subparagraph for the fourth calendar quarter of each year shall be submitted as part of the annual report required by subsection (d) and shall include cumulative information for the preceding calendar year.

''(f) DESIGNATED CONGRESSIONAL COMMITTEES.—In this section, the term 'designated congressional committees' means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.''.

(2) CONFORMING REPEAL.—Subsection (a) of section 407 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236; 22 U.S.C. 287b note; 108 Stat. 448) is repealed.

(c) RELATIONSHIP TO OTHER NOTICE REQUIREMENTS.—Section 4 of the United Nations Participation Act of 1945, as amended by subsection (c), is further amended by adding at the end the following:

''(g) RELATIONSHIP TO OTHER NOTIFICATION REQUIREMENTS.—Nothing in this section is intended to alter or supersede any notification requirement with respect to peacekeeping operations that is established under any other provision of law.''.

SEC. 2104. DATA ON COSTS INCURRED IN SUPPORT OF UNITED NATIONS PEACE AND SECURITY OPERATIONS.

Chapter 6 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2348 et seq.) is amended by adding at the end the following:

"SEC. 555. DATA ON COSTS INCURRED IN SUPPORT OF UNITED NATIONS PEACE AND SECURITY OPERATIONS.

''(a) UNITED STATES COSTS.—The United States shall annually provide to the Secretary General of the United Nations data regarding all costs incurred by the United States in support of all United Nations authorized operations in support of international peace and security.

''(b) UNITED NATIONS MEMBER COSTS.—The United States shall request that the United Nations compile and publish information concerning costs incurred by United Nations members in support of such operations.''.

SEC. 2105. REIMBURSEMENT FOR GOODS AND SERVICES PROVIDED BY THE UNITED STATES TO THE UNITED NATIONS.

(a) REQUIREMENT TO OBTAIN REIMBURSEMENT.—

(1) IN GENERAL.—Except as provided in paragraph (2), the President shall seek and obtain a commitment from the United Nations to provide reimbursement to the United States from the United Nations in a timely fashion whenever the United States Government furnishes assistance pursuant to the provisions of law described in subsection (c)—

(A) to the United Nations;

(B) for any United Nations peacekeeping operation that is authorized by the United Nations Security Council under Chapter VI or Chapter VII of the United Nations Charter and paid for by peacekeeping or regular budget assessment of the United Nations members; or

(C) to any country participating in any operation authorized by the United Nations Security Council under Chapter VI or Chapter VII of the United Nations Charter and paid for by peacekeeping assessments of United Nations members when the assistance is designed to facilitate or assist the participation of that country in the operation.

(2) EXCEPTION.—The requirement in paragraph (1) shall not apply to—

(A) expenses incurred by the United States for the direct benefit of the United States Armed Forces;

(B) assistance having a value of less than $3,000,000 per fiscal year per operation; or

(C) assistance furnished before the date of enactment of this Act.

(3) FORM AND AMOUNT.—

(A) AMOUNT.—The amount of any reimbursement under this subsection shall be determined at the usual rate established by the United Nations.

(B) FORM.—Reimbursement under this subsection may include credits against the United States assessed contributions for United States peacekeeping operations, if the expenses incurred by any United States department or agency providing the assistance have first been reimbursed.

(b) TREATMENT OF REIMBURSEMENTS.—

(1) CREDIT.—The amount of any reimbursement paid the United States under subsection (a) shall be credited to the current applicable appropriation, fund, or account of the United States department or agency providing the assistance for which the reimbursement is paid.

(2) AVAILABILITY.—Amounts credited under paragraph (1) shall be merged with the appropriations, or with appropriations in the fund or account, to which credited and shall be available for the same purposes, and subject to the same conditions and limitations, as the appropriations with which merged.

(c) COVERED ASSISTANCE.—Subsection (a) assistance provided under the following provisions of law:

(1) Sections 6 and 7 of the United Nations Participation Act of 1945.

(2) Sections 451, 506(a)(1), 516, 552(c), and 607 of the Foreign Assistance Act of 1961.

(3) Any other provisions of law pursuant to which assistance is provided by the United States to carry out the mandate of an assessed United Nations peacekeeping operation.

(d) WAIVER.—

(1) AUTHORITY.—

(A) IN GENERAL.—The President may authorize the furnishing assistance covered by this section without regard to subsection (a) if the President determines, and so notifies in writing the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives, that to do so is important to the security interests of the United States.

(B) CONGRESSIONAL NOTIFICATION.—Before exercising the authorities of subparagraph (A), the President shall notify the appropriate congressional committees in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961.

(2) CONGRESSIONAL REVIEW.—Notwithstanding a notice under paragraph (1) with respect to assistance covered by this section, subsection (a) shall apply to the furnishing of the assistance if, not later than 15 calendar days after receipt of a notification under that paragraph, the Congress enacts a joint resolution disapproving the determination of the President contained in the notice.

(3) SENATE PROCEDURES.—Any joint resolution described in paragraph (2) shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

(e) RELATIONSHIP TO OTHER REIMBURSEMENT AUTHORITY.—Nothing in this section shall preclude the President from seeking reimbursement for assistance covered by this section that is in addition to the reimbursement sought for the assistance under in subsection (a).

(f) DEFINITION.—In this section, the term ''assistance'' includes personnel, services, supplies, equipment, facilities, and other assistance, provided by the United States Department of Defense or any other United States Government agency.

SEC. 2106. RESTRICTION ON UNITED STATES FUNDING FOR UNITED NATIONS PEACE OPERATIONS.

The President shall withhold from disbursement for any United Nations peace operation established after the date of enactment of this Act the United States proportionate share of any amount made available to that operation out of the regular budget of the United Nations, unless the President determines, and so notifies the appropriate congressional committees, that funding such a United Nations peace operation serves an important national security interest of the United States.

SEC. 2107. UNITED STATES POLICY REGARDING UNITED NATIONS PEACEKEEPING MISSIONS.

It shall be the policy of the United States—

(1) to ensure that major peacekeeping operations (in general, those comprised of more than 10,000 troops) authorized by the United Nations Security Council under Chapter VII of the United Nations Charter (or missions such as the United Nations Protection Force (UNPROFOR)) are undertaken by a competent regional organization such as NATO or a multinational force, and not established as a peacekeeping operation under United Nations operational control which would be paid for by assessment of United Nations members; and

(2) to consider, on a case-by-case basis, whether it is in the national interest of the United States to agree that smaller peacekeeping operations authorized by the United Nations Security Council under Chapter VII of the United Nations Charter and paid for by assessment of United Nations members (such as the United Nations Transitional Authority in Slavonia (UNTAES)) should be established as peacekeeping operations under United Nations operational control which would be paid for by assessment of United Nations members.

SEC. 2108. ORGANIZATION OF AMERICAN STATES.

Taking into consideration the long-term commitment by the United States to the affairs of this hemisphere and the need to build further upon the linkages between the United States and its neighbors, it is the sense of the Congress that the Secretary of State should make every effort to pay the United States assessed funding levels for the Organization of American States, which is uniquely dependent on United States contributions and is continuing fundamental reforms in its structure and its agenda.

TITLE XXII—ARREARS PAYMENTS AND REFORM

CHAPTER 1—ARREARAGES TO THE UNITED NATIONS

Subchapter A—Authorization of Appropriations; Disbursement of Funds

SEC. 2201. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Department of State for payment of arrearages owed by the United States to the United Nations and its specialized agencies as of September 30, 1997—

(1) $100,000,000 for fiscal year 1998;

(2) $475,000,000 for fiscal year 1999; and

(3) $244,000,000 for fiscal year 2000.

(b) LIMITATION.—Amounts made available under subsection (a) are authorized to be available only—

(1) to pay the United States share of assessments for the regular budget of the United Nations (excluding the budgets of the United Nations specialized agencies);

(2) to pay the United States share of United Nations peace operations;

(3) to pay the United States share of United Nations specialized agencies; and

(4) to pay the United States share of other international organizations.

(c) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subsection (a) are authorized to remain available until expended.

(d) STATUTORY CONSTRUCTION.—For purposes of payments made pursuant to subsection (a), section 404(b)(2) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) shall not apply to United Nations peace operation assessments received by the United States prior to October 1, 1995.

SEC. 2202. DISBURSEMENT OF FUNDS.

(a) IN GENERAL.—Funds made available pursuant to section 2201 may be disbursed only if the requirements of subsections (b) and (c) of this section are satisfied.

(b) DISBURSEMENTS UPON SATISFACTION OF CERTIFICATION REQUIREMENTS.—Funds made available pursuant to section 2201 may be disbursed only in the following allotments and upon the following certifications:

(1) Amounts authorized to be appropriated for fiscal year 1998, upon the certification described in section 2211.

(2) Amounts authorized to be appropriated for fiscal year 1999, upon the certification described in section 2221.

(3) Amounts authorized to be appropriated for fiscal year 2000, upon the certification described in section 2231.

(c) ADVANCE CONGRESSIONAL NOTIFICATION.—Funds made available pursuant to section 2201 may be disbursed only if the appropriate certification has been submitted to Congress 30 days prior to the payment of funds to the United Nations or its specialized agencies.

(d) TRANSMITTAL OF CERTIFICATIONS.—Certifications made under this chapter shall be transmitted by the Secretary of State to the appropriate congressional committees.

Subchapter B—United States Sovereignty

SEC. 2211. CERTIFICATION REQUIREMENTS.

(a) CONTENTS OF CERTIFICATION.—A certification described in this section is a certification by the Secretary of State that the following conditions are satisfied:

(1) CONTESTED ARREARAGES.—The United Nations has established an account or other appropriate mechanism with respect to all United States arrearages incurred before the date of enactment of this Act with respect to which payments are not authorized by this Act, and the failure to pay amounts specified in the account do not affect the application of Article 19 of the Charter of the United Nations. The account established under this paragraph may be referred to as the ''contested arrearages account''.

(2) SUPREMACY OF THE UNITED STATES CONSTITUTION.—No action has been taken on or after October 1, 1996, by the United Nations or any of its specialized or affiliated agencies that requires the United States to violate the United States Constitution or any law of the United States.

(3) NO UNITED NATIONS SOVEREIGNTY.—Neither the United Nations nor any of its specialized or affiliated agencies—

(A) has exercised sovereignty over the United States; or

(B) has taken any steps that require the United States to cede sovereignty.

(4) NO UNITED NATIONS TAXATION.—

(A) NO LEGAL AUTHORITY.—Except as provided in subparagraph (D), neither the United Nations nor any of its specialized or affiliated agencies has the authority under United States law to impose taxes or fees on United States nationals.

(B) NO TAXES OR FEES.—Except as provided in subparagraph (D), a tax or fee has not been imposed on any United States national by the United Nations or any of its specialized or affiliated agencies.

(C) NO TAXATION PROPOSALS.—Except as provided in subparagraph (D), neither the United Nations nor any of its specialized or affiliated agencies has officially approved any formal effort to develop, advocate, or promote any proposal concerning the imposition of a tax or fee on any United States national in order to raise revenue for the United Nations or any such agency.

(D) EXCEPTION.—This paragraph does not apply to—

(i) fees for publications or other kinds of fees that are not tantamount to a tax on United States citizens; or

(ii) the World Intellectual Property Organization.

(5) NO STANDING ARMY.—The United Nations has not budgeted any funds for, nor taken any official steps to develop, create, or establish any special agreement under Article 43 of the United Nations Charter to make available to the United Nations, on its call, the armed forces of any member of the United Nations.

(6) NO INTEREST FEES.—The United Nations has not levied interest penalties against the United States or any interest on arrearages on the annual assessment of the United States, and from the date of enactment of this Act, neither the United Nations nor its specialized agencies have amended their financial regulations or taken any other action that would permit interest penalties to be levied against or otherwise charge the United States any interest on arrearages on its annual assessment.

(7) UNITED STATES PROPERTY RIGHTS.—Neither the United Nations nor any of its specialized or affiliated agencies has exercised authority or control over any United States national park, wildlife preserve, monument, or property, nor has the United Nations nor any of its specialized or affiliated agencies implemented plans, regulations, programs, or agreements that exercise control or authority over the private property of United States citizens.

(8) TERMINATION OF BORROWING AUTHORITY.—

(A) PROHIBITION ON AUTHORIZATION OF EXTERNAL BORROWING.—On or after the date of enactment of this Act, neither the United Nations nor any specialized agency of the United Nations has amended its financial regulations to permit external borrowing.

(B) PROHIBITION OF UNITED STATES PAYMENT OF INTEREST COSTS.—The United States has not paid its share of any interest costs made known to or identified by the United States Government for loans incurred by the United Nations or any specialized agency of the United Nations through external borrowing.

(b) TRANSMITTAL.—The Secretary of State may transmit a certification under subsection (a) at any time during fiscal year 1998 or thereafter if the requirements of the certification are satisfied.

Subchapter C—Reform of Assessments and United Nations Peace Operations

SEC. 2221. CERTIFICATION REQUIREMENTS.

(a) IN GENERAL.—A certification described in this section is a certification by the Secretary of State that the conditions in subsection (b) are satisfied. Such certification shall not be made by the Secretary if the Secretary determines that any of the conditions set forth in section 2211 are no longer valid.

(b) CONDITIONS.—The conditions under this subsection are the following:

(1) LIMITATION ON ASSESSED SHARE OF REGULAR BUDGET.—The share of the total of all assessed contributions for the regular budget of the United Nations, or any designated specialized agency of the United Nations, does not exceed 22 percent for any single United Nations member.

(2) LIMITATION ON ASSESSED SHARE OF BUDGET FOR PEACE OPERATIONS.—The assessed share of the budget for each assessed United Nations peace operation does not exceed 25 percent for any single United Nations member.

(3) TRANSFER OF REGULAR BUDGET-FUNDED PEACE OPERATIONS.—The mandates of the United Nations Truce Supervision Organization (UNTSO) and the United Nations Military Observer Group in India and Pakistan (UNMOGIP) are subject to annual review by members of the Security Council, and are subject to the notification requirements pursuant to section 2103(c).

Subchapter D—Budget and Personnel Reform

SEC. 2231. CERTIFICATION REQUIREMENTS.

(a) IN GENERAL.—A certification described in this section is a certification by the Secretary of State that the following conditions in subsection (b) are satisfied. Such certification shall not be made by the Secretary if the Secretary determines that any of the conditions set forth in sections 2211 and 2221 are no longer valid.

(b) CONDITIONS.—The conditions under this subsection are the following:

(1) LIMITATION ON ASSESSED SHARE OF REGULAR BUDGET.—The share of the total of all assessed contributions for the regular budget of the United Nations, or any specialized agency of the United Nations, does not exceed 20 percent for any single United Nations member.

(2) INSPECTORS GENERAL FOR CERTAIN ORGANIZATIONS.—

(A) ESTABLISHMENT OF OFFICES.—Each designated specialized agency has established an independent office of inspector general to conduct and supervise objective audits, inspections, and investigations relating to the programs and operations of the organization.

(B) APPOINTMENT OF INSPECTORS GENERAL.—The Director General of each designated specialized agency has appointed an inspector general, with the approval of the member states, and that appointment was made principally on the basis of the appointee's integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.

(C) ASSIGNED FUNCTIONS.—Each inspector general appointed under subparagraph (A) is authorized to—

(i) make investigations and reports relating to the administration of the programs and operations of the agency concerned;

(ii) have access to all records, documents, and other available materials relating to those programs and operations of the agency concerned; and

(iii) have direct and prompt access to any official of the agency concerned.

(D) COMPLAINTS.—Each designated specialized agency has procedures in place designed to protect the identity of, and to prevent reprisals against, any staff member making a complaint or disclosing information to, or cooperating in any investigation or inspection by, the inspector general of the agency.

(E) COMPLIANCE WITH RECOMMENDATIONS.—Each designated specialized agency has in place procedures designed to ensure compliance with the recommendations of the inspector general of the agency.

(F) AVAILABILITY OF REPORTS.—Each designated specialized agency has in place procedures to ensure that all annual and other relevant reports submitted by the inspector general to the agency are made available to the member states without modification.

(3) NEW BUDGET PROCEDURES FOR THE UNITED NATIONS.—The United Nations has established and is implementing budget procedures that—

(A) require the maintenance of a budget not in excess of the level agreed to by the General Assembly at the beginning of each United Nations budgetary biennium, unless increases are agreed to by consensus; and

(B) require the systemwide identification of expenditures by functional categories such as personnel, travel, and equipment.

(4) SUNSET POLICY FOR CERTAIN UNITED NATIONS PROGRAMS.—

(A) EXISTING AUTHORITY.—The Secretary General and the Director General of each designated specialized agency have used their existing authorities to require program managers within the United Nations Secretariat and the Secretariats of the designated specialized agencies to conduct evaluations of United Nations programs approved by the General Assembly and of programs of the designated specialized agencies in accordance with the standardized methodology referred to in subparagraph (B).

(B) DEVELOPMENT OF EVALUATION CRITERIA.—

(i) UNITED NATIONS.—The Office of Internal Oversight Services has developed a standardized methodology for the evaluation of United Nations programs approved by the General Assembly, including specific criteria for determining the continuing relevance and effectiveness of the programs.

(ii) DESIGNATED SPECIALIZED AGENCIES.—Patterned on the work of the Office of Internal Oversight Services of the United Nations, the inspector general office equivalent of each designated specialized agency has developed a standardized methodology for the evaluation of programs of designated specialized agencies, including specific criteria for determining the continuing relevance and effectiveness of the programs.

(C) PROCEDURES.—The United Nations and each designated specialized agency has established and is implementing procedures—

(i) requiring the Secretary General and the Director General of the agency, as the case may be, to report on the results of evaluations referred to in this paragraph, including the identification of programs that have met criteria for continuing relevance and effectiveness and proposals to terminate or modify programs that have not met such criteria; and

(ii) authorizing an appropriate body within the United Nations or the agency, as the case may be, to review each evaluation referred to in this paragraph and report to the General Assembly on means of improving the program concerned or on terminating the program.

(D) UNITED STATES POLICY.—It shall be the policy of the United States to seek adoption by the United Nations of a resolution requiring that each United Nations program approved by the General Assembly, and to seek adoption by each designated specialized agency of a resolution requiring that each program of the agency, be subject to an evaluation referred to in this paragraph and have a specific termination date so that the program will not be renewed unless the evaluation demonstrates the continuing relevance and effectiveness of the program.

(E) DEFINITION.—For purposes of this paragraph, the term ''United Nations program approved by the General Assembly'' means a program approved by the General Assembly of the United Nations that is administered or funded by the United Nations.

(5) UNITED NATIONS ADVISORY COMMITTEE ON ADMINISTRATIVE AND BUDGETARY QUESTIONS.—

(A) IN GENERAL.—The United States has a seat on the United Nations Advisory Committee on Administrative and Budgetary Questions or the five largest member contributors each have a seat on the Advisory Committee.

(B) DEFINITION.—As used in this paragraph the term ''5 largest member state contributors'' means the 5 United Nations member states that, during a United Nations budgetary biennium,

have more total assessed contributions than any other United Nations member states to the aggregate of the United Nations regular budget and the budget (or budgets) for United Nations peace operations.

(6) NATIONAL AUDITS.—The United Nations has in effect procedures providing access by the United States General Accounting Office to United Nations financial data so that the Office may perform nationally mandated reviews of United Nations operations.

(7) PERSONNEL.—

(A) APPOINTMENT AND SERVICE OF PERSONNEL.—The Secretary General—

(i) has established and is implementing procedures that ensure that staff employed by the United Nations is appointed on the basis of merit consistent with Article 101 of the United Nations charter; and

(ii) is enforcing those contractual obligations requiring worldwide availability of all professional staff of the United Nations to serve and be relocated based on the needs of the United Nations.

(B) CODE OF CONDUCT.—The General Assembly has adopted, and the Secretary General has the authority to enforce and is effectively enforcing, a code of conduct binding on all United Nations personnel, including the requirement of financial disclosure statements binding on senior United Nations personnel and the establishment of rules against nepotism that are binding on all United Nations officials.

(C) PERSONNEL EVALUATION SYSTEM.—The United Nations has adopted and is enforcing a personnel evaluation system.

(D) PERIODIC ASSESSMENTS.—The United Nations has established and is implementing a mechanism to conduct periodic assessments of the United Nations payroll to determine total staffing, and the results of such assessments are reported in an unabridged form to the General Assembly.

(E) REVIEW OF UNITED NATIONS ALLOWANCE SYSTEM.—The United States has completed a thorough review of the United Nations personnel allowance system. The review shall include a comparison to the United States civil service, and shall make recommendations to reduce entitlements to allowances and allowance funding levels from the levels in effect on January 1, 1998.

(8) REDUCTION IN BUDGET AUTHORITIES AND PERSONNEL LEVELS.—The designated specialized agencies have achieved a negative growth budget in the budget for 2000–01 from the 1998–99 biennium levels of the respective agencies.

(9) NEW BUDGET PROCEDURES AND FINANCIAL REGULATIONS.—Each designated specialized agency has established procedures to—

(A) require the maintenance of a budget that does not exceed the level agreed to by the member states of the organization at the beginning of each budgetary biennium, unless increases are agreed to by consensus;

(B) require the identification of expenditures by functional categories such as personnel, travel, and equipment; and

(C) require approval by the member states of the organization of supplemental budget requests to the Secretariat in advance of expenditures under those requests.

CHAPTER 2—MISCELLANEOUS PROVISIONS

SEC. 2241. STATUTORY CONSTRUCTION ON RELATION TO EXISTING LAWS.

Except as otherwise specifically provided, nothing in this title may be construed to make available funds in violation of any provision of law containing a specific prohibition or restriction on the use of the funds, including section 114 of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (22 U.S.C. 287e note) and section 151 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 287e note), and section 404 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 287e note).

SEC. 2242. PROHIBITION ON PAYMENTS RELATING TO UNIDO AND OTHER ORGANIZATIONS FROM WHICH THE UNITED STATES HAS WITHDRAWN OR RESCINDED FUNDING.

None of the funds authorized to be appropriated by this title shall be used to pay any arrearage for—

(1) the United Nations Industrial Development Organization;

(2) any costs to merge that organization into the United Nations;

(3) the costs associated with any other organization of the United Nations from which the United States has withdrawn including the costs of the merger of such organization into the United Nations; or

(4) the World Tourism Organization, or any other organization with respect to which Congress has rescinded funding.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The bill, S. 903, is still pending before the Senate.

Mr. SARBANES. Mr. President, I ask unanimous consent to proceed for 2 minutes as if in morning business.

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

IN MEMORY OF BARRY SKLAR

Mr. SARBANES. Mr. President, I rise today to express my sadness at learning of the passing of Barry Sklar, a long-time staffer on the Senate Foreign Relations Committee, who died unexpectedly on Sunday. Barry was well known to a number of Members and staff who had occasion to work with him during the more than a decade he served on the professional staff of the Committee, as an able advisor on Latin American and Caribbean affairs.

In a recommendation for Barry just a few short months ago, I wrote that he ''demonstrated an in-depth knowledge of the issues and great professionalism and integrity in his work.'' But that only describes the qualities that led to his intellectual accomplishments and career success. It does not begin to tell why Barry won the personal admiration, friendship and esteem of all who came to know him.

Barry Sklar was a warm, gentle, kind and unassuming man who was devoted to upholding moral principles in his work and his personal life. Despite his involvement in issues and policies that made frequent headlines, Barry maintained a sense of modesty and great humility. He never forgot that his family came first.

Throughout the turbulent decade of the 1980's for Latin America, Barry worked for peace and conflict resolution through international cooperation. Due to his work on human rights, as was noted at his funeral, many children today have mothers and fathers and sisters and brothers who might otherwise have been forgotten by the world when they disappeared from their villages. Barry's life reveals his commitment to keeping families safe and together, in his own case and around the world.

Mr. President, I would like to extend to Barry's wife, Judith, and his sons Joel Mark and Adam Benjamin my deepest condolences. I am sure I speak for my colleagues in expressing these sentiments. He will be greatly missed by all of us.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

THANKING ART RYNEARSON

Mr. HELMS. Mr. President, before we wrap things up here today, let me express my appreciation to a very special gentleman for his tireless efforts, his hard work and cheerful disposition throughout the entire process of the drafting of the bill just approved by the Senate. Art Rynearson is legislative counsel to the Foreign Relations Committee, and we have truly overworked that gentleman during this year with the drafting sessions on the resolution of ratification for the CWC, often lasting until 2 a.m., and when we finished that we called upon Art to help the committee prepare the resolution of ratification for the CFE Flank Document. No sooner had we finished that, than we called upon him to help with the State Department legislation, and Art worked 70-hour weeks for the past 4 months. Throughout the entire process he has been cheerful and exceedingly helpful. Without him, the process would not have gone nearly so smoothly.

So, to Art Rynearson, all of us say thanks for everything.

MORNING BUSINESS

Mr. HELMS. Mr. President, I ask unanimous consent there now be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each.

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

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, June 16, 1997, the Federal debt stood at $5,355,412,554,888.33. (Five trillion, three hundred fifty-five billion, four hundred twelve million, five hundred fifty-four thousand, eight hundred eighty-eight dollars and thirty-three cents.)

Five years ago, June 16, 1992, the Federal debt stood at $3,945,016,000,000. (Three trillion, nine hundred forty-five billion, sixteen million.)

Ten years ago, June 16, 1987, the Federal debt stood at $2,293,493,000,000.

(Two trillion, two hundred ninety-three billion, four hundred ninety-three million.)

Fifteen years ago, June 16, 1982, the Federal debt stood at $1,076,341,000,000. (One trillion, seventy-six billion, three hundred forty-one million.)

Twenty-five years ago, June 16, 1972, the Federal debt stood at $426,203,000,000 (Four hundred twenty-six billion, two hundred three million) which reflects a debt increase of nearly $5 trillion—$4,929,209,554,888.33 (Four trillion, nine hundred twenty-nine billion, two hundred nine million, five hundred fifty-four thousand, eight hundred eighty-eight dollars and thirty-three cents) during the past 25 years.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2205. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a draft of proposed legislation to modify Medicare payments; to the Committee on Finance.

EC–2206. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report concerning increases in inpatient hospital payment rates and recommendations for hospitals subject to the Medicare prospective payment system; to the Committee on Finance.

EC–2207. A communication from the Regulatory Policy Officer, Bureau of Alcohol, Tobacco, and Firearms, Department of the Treasury, transmitting, pursuant to law, two rules concerning the small producers' wine tax credit (RIN1512–AB65), received on June 2, 1997; to the Committee on Finance.

EC–2208. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of Notice 97–36, received on June 11, 1997; to the Committee on Finance.

EC–2209. A communication from the Secretary of Veterans Affairs, transmitting, a draft of proposed legislation entitled ''Veterans' Medical Care Funding Improvement Act of 1997''; to the Committee on Veterans' Affairs.

EC–2210. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on recissions and deferrals, received on June 16, 1997; referred jointly, pursuant to the order of January 30, 1975 as modified by the order of April 11, 1986, to the Committees on Agriculture, Nutrition, and Forestry, Armed Services, Banking, Housing and Urban Affairs, Energy and Natural Resources, Finance, Foreign Relations, Governmental Affairs, and Judiciary.

EC–2211. A communication from the Administrator, Grain Inspection, Packers and Stockyards Administration, U.S. Department of Agriculture, transmitting, pursuant to law, a report of a rule entitled ''Fees for Official Inspection and Official Weighing Services'' (RIN0508–AA52), received on June 17, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2212. A communication from the Acting Chairman of the Thrift Depositor Protection Board, under the Secretary for Domestic Finance, Department of the Treasury, transmitting, a draft of proposed legislation relative to abolishing the Thrift Depositor Protection Oversight Board; to the Committee on Banking, Housing, and Urban Affairs.

EC–2213. A communication from the Acting Executive Director, Thrift Depositor Protection Oversight Board, transmitting, pursuant to law, a report relative to the Resolution Funding Corporation for calendar year 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC–2214. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report relative to direct spending or receipts legislation; to the Committee on the Budget.

EC–2215. A communication from the Administrator, Agricultural Marketing Service, U.S. Department of Agriculture, transmitting, pursuant to law, a report of a rule entitled ''Spearmint Oil Produced in the Far West'', received on June 16, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2216. A communication from the Administrator, Rural Development, U.S. Department of Agriculture, transmitting, pursuant to law, a rule relative to the Distance Learning and Telemedicine Grant Program (RIN0572–AB31), received on June 16, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THURMOND, from the Committee on Armed Services, without amendment:

S. 924. An original bill to authorize appropriations for fiscal year 1998 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 (Rept. No. 105–29).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. THURMOND (for himself and Mr. HOLLINGS):

S. 915. A bill to amend the Harmonized Tariff Schedule of the United States to suspend temporarily the duty on certain manufacturing equipment; to the Committee on Finance.

By Mr. COCHRAN:

S. 916. A bill to designate the United States Post Office building located at 750 Highway 28 East in Taylorsville, Mississippi, as the ''Blaine H. Eaton Post Office Building''; to the Committee on Governmental Affairs.

By Mr. TORRICELLI (for himself, Mrs. FEINSTEIN, and Mr. BYRD):

S. 917. A bill to amend section 6105 of title 38, United States Code, to expand the range of criminal offenses resulting in forfeiture of veterans benefits; to the Committee on Veterans' Affairs.

By Mr. KERRY (for himself, Mr. WELLSTONE, Mr. GLENN, Mr. BIDEN, and Mr. LEAHY):

S. 918. A bill to reform the financing of Federal Elections; to the Committee on Rules and Administration.

By Mr. KOHL (for himself and Mr. BROWNBACK):

S. 919. A bill to establish the Independent Bipartisan Commission on Campaign Finance Reform to recommend reforms in the law relating to elections for Federal office; to the Committee on Rules and Administration.

By Mr. WYDEN:

S. 920. A bill to require the Secretary of Health and Human Services to issue an annual report card on the performance of the States in protecting children placed for adoption in foster care, or with a guardian, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. COVERDELL (for himself, Mr. DODD, and Mr. DEWINE):

S. 921. A bill to immunize donations made in the form of charitable gift annuities and charitable remainder trusts from the antitrust laws and State laws similar to the antitrust laws; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LAUTENBERG:

S. 922. A bill to require the Secretary of the Treasury, acting through the Director of the Bureau of Alcohol, Tobacco, and Firearms, to issue minimum safety and security standards for dealers of firearms; to the Committee on the Judiciary.

By Mr. SPECTER:

S. 923. A bill to deny veterans benefits to persons convicted of Federal capital offenses; to the Committee on Veterans' Affairs.

By Mr. THURMOND:

S. 924. An original bill to authorize appropriations for fiscal year 1998 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; from the Committee on Armed Services; placed on the calendar.

By Mr. COVERDELL:

S. 925. A bill to provide authority for women' business centers to enter into contracts with Federal departments and agencies to provide specific assistance to women and other under-served small business concerns; to the Committee on Small Business.

By Mr. HARKIN (for himself and Mrs. MURRAY):

S. 926. A bill to amend the Internal Revenue Code of 1986 to expand the child and dependent care credit, and for other purposes; to the Committee on Finance.

By Ms. SNOWE (for herself, Mr. HOLLINGS, Mr. GREGG, Mr. KERRY, Mr. BREAUX, Mr. REED, and Mr. GLENN):

S. 927. A bill to reauthorize the Sea Grant Program; to the Committee on Commerce, Science, and Transportation.

By Mr. JEFFORDS:

S. 928. A bill to provide for a regional education and workforce training system in the metropolitan Washington area, to improve the school facilities of the District of Columbia, and to fund such activities in part by an income tax on nonresident workers in the

District of Columbia, to be offset by tax credits; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOMENICI (for himself, Mr. CAMPBELL, Mr. INOUYE, Mr. JOHNSON, Mr. DORGAN, and Mr. WELLSTONE):

S. Res. 100. A resolution expressing the sense of the Senate that the Federal commitment for the education of American Indians and Alaska Natives should be affirmed through legislative actions of the 105th Congress to bring the quality of Indian education and educational facilities up to parity with the rest of America; to the Committee on Indian Affairs.

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 101. A resolution to authorize representation of Members, officers, and employees of the Senate in the case of Douglas R. Page v. Richard Shelby, et al, considered and agreed to.

By Mr. DODD (for himself and Mr. ABRAHAM):

S. Con. Res. 33. A concurrent resolution authorizing the use of the Capitol Grounds for the National SAFE KIDS Campaign SAFE KIDS Buckle Up Car Seat Check Up; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. THURMOND (for himself and Mr. HOLLINGS):

S. 915. A bill to amend the Harmonized Tariff schedule of the United States to suspend temporarily the duty on certain manufacturing equipment; to the Committee on Finance.

DUTY SUSPENSION LEGISLATION

Mr. THURMOND. Mr. President, I rise today to introduce, along with Senator HOLLINGS, a bill which will suspend the duties imposed on certain equipment used to manufacture earthmoving tires. Currently, these machines are not manufactured in the United States nor is a substitute readily available. Therefore, suspending the duties on these items would not adversely affect domestic industries.

Mr. President, suspending the duty on these machines will benefit the consumers of earthmoving tires. Currently, demand for these tires exceeds supply and this suspension would not harm other manufacturers. I hope the Senate will consider this measure expeditiously.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 915

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SUSPENSION OF DUTY ON CERTAIN MANUFACTURING EQUIPMENT.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new headings:

"9902.84.79	Calendaring or other rolling machines for rubber, valued at not less than $2,200,000 each, numerically controlled, or parts thereof (provided for in subheading 8420.10.90, 8420.91.90, or 8420.99.90) and material holding devices or similar attachments thereto	Free	No change	No change	On or before 12/31/2000
9902.84.81	Shearing machines used to cut metallic tissue capable of a straight cut of 5 m or more, valued at not less than $750,000 each, numerically controlled (provided for in subheading 8462.31.00)	Free	No change	No change	On or before 12/31/2000
9902.84.83	Machine tools for working wire of iron or steel for use in products provided for in subheading 4011.20.10, valued at not less than $375,000 each, numerically controlled, or parts thereof (provided for in subheading 8463.30.00)	Free	No change	No change	On or before 12/31/2000
9902.84.85	Extruders of a type used for processing rubber, valued at not less than $2,000,000 each, numerically controlled, or parts thereof (provided for in subheading 8477.20.00 or 8477.90.80)	Free	No change	No change	On or before 12/31/2000
9902.84.87	Machinery for molding, retreading, or otherwise forming uncured, unvulcanized rubber for use in processing products provided for in subheading 4011.20.10, valued at not less than $800,000 each, capable of holding cylinders measuring 114 centimeters or more in diameter, numerically controlled, or parts thereof (provided for in subheading 8477.51.00 or 8477.90.80)	Free	No change	No change	On or before 12/31/2000
9902.84.89	Sector mold press machines used for curing or vulcanizing rubber, valued at not less than $1,000,000 each, weighing 135,000 kg or more, numerically controlled, or parts thereof (provided for in subheading 8477.90.80)	Free	No change	No change	On or before 12/31/2000
9902.84.91	Sawing machines, valued at not less than $600,000 each, weighing 18,000 kg or more, for working cured, vulcanized rubber described in heading 4011 (provided for in subheading 8465.91.00)	Free	No change	No change	On or before 12/31/2000."

(b) EFFECTIVE DATE.—

(1) GENERAL RULE.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on the date that is 15 days after the date of enactment of this Act.

(2) RETROACTIVE APPLICATION TO CERTAIN ENTRIES.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon proper request filed with the Customs Service before the 90th day after the date of enactment of this Act, any entry, or withdrawal from warehouse for consumption, of any goods described in subheading 9902.84.79, 9902.84.81, 9902.84.83, 9902.84.85, 9902.84.87, 9902.84.89, or 9902.84.91 of the Harmonized Tariff Schedule of the United States (as added by subsection (a)) that was made—

(A) on or after May 1, 1997; and

(B) before the 15th day after the date of enactment of this Act;

shall be liquidated or reliquidated as though such entry or withdrawal occurred on the date that is 15 days after the date of enactment of this Act.

Mr. HOLLINGS. Madam President, today, I, along with Senator THURMOND, introduce duty suspension legislation designed to permit the import of certain tire manufacturing equipment into the United States duty free. U.S. companies do not manufacture the custom equipment to be imported, and therefore its importation will not displace domestic sourcing. Moreover, because the product at issue is manufacturing equipment, it will assist in the creation of additional jobs in the tire manufacturing industry.

I believe that this is the most appropriate use of duty suspension legislation. The custom imported product will not displace any product manufactured in the United States. Moreover, the imported product will assist in creating more productive capacity in the United States. This equipment will be used to manufacture a product that heretofore was not made in the United States. I am therefore hopeful that this new capacity can be used to supply both domestic and foreign needs and will increase employment in the tire manufacturing industry.

By Mr. COCHRAN:

S. 916. A bill to designate the U.S. Post Office building located at 750 Highway 28 East in Taylorsville, MS, as the "Blaine H. Eaton Post Office Building"; to the Committee on Governmental Affairs.

THE BLAINE H. EATON POST OFFICE BUILDING DESIGNATION ACT OF 1997

Mr. COCHRAN. Mr. President, I am pleased to introduce legislation designating the U.S. Post Office facility located in Taylorsville, MS, as the "Blaine H. Eaton Post Office Building."

A native of Smith County, Mississippi, Mr. Eaton attended Jones Junior College from 1932–34 and was named Alumni of the Year in 1984. He also attended the University of Mississippi and George Washington Law School.

He began his professional career as a farmer and cotton buyer for Anderson-Clayton Co. and in 1942, he became the first executive secretary to my predecessor in the Senate, U.S. Senator James O. Eastland. Blaine Eaton served our Nation in the U.S. Navy from 1944 to 1946. Upon returning home from the war, he was elected to serve in the Mississippi State House of Representatives, and he effectively served the people of Smith County for 12 years. His leadership as chairman of the Highway and Highway Finance Committee resulted in the successful passage of the Farm-to-Market legislation that is still benefiting Mississippians today as the State Aid Road Program. After leaving public office in 1958, Blaine became the manager of the Southern Pine Electric Power Association. His outstanding service and accomplishments were recognized by the National Rural Electric Cooperative Association with the Clyde T. Ellis Award for distinguished service and outstanding leadership.

Although retiring from his professional career in 1982, Blaine remained active in community service and enriched the lives of many by volunteering his time and leadership abilities to such organizations as the Lions International, the Hiram Masonic Lodge, the Southeast Mississippi Livestock Association and the Economic Development Foundation. He was also a loyal member of the First Baptist Church of Taylorsville where he taught Sunday School classes for 25 years.

With the death of Blaine Eaton in 1995, our State lost one of its finest citizens. Designating the Taylorsville Post Office as the ''Blaine H. Eaton Post Office Building'' will commemorate the public service of this extraordinary Mississippian who dedicated his life to the betterment of the community and State he loved so much.

Mr. President, I ask unanimous consent the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 916

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF BLAINE H. EATON POST OFFICE BUILDING.

The United States Post Office building located at 750 Highway 28 East in Taylorsville, Mississippi, shall be known and designated as the ''Blaine H. Eaton Post Office Building''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States Post Office building referred to in section 1 shall be deemed to be a reference to the ''Blaine H. Eaton Post Office Building''.

By Mr. TORRICELLI (for himself and Mrs. FEINSTEIN):

S. 917. A bill to amend section 6105 of title 38, United States Code, to expand the range of criminal offenses resulting in forfeiture of veterans benefits; to the Committee on Veterans Affairs.

THE NATIONAL CEMETERIES SANCTITY ACT

Mr. TORRICELLI. Mr. President, I rise today, on behalf of myself and the distinguished ranking member of the Terrorism Subcommittee Senator FEINSTEIN, to introduce the Protection of the Sanctity of National Cemeteries Act.

In so doing, I urge my colleagues to join me in my effort to close a huge loophole in our laws, which will allow Timothy McVeigh a hero's burial in a national cemetery—even after the Federal Government puts him to death for his heinous act of terrorism.

Mr. President, current law lists a whole host of criminal acts by which even an honorably discharged veteran loses the right to burial in a national cemetery. These acts include espionage, treason, sedition, sabotage, rebellion and disclosure of national secrets, among other offenses.

But for some reason, the use of a weapon of mass destruction against the property or persons of the U.S. Government is not included in this list. Nor is the murder of Federal law enforcement officers or the rest of the offenses already included in the definition of a Federal crime of terrorism. Each of these offenses is as clear a threat to the National Security of the United States as the crimes already listed, and should clearly disqualify the perpetrator from an honorable burial at Government expense.

Because of this gaping loophole in the law, Timothy McVeigh—amazingly—remains entitled to burial next to true national heroes—men and women who have fought and died to defend this country and everything it stands for. He remains entitled to this hero's burial despite having committed the worst act of terrorism ever perpetrated on American soil.

This situation is unacceptable. It is an insult to the memories of the 168 victims killed in the Oklahoma City blast. It is an insult to the memories of the truly courageous men and women who have earned and maintained the right to a hero's burial by the Federal Government. And it is an insult to justice, plain and simple.

Today, I am introducing a bill to close this loophole once and for all. My bill would amend current law to include every crime listed as a Federal crime of terrorism, including McVeigh's crimes, in the list of disqualifiers for military burial. We should not provide honorable burials for persons who commit acts of terrorism against the U.S. Government. I urge my colleagues to support this bill, I ask unanimous-consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 917

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Cemeteries Sanctity Act''.

SEC. 2. EXPANSION OF CRIMINAL OFFENSES RESULTING IN FORFEITURE OF VETERANS BENEFITS.

(a) IN GENERAL.—Section 6105 of title 38, United States code, is amended—

(1) in subsection (b)—

(A) in paragraph (2)—

(i) by inserting ''32, 37, 81, 175,'' before ''792,''; and

(ii) by inserting ''831, 842(m), 842(n), 844(e), 844(f), 844(i), 930(c), 956, 1114, 1116, 1203, 1361, 1363, 1366, 1751, 1992, 2152, 2280, 2281, 2332, 2332a, 2332b, 2332c, 2339A, 2339B, 2340A,'' after ''798,'';

(B) in paragraph (3)—

(i) by striking out ''and 226'' and inserting in lieu thereof ''226, and 236'';

(ii) by striking out ''and 2276'' and inserting in lieu thereof ''2276, and 2284''; and

(iii) by striking out ''and'' at the end;

(C) by redesignating paragraph (4) as paragraph (5); and

(D) by inserting after paragraph (3) the following new paragraph (4):

''(4) sections 46502 and 60123(b) of title 49; and''; and

(2) in the second sentence of subsection (c), by striking out ''or (4)'' and inserting in lieu thereof ''(4), or (5)''.

(b) CONFORMING AMENDMENTS.—(1) The section heading for such section is amended to read as follows:

''§ 6105. Forfeiture: subversive activities; terrorist activities; other criminal activities''.

(2) The table of sections at the beginning of chapter 61 of that title is amended by striking out the item relating to section 6105 and inserting in lieu thereof the following new item:

''6105. Forfeiture: subversive activities; terrorist activities; other criminal activities.''.

(c) APPLICABILITY.—The amendments made to section 6105 of title 38, United States Code, by subsection (a) shall apply to any person convicted under a provision of law added to such section by such amendments after December 31, 1996.

By Mr. KERRY (for himself, Mr. WELLSTONE, Mr. GLENN, Mr. BIDEN and Mr. LEAHY):

S. 918. A bill to reform the financing of Federal elections; to the Committee on Rules and Administration.

THE CLEAN MONEY CLEAN ELECTIONS ACT

Mr. KERRY. Mr. President, the Fourth of July will occur in a little over 2 weeks. That is the date by which the President challenged the Congress to act on campaign finance reform in this first session of the 105th Congress. I regret I must announce the obvious: not only has neither house of the Congress addressed this issue in serious floor debate and legislative action; there is virtually no prospect that either house will do so by the time we leave for the July 4 recess. Nor is it clear when or if the 105th Congress will address this issue.

The Fourth of July has other implications, of course, Mr. President—and

some of these, too, are related to campaign finance reform. This is a peculiarly American holiday, when Americans throughout the Nation take time out to gather in parks and back yards, at barbecues and picnics and family reunions and community parades, to celebrate our democracy, our freedom.

But I think there would be widespread agreement, as we do this in 1997, that there is an unease across the Nation about the political process. The American people are concerned. Their concern is not primarily about who their elected officials are. Their frustration, cynicism, and anger run deep and broad—directed, as most of us realize, at the entire political system.

Americans believe that their Government has been hijacked by special interests, that the political system responds to the needs of wealthy special interests, not the interests of ordinary, hard-working citizens. They sense, in many ways, that the Congress is not necessarily ''the people's house.''

We see evidence of this in the feeling of powerlessness described by many Americans, and in the great gulf that grows wider between the American people and their elected officials. You can see it expressed frequently in town meetings and in various polls. The people feel that Congress all too often fails to represent the real concerns of real Americans, and they sense that they are being left out.

The result is that more and more Americans are checking out of the system. If their democracy isn't going to respond to their concerns, then they ask themselves why they should respond to the request that they participate meaningfully in the political process. The reason for the disconnect is very simple, Mr. President. The amount of money in politics—money given to office seekers to campaign for office—disenfranchises the average person who knows that he or she can never hope to have the same kind of access as that money achieves for those who give it.

Special interest money is moving and dictating and governing the agenda of American politics, and most Americans understand that.

A few findings from a bipartisan poll tell the story: 49 percent of registered voters believe that lobbyists and special interests control the Federal Government; 92 percent of registered voters believe that special interest contributions affect the votes of Members of Congress; and 88 percent believe that people who make large campaign contributions get special favors from politicians.

The evidence of public discontent could hardly be more compelling, yet the Congress drifts on, with no apparent sense of urgency in trying to respond to that discontent. We all understand there are differences on each side of the aisle about the best way to address the problem, but I do not see how anyone can say in good conscience that there is a bona fide effort under way involving the leadership of both parties in the U.S. Congress to even try to work out those differences.

If we want to regain the respect and confidence of the American people and if we want to reconnect to them and reconnect them to our democracy, we have to get the special interest money out of politics. As my friend Ross Perot says, ''It's just that simple.''

The American people, however, are skeptical about either our willingness or ability to do that, and it doesn't help that the 105th Congress has yet to take up campaign finance reform. It doesn't help that the President and the Speaker of the House shook hands in a very public way 2 years ago and promised to do something about campaign finance, and nothing has transpired between then and now to fulfill that commitment, and from the perspective of the ordinary citizen who wants to see the special interest money removed from politics, it really looks like a conspiracy of inaction. Those who profit from the current system —special interests who know how to play the game, and politicians who know how to play the game—seem to be shutting down any prospect of real change.

Mr. President, I know why people feel that way. I have been working on campaign finance reform since I came to the Senate. I have worked for years with my colleagues JOE BIDEN and ROBERT BYRD and others, and with former Senators such as George Mitchell, David Boren, and Bill Bradley—searching for the right equation to bring about change. Although from my arrival in the Senate I have advocated sweeping overhaul of the system, in recent times I have been a strong supporter of the proposal advanced by JOHN MCCAIN and RUSS FEINGOLD, even though it is incremental in design, because they succeeded in assembling a package of reforms that bridged the party divide that so often has been permitted to poison this debate and prevent meaningful action—and because I believe so fervently that we must succeed to whatever extent it is possible in moving toward what should be our objective.

Throughout these years of activity—the 12 years of my service as a Senator—my goal has always been the same, to get special interest influence and special interest access out of politics.

Mr. President, we come to the floor this afternoon on an auspicious day—or, perhaps more accurately, an inauspicious day. In any event it is a red-letter day for America. It was the day 25 years ago that was the beginning of two very difficult years in American history. It was 25 years ago today that the famous burglary at the Watergate complex overlooking the Potomac in Washington, DC, took place, followed by coverup activities that reached into the Oval Office and resulted in the resignation in disgrace of an American President.

During the investigation of the illegal activities, there were multiple revelations of huge amounts of cash moving in brown paper bags and leather briefcases. The public revulsion triggered real reform, although that reform, sadly, was directed primarily toward only the Presidential election financing system. But even that spirit of reform, and the significant alterations of the system to which it led, has been broken by those who want to trample it with the exploitation of every loophole possible in the campaign finance system.

It is unfortunately fitting, then, Mr. President, that we return our attention on this day to that nemesis of the democratic process, the corrosive effect of money in politics.

This time, 25 years later, it is the no-holds-barred pursuit of quite stunning amounts of money by both parties in the 1996 Presidential and congressional elections that captures the attention and the condemnation of the American people—and the allegations that many of those who gave large sums to one or the other party, or one candidate or another, expected favors in return, ranging from the trivial to the significant.

The American people are not stupid. They know that there is no such thing as a free lunch. They believe—with considerable justification—that the scores of millions of dollars that flow from well-to-do individuals and special interest organizations usually are not donated out of absolute disinterested patriotism, admiration for the candidates, and support for our electoral system.

They watch repeatedly as public policy decisions made by the Congress and the Executive Branch appear to be influenced by those who have made the contributions. They conclude—again, I fear, with considerable good reason—that either those contributions directly affected the decision-making process, or, at the very least, purchased for those contributors a greater degree of access to the elected officials who make the decisions, so that the contributors can more effectively and persuasively make their case.

During this past election, 1996, not only in congressional races but also, distressingly, in the Presidential campaign—and it is especially distressing because many of us thought the Watergate reform legislation of 1974 had suitably repaired the system of presidential campaign finance—we saw a flood of special interest money the likes of which have never previously been seen here or anywhere.

Every day during the past year, it has been impossible to open a newspaper or turn on a television without being confronted by yet another new revelation about an alleged campaign finance irregularity or abuse—or a defense of the actions at which the charges are leveled.

And, I must say, the defenses are generally pretty lame. Those against whom the allegations are leveled may be able to find protection in the letter

of the law, but they are unsuccessful in avoiding the opprobrium of the American people and consequent cynicism about our government system.

I am one who believes we absolutely must do something to reverse the trend if we are to save our precious democratic system. And I also have concluded that the forces arrayed against the kind of partial public financing approaches we previously have pushed are so strong that we must find a new approach behind which it will be possible to develop such strong consensus support across the nation that the Congress will be unable to resist it.

To the extent competent polling and other public opinion assessment techniques can make a reliable determination, the evidence is persuasive that, while the American people are willing to embrace radical change of campaign financing—to take all special interest money and heave it over the side and shoulder all reasonable campaign costs—they have only passing interest and precious little enthusiasm for halfway measures. Their judgment appears to be that it would be a waste of effort and tax dollars to invest public resources in a system that retains any significant degree of special interest funding. They see such an approach as playing them for chumps—while the influence of special interests would remain as strong as it currently is.

What does seem to capture the attention and imagination—and support—of a significant majority of Americans is sweeping reform of campaign finance that removes all special interest money from the system. This is not a notion dreamed up here in Washington—either here on Capitol Hill or in an organization's office downtown. Activities to implement such an approach to campaign finance reform have been underway in a number of States, including my own State of Massachusetts. Maine voters took the boldest step, approving such a concept for State elections. Now Vermont has followed suit with a provision applying to the Governor's office, and Governor Howard Dean is poised to sign the proposal into law. Other State-level efforts are in various stages of advancement.

PAUL WELLSTONE and JOHN GLENN came early-on to the same conclusion to which I came—that we want to champion such an approach at the federal level. And we have been joined by JOE BIDEN and PAT LEAHY, and other Senators are studying the idea carefully and we hope and trust we will be joined by some of them in the near future.

We come to the floor today to introduce the Clean Money, Clean Elections Act, a bill that, as its most important feature, takes all special interest money out of Federal elections. This initiative will offer a set amount of funding, based on a State's voting-age population, to each candidate who agrees to foreswear private contributions. It not only removes all special interest money from the system, but also removes the necessity for candidates to spend a huge amount of time fundraising and to pour massive amounts of the money they do raise into further fundraising efforts.

In addition, this legislation will shut down the so-called soft money, or unregulated money, loopholes that have permitted massive amounts of special interest money to enter the electoral process around even those restrictions that now exist.

This process takes a major step forward today with the introduction of this legislation. Comparable efforts are underway in the House of Representatives, and I understand a similar bill will be introduced there in coming weeks.

We believe the people are, once again, ahead of Washington—and, once again, ahead of the politicians. And we believe that ultimately this or a derivative approach is the only way effectively to restore people's confidence that, in America, anybody truly can run, and win—not just those who have access to wealth or who are wealthy themselves.

This is a bill to restore our own democracy and preserve what we think is the heart of our precious system. We hope and believe that—with a strong assist from their constituents—increasing numbers of our colleagues, over time, will come to recognize this and support the bill.

This will not be a rapidly completed process, Mr. President. We introduce this bill with the knowledge that it would not attract more than perhaps a quarter of the votes in the Senate today. This will be a journey, a journey of mobilizing the American people to require their elected representatives to take needed action. Our bill will be the objective, and it also will be the rallying point. And with the commitment of the organizations and individuals who advocate this approach, a movement will develop which cannot be stopped. Just as in Maine and now in Vermont, the support will grow to critical mass and these reforms will succeed.

I look forward to walking this road with all who support this approach—both my colleagues in the Senate and friends outside the Senate. We who introduce this bill are committed to fundamentally changing our electoral system, and returning control of our elected officials and their agenda to the people after wresting it back from the special interests.

I believe we will succeed, and can look back on this day—the 25th anniversary of a lamentable event in American history—as an important beginning point in that endeavor.

I want to commend those colleagues who join in introducing this legislation today—Senators WELLSTONE, GLENN, BIDEN, and LEAHY. I particularly want to compliment Senator WELLSTONE's capable staff, especially Brian Ahlberg, who have invested countless hours in the effort that is so essential but often unnoticed, of transforming complex policy objectives into legislative language, working hand-in-hand with Senate Legislative Counsel staff and representatives of organizations which have been developing this idea at the State level. My staff has greatly appreciated their contributions to this effort and enjoyed working with them, as I have enjoyed the cooperative efforts with Senator WELLSTONE and my other colleagues.

Mr. President, before I yield to Senator WELLSTONE and then, in turn, to other Senators who may wish to make remarks about this legislation, I ask unanimous consent that the full text of the bill be printed in the RECORD at the conclusion of my remarks, followed by a summary of the bill and a chart depicting the qualifying contribution requirement and the ''Clean Money'' allocation and spending limit for a general election that would apply to a candidate participating in the ''Clean Money, Clean Election'' system in each State.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 918

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Clean Money, Clean Elections Act''.

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

TITLE I—CLEAN MONEY FINANCING OF SENATE ELECTION CAMPAIGNS

Sec. 101. Findings and declarations.
Sec. 102. Eligibility requirements and benefits of clean money financing of Senate election campaigns.
Sec. 103. Reporting requirements for expenditures of private money candidates.
Sec. 104. Transition rule for current election cycle.

TITLE II—INDEPENDENT EXPENDITURES; COORDINATED EXPENDITURES

Sec. 201. Reporting requirements for independent expenditures.
Sec. 202. Definition of independent expenditure.
Sec. 203. Limit on expenditures by political party committees.
Sec. 204. Party independent expenditures and coordinated expenditures.

TITLE III—VOTER INFORMATION

Sec. 301. Free broadcast time.
Sec. 302. Broadcast rates and preemption.
Sec. 303. Campaign advertisements; issue advertisements.
Sec. 304. Limit on congressional use of the franking privilege.

TITLE IV—SOFT MONEY OF POLITICAL PARTY COMMITTEES

Sec. 401. Soft money of political party committee.
Sec. 402. State party grassroots funds.
Sec. 403. Reporting requirements.

TITLE V—RESTRUCTURING AND STRENGTHENING OF THE FEDERAL ELECTION COMMISSION

Sec. 501. Appointment and terms of commissioners.
Sec. 502. Audits.
Sec. 503. Authority to seek injunction.

Sec. 504. Standard for investigation.
Sec. 505. Petition for certiorari.
Sec. 506. Expedited procedures.
Sec. 507. Filing of reports using computers and facsimile machines.
Sec. 508. Power to issue subpoena without signature of chairperson.
Sec. 509. Prohibition of contributions by individuals not qualified to vote.

TITLE VI—EFFECTIVE DATE

Sec. 601. Effective date.

TITLE I—CLEAN MONEY FINANCING OF SENATE ELECTION CAMPAIGNS

SEC. 101. FINDINGS AND DECLARATIONS.

(a) UNDERMINING OF DEMOCRACY BY CAMPAIGN CONTRIBUTIONS FROM PRIVATE SOURCES.—The Senate finds and declares that the current system of privately financed campaigns for election to the Senate undermines democracy in the United States by—

(1) violating the democratic principle of ''one person, one vote'' and diminishing the meaning of the right to vote by allowing monied interests to have a disproportionate and unfair influence within the political process;

(2) diminishing a Senator's accountability to constituents by compelling legislators to be accountable to the major contributors who finance their election campaigns;

(3) creating a conflict of interest, perceived and real, by encouraging Senators to take money from private interests that are directly affected by Federal legislation;

(4) imposing large, unwarranted costs on taxpayers through legislative and regulatory outcomes shaped by unequal access to lawmakers for campaign contributors;

(5) driving up the cost of election campaigns, making it difficult for qualified candidates without personal fortunes or access to campaign contributions from monied individuals and interest groups to mount competitive Senate election campaigns;

(6) disadvantaging challengers, because large campaign contributors tend to give their money to incumbent Senators, thus causing Senate elections to be less competitive; and

(7) burdening incumbents with a preoccupation with fundraising and thus decreasing the time available to carry out their public responsibilities.

(b) ENHANCEMENT OF DEMOCRACY BY PROVIDING CLEAN MONEY.—The Senate finds and declares that the replacement of private campaign contributions with clean money financing for all primary, runoff, and general elections to the Senate would enhance American democracy by—

(1) helping to eliminate access to wealth as a determinant of a citizen's influence within the political process and to restore meaning to the principle of ''one person, one vote'';

(2) increasing the accountability of Senators to the constituents who elect them;

(3) eliminating the inherent conflict of interest caused by the private financing of the election campaigns of public officials, thus restoring public confidence in the fairness of the electoral and legislative processes;

(4) reversing the escalating cost of elections and saving taxpayers billions of dollars that are currently misspent due to legislative and regulatory agendas skewed by the influence of contributions;

(5) creating a more level playing field for incumbents and challengers, creating genuine opportunities for all Americans to run for the Senate, and encouraging more competitive elections; and

(6) freeing Senators from the constant preoccupation with raising money, and allowing them more time to carry out their public responsibilities.

SEC. 102. ELIGIBILITY REQUIREMENTS AND BENEFITS OF CLEAN MONEY FINANCING OF SENATE ELECTION CAMPAIGNS.

The Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following:

''TITLE V—CLEAN MONEY FINANCING OF SENATE ELECTION CAMPAIGNS

''SEC. 501. DEFINITIONS.

''In this title:

''(1) ALLOWABLE CONTRIBUTION.—The term 'allowable contribution' means a qualifying contribution or seed money contribution.

''(2) CLEAN MONEY.—The term 'clean money' means funds that are made available by the Commission to a clean money candidate under this title.

''(3) CLEAN MONEY CANDIDATE.—The term 'clean money candidate' means a candidate for the Senate who is certified under section 505 as being eligible to receive clean money.

''(4) CLEAN MONEY QUALIFYING PERIOD.—The term 'clean money qualifying period' means the period beginning on the date that is 270 days before the date of the primary election and ending on the date that is 30 days before the date of the general election.

''(5) GENERAL ELECTION PERIOD.—The term 'general election period' means, with respect to a candidate, the period beginning on the day after the date of the primary or primary runoff election for the specific office that the candidate is seeking, whichever is later, and ending on the earlier of—

''(A) the date of the general election; or

''(B) the date on which the candidate withdraws from the campaign or otherwise ceases actively to seek election.

''(6) GENERAL RUNOFF ELECTION PERIOD.—The term 'general runoff election period' means, with respect to a candidate, the period beginning on the day following the date of the last general election for the specific office that the candidate is seeking and ending on the date of the runoff election for that office.

''(7) IMMEDIATE FAMILY.—The term 'immediate family' means—

''(A) a candidate's spouse;

''(B) a child, stepchild, parent, grandparent, brother, half-brother, sister, or half-sister of the candidate or the candidate's spouse; and

''(C) the spouse of any person described in subparagraph (B).

''(8) MAJOR PARTY CANDIDATE.—The term 'major party candidate' means a candidate of a political party of which a candidate for Senator, for President, or for Governor in the preceding 5 years received, as a candidate of that party, 25 percent or more of the total number of popular votes received in the State by all candidates for the same office.

''(9) PERSONAL FUNDS.—The term 'personal funds' means an amount that is derived from—

''(A) the personal funds of the candidate or a member of the candidate's immediate family; and

''(B) proceeds of indebtedness incurred by the candidate or a member of the candidate's immediate family.

''(10) PERSONAL USE.—

''(A) IN GENERAL.—The term 'personal use' means the use of funds to fulfill a commitment, obligation, or expense of a person that would exist irrespective of the candidate's election campaign or individual's duties as a holder of Federal office.

''(B) INCLUSIONS.—The term 'personal use' includes—

''(i) a home mortgage, rent, or utility payment;

''(ii) a clothing purchase;

''(iii) a noncampaign-related automobile expense;

''(iv) a country club membership;

''(v) a vacation or other noncampaign-related trip;

''(vi) a household food item;

''(vii) a tuition payment;

''(viii) admission to a sporting event, concert, theater, or other form of entertainment not associated with an election campaign; and

''(ix) dues, fees, and other payments to a health club or recreational facility.

''(11) PRIMARY ELECTION PERIOD.—The term 'primary election period' means the period beginning on the date that is 90 days before the date of the primary election and ending on the date of the primary election.

''(12) PRIMARY RUNOFF ELECTION PERIOD.—The term 'primary runoff election period' means, with respect to a candidate, the period beginning on the day following the date of the last primary election for the specific office that the candidate is seeking and ending on the date of the runoff election for that office.

''(13) PRIVATE MONEY CANDIDATE.—The term 'private money candidate' means a candidate for the Senate other than a clean money candidate.

''(14) QUALIFYING CONTRIBUTION.—The term 'qualifying contribution' means a contribution that—

''(A) is in the amount of $5 exactly;

''(B) is made by an individual who is registered to vote in the candidate's State;

''(C) is made during the clean money qualifying period; and

''(D) meets the requirements of section 502(a)(2)(D).

''(15) SEED MONEY CONTRIBUTION.—The term 'seed money contribution' means a contribution (or contributions in the aggregate made by any 1 person) of not more than $100.

''(16) SENATE ELECTION FUND.—The term 'Senate Election Fund' means the fund established by section 507(a).

''SEC. 502. ELIGIBILITY FOR CLEAN MONEY.

''(a) PRIMARY ELECTION PERIOD AND PRIMARY RUNOFF ELECTION PERIOD.—

''(1) IN GENERAL.—A candidate qualifies as a clean money candidate during the primary election period and primary runoff election period if the candidate files with the Commission a declaration, signed by the candidate and the treasurer of the candidate's principal campaign committee, that the candidate—

''(A) has complied and will comply with all of the requirements of this title;

''(B) will not run in the general election as a private money candidate; and

''(C) meets the qualifying contribution requirement of paragraph (2).

''(2) QUALIFYING CONTRIBUTION REQUIREMENT.—

''(A) MAJOR PARTY CANDIDATES.—The requirement of this paragraph is met if, during the clean money qualifying period, a major party candidate receives the greater of—

''(i) 1,000 qualifying contributions; or

''(ii) a number of qualifying contributions equal to 0.25 percent of the voting age population of the candidate's State.

''(B) CANDIDATES THAT ARE NOT MAJOR PARTY CANDIDATES.—The requirement of this paragraph is met if, during the clean money qualifying period, a candidate that is not a major party candidate receives a number of qualifying contributions that is at least 150 percent of the number of qualifying contributions that a major party candidate in the same election is required to receive under subparagraph (A).

''(C) RECEIPT OF QUALIFYING CONTRIBUTION.—A qualifying contribution shall—

''(i) be accompanied by the contributor's name and home address;

''(ii) be accompanied by a signed statement that the contributor understands the purpose of the qualifying contribution;

''(iii) be made by a personal check or money order payable to the Senate Election Fund or by cash; and

''(iv) be acknowledged by a receipt that is sent to the contributor with a copy kept by the candidate for the Commission and a copy kept by the candidate for the election authorities in the candidate's State.

''(D) DEPOSIT OF QUALIFYING CONTRIBUTIONS IN SENATE ELECTION FUND.—

''(i) IN GENERAL.—Not later than the date that is 1 day after the date on which the candidate is certified under section 505, a candidate shall remit all qualifying contributions to the Commission for deposit in the Senate Election Fund.

''(ii) CANDIDATES THAT ARE NOT CERTIFIED.—Not later than the last day of the clean money qualifying period, a candidate who has received qualifying contributions and is not certified under section 505 shall remit all qualifying contributions to the Commission for deposit in the Senate Election Fund.

''(3) TIME TO FILE DECLARATION.—A declaration under paragraph (1) shall be filed by a candidate not later than the date that is 30 days before the date of the primary election.

''(b) GENERAL ELECTION PERIOD.—

''(1) IN GENERAL.—A candidate qualifies as a clean money candidate during the general election period if—

''(A)(i) the candidate qualified as a clean money candidate during the primary election period (and primary runoff election period, if applicable); or

''(ii) the candidate files with the Commission a declaration, signed by the candidate and the treasurer of the candidate's principal committee, that the candidate—

''(I) has complied and will comply with all the requirements of this title; and

''(II) meets the qualifying contribution requirement of subsection (a)(2);

''(B) the candidate files with the Commission a written agreement between the candidate and the candidate's political party in which the political party agrees not to make any expenditures in connection with the general election of the candidate in excess of the limit in section 315(d)(3)(C); and

''(C) the candidate's party nominated the candidate to be placed on the ballot for the general election or the candidate qualified to be placed on the ballot as an independent candidate, and the candidate is qualified under State law to be on the ballot.

''(2) TIME TO FILE DECLARATION OR STATEMENT.—A declaration or statement required to be filed under paragraph (1) shall be filed by a candidate not later than the date that is 30 days before the date of the general election.

''(c) GENERAL RUNOFF ELECTION PERIOD.—A candidate qualifies as a clean money candidate during the general runoff election period if the candidate qualified as a clean money candidate during the general election period.

''SEC. 503. REQUIREMENTS APPLICABLE TO CLEAN MONEY CANDIDATES.

''(a) OBLIGATION TO COMPLY.—A clean money candidate who accepts benefits during the primary election period shall comply with all the requirements of this Act through the primary runoff election period, the general election period, and the general runoff election period (if applicable) whether the candidate continues to accept benefits or not.

''(b) CONTRIBUTIONS AND EXPENDITURES.—

''(1) PROHIBITION OF PRIVATE CONTRIBUTIONS.—Except as otherwise provided in this title, during the election cycle of a clean money candidate, the candidate shall not accept contributions other than clean money from any source.

''(2) PROHIBITION OF EXPENDITURES FROM PRIVATE SOURCES.—Except as otherwise provided in this title, during the election cycle of a clean money candidate, the candidate shall not make expenditures from any amounts other than clean money amounts.

''(c) USE OF PERSONAL FUNDS.—

''(1) IN GENERAL.—A clean money candidate shall not use personal funds to make an expenditure except as provided in paragraph (2).

''(2) EXCEPTIONS.—A seed money contribution or qualifying contribution from the candidate or a member of the candidate's immediate family shall not be considered to be use of personal funds.

''(d) DEBATES.—

''(1) NUMBER OF DEBATES.—A clean money candidate shall participate in at least—

''(A) 1 public debate with other clean money candidates from the same party for the same office during the primary election period; and

''(B) 2 public debates with other clean money candidates for the same office during the general election period.

''(2) REGULATION.—The Commission shall promulgate a regulation as necessary to carry out paragraph (1).

''SEC. 504. SEED MONEY.

''(a) SEED MONEY LIMIT.—A clean money candidate may accept seed money contributions in an aggregate amount not exceeding—

''(1) $50,000; plus

''(2) if there is more than 1 congressional district in the candidate's State, an amount that is equal to $5,000 times the number of additional congressional districts.

''(b) CONTRIBUTION LIMIT.—Except as provided in section 502(a)(2), a clean money candidate shall not accept a contribution from any person except a seed money contribution (as defined in section 501).

''(c) RECORDS.—A clean money candidate shall maintain a record of the contributor's name, street address, and amount of the contribution.

''(d) USE OF SEED MONEY.—

''(1) IN GENERAL.—A clean money candidate may expend seed money for any election campaign-related costs, including costs to open an office, fund a grassroots campaign, or hold community meetings.

''(2) PROHIBITED USES.—A clean money candidate shall not expend seed money for—

''(A) a television or radio broadcast; or

''(B) personal use.

''(e) REPORT.—Unless a seed money contribution or expenditure made with a seed money contribution has been reported previously under section 304, a clean money candidate shall file with the Commission a report disclosing all seed money contributions and expenditures not later than 48 hours after—

''(1) the earliest date on which the Commission makes funds available to the candidate for an election period under paragraph (1) or (2) of section 506(b); or

''(2) the end of the clean money qualifying period,

whichever occurs first.

''(f) TIME TO ACCEPT AND EXPEND SEED MONEY CONTRIBUTIONS.—A clean money candidate may accept and expend seed money contributions for an election during the time period beginning on the day after the date of the previous general election for the office to which the candidate is seeking election and ending on the earliest date on which the Commission makes funds available to the candidate for an election period under paragraph (1) or (2) of section 506(b).

''(g) DEPOSIT OF UNSPENT SEED MONEY CONTRIBUTIONS.—A clean money candidate shall remit any unspent seed money to the Commission, for deposit in the Senate Election Fund, not later than the earliest date on which the Commission makes funds available to the candidate for an election period under paragraph (1) or (2) of section 506(b).

''(h) NOT CONSIDERED AN EXPENDITURE.—An expenditure made with seed money shall not be treated as an expenditure for purposes of section 506(f)(2).

''SEC. 505. CERTIFICATION BY COMMISSION.

''(a) IN GENERAL.—Not later than 5 days after a candidate files a declaration under section 502, the Commission shall—

''(1) determine whether the candidate meets the eligibility requirements of section 502; and

''(2) certify whether or not the candidate is a clean money candidate.

''(b) REVOCATION OF CERTIFICATION.—The Commission may revoke a certification under subsection (a) if a candidate fails to comply with this title.

''(c) REPAYMENT OF BENEFITS.—If certification is revoked under subsection (b), the candidate shall repay to the Senate Election Fund an amount equal to the value of benefits received under this title.

''SEC. 506. BENEFITS FOR CLEAN MONEY CANDIDATES.

''(a) IN GENERAL.—A clean money candidate shall be entitled to—

''(1) a clean money amount for each election period to make or obligate to make expenditures during the election period for which the clean money is provided, as provided in subsection (c);

''(2) media benefits under section 315 of the Communications Act of 1934 (47 U.S.C. 315); and

''(3) an aggregate amount of increase in the clean money amount in response to certain independent expenditures and expenditures of a private money candidate under subsection (d) that, in the aggregate, are in excess of 125 percent of the clean money amount of the clean money candidate.

''(b) PAYMENT OF CLEAN MONEY AMOUNT.—

''(1) PRIMARY ELECTION.—The Commission shall make funds available to a clean money candidate on the later of—

''(A) the date on which the candidate is certified as a clean money candidate under section 505; or

''(B) the date on which the primary election period begins.

''(2) GENERAL ELECTION.—The Commission shall make funds available to a clean money candidate not later than 48 hours after—

''(A) certification of the primary election or primary runoff election result; or

''(B) the date on which the candidate is certified as a clean money candidate under section 505 for the general election,

whichever occurs first.

''(3) RUNOFF ELECTION.—The Commission shall make funds available to a clean money candidate not later than 48 hours after the certification of the primary or general election result (as applicable).

''(c) CLEAN MONEY AMOUNTS.—

''(1) PRIMARY ELECTION CLEAN MONEY AMOUNT.—

''(A) MAJOR PARTY CANDIDATES.—The primary election clean money amount with respect to a clean money candidate who is a major party candidate is 67 percent of the general election clean money amount with respect to the clean money candidate.

''(B) CANDIDATES THAT ARE NOT MAJOR PARTY CANDIDATES.—The primary election clean money amount with respect to a clean money candidate who is not a major party candidate is 25 percent of the general election clean money amount with respect to the clean money candidate.

''(2) PRIMARY RUNOFF ELECTION CLEAN MONEY AMOUNT.—The primary runoff election

clean money amount with respect to a clean money candidate is 25 percent of the primary election clean money amount with respect to the clean money candidate.

''(3) GENERAL ELECTION CLEAN MONEY AMOUNT.—

''(A) IN GENERAL.—The general election clean money amount with respect to a clean money candidate is the lesser of—

''(i) $4,400,000; or

''(ii) the greater of—

''(I) $760,000; or

''(II) $320,000; plus

''(aa) 24 cents multiplied by the voting age population not in excess of 4,000,000; and

''(bb) 20 cents multiplied by the voting age population in excess of 4,000,000.

''(B) EXCEPTION.—In the case of an eligible Senate candidate in a State that has not more than 1 transmitter for a commercial Very High Frequency (VHF) television station licensed to operate in that State, subparagraph (A)(ii)(II) shall be applied by substituting—

''(i) '64 cents' for '24 cents' in item (aa); and

''(ii) '56 cents' for '20 cents' in item (bb).

''(C) INDEXING.—The clean money amount under subparagraphs (A) and (B) shall be increased as of the beginning of each calendar year based on an increase in the price index determined under section 315(c), except that the base period shall be calendar year 1997.

''(4) GENERAL RUNOFF ELECTION CLEAN MONEY AMOUNT.—The general runoff election clean money amount with respect to a clean money candidate is 25 percent of the general election clean money amount with respect to the clean money candidate.

''(5) UNOPPOSED CANDIDATES.—Except for a candidate receiving amounts under paragraph (1)(B), a clean money candidate in a primary or general election in which there is no opposing candidate shall receive a clean money amount with respect to that election equal to 25 percent of the full clean money amount that the candidate would receive in a contested election.

''(d) MATCHING FUNDS IN RESPONSE TO INDEPENDENT EXPENDITURES AND EXPENDITURES OF PRIVATE MONEY CANDIDATES.—

''(1) IN GENERAL.—If the Commission—

''(A) receives notification under—

''(i) subparagraphs (A) or (B) of section 304(c)(2) that a person has made or obligated to make an independent expenditure in an aggregate amount of $1,000 or more in an election period or that a person has made or obligated to make an independent expenditure in an aggregate amount of $500 or more during the 20 days preceding the date of an election in support of another candidate or against a clean money candidate; or

''(ii) section 304(d)(1) that a private money candidate has made or obligated to make expenditures in an aggregate amount in excess of 100 percent of the amount of clean money provided to a clean money candidate who is an opponent of the private money candidate in the same election; and

''(B) determines that the aggregate amount of expenditures reported under subparagraph (A) in an election period is in excess of 125 percent of the amount of clean money provided to a clean money candidate who is an opponent of the private money candidate in the same election or against whom the independent expenditure is made,

the Commission shall make available to the clean money candidate, not later than 24 hours after receiving a notification under subparagraph (A), an aggregate amount of increase in clean money in an amount equal to the aggregate amount of expenditures that is in excess of 125 percent of the amount of clean money provided to the clean money candidate as determined under subparagraph (B).

''(2) CLEAN MONEY CANDIDATES OPPOSED BY MORE THAN 1 PRIVATE MONEY CANDIDATE.—For purposes of paragraph (1), if a clean money candidate is opposed by more than 1 private money candidate in the same election, the Commission shall take into account only the amount of expenditures of the private money candidate that expends, in the aggregate, the greatest amount (as determined each time notification is received under section 304(d)(1)).

''(3) CLEAN MONEY CANDIDATES OPPOSED BY CLEAN MONEY CANDIDATES.—If a clean money candidate is opposed by a clean money candidate, the increase in clean money amounts under paragraph (1) shall be made available to the clean money candidate if independent expenditures are made against the clean money candidate or in behalf of the opposing clean money candidate in the same manner as the increase would be made available for a clean money candidate who is opposed by a private money candidate.

''(e) LIMITS ON MATCHING FUNDS.—The aggregate amount of clean money that a clean money candidate receives to match independent expenditures and the expenditures of private money candidates under subsection (d) shall not exceed 200 percent of the clean money amount that the clean money candidate receives under subsection (c).

''(f) EXPENDITURES MADE WITH CLEAN MONEY AMOUNTS.—

''(1) IN GENERAL.—The clean money amount received by a clean money candidate shall be used only for the purpose of making or obligating to make expenditures during the election period for which the clean money is provided.

''(2) EXPENDITURES IN EXCESS OF CLEAN MONEY AMOUNT.—A clean money candidate shall not make expenditures or incur obligations in excess of the clean money amount.

''(3) PROHIBITED USES.—The clean money amount received by a clean money candidate shall not be—

''(A) converted to a personal use; or

''(B) used in violation of law.

''(4) PETTY CASH FUND.—

''(A) IN GENERAL.—A candidate may establish a petty cash fund, to be used to pay expenses such as the costs of food, newspapers, magazines, pay telephone calls and other minor necessary expenses, that contains, on any day, not more than—

''(i) $200; plus

''(ii) if there is more than 1 congressional district in the candidate's State, an amount that is equal to $20 times the number of additional congressional districts.

''(B) RECEIPT.—An expenditure from the petty cash fund in an amount greater than $25 shall be evidenced by a receipt describing the item purchased, the purpose and cost of the item, and the name and street address of the seller.

''(5) PENALTY.—A person that uses a clean money amount in violation of this subsection shall be imprisoned not more than 5 years, fined not more than $15,000, or both.

''(g) REMITTING OF CLEAN MONEY AMOUNTS.—Not later than the date that is 14 days after the last day of the applicable election period, a clean money candidate shall remit any unspent clean money amount to the Commission for deposit in the Senate Election Fund.

''SEC. 507. ADMINISTRATION OF CLEAN MONEY.

''(a) SENATE ELECTION FUND.—

''(1) ESTABLISHMENT.—There is established in the Treasury a fund to be known as the 'Senate Election Fund'.

''(2) DEPOSITS.—The Commission shall deposit unspent seed money contributions, qualifying contributions, penalty amounts received under this title, and amounts appropriated for clean money financing in the Senate Election Fund.

''(3) FUNDS.—The Commission shall withdraw the clean money amount for a clean money candidate from the Senate Election Fund.

''(b) REGULATIONS.—The Commission shall promulgate a regulation to—

''(1) effectively and efficiently monitor and enforce the limits on use of private money by clean money candidates;

''(2) effectively and efficiently monitor use of publicly financed amounts under this title; and

''(3) enable clean money candidates to monitor expenditures and comply with the requirements of this title.

''SEC. 508. EXPENDITURES MADE FROM FUNDS OTHER THAN CLEAN MONEY.

''If a clean money candidate makes an expenditure using funds other than funds provided under this title, the Commission shall assess a civil penalty against the candidate in an amount that is not more than 10 times the amount of the expenditure.

''SEC. 509. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to the Senate Election Fund such sums as are necessary to carry out this title.''.

SEC. 103. REPORTING REQUIREMENTS FOR EXPENDITURES OF PRIVATE MONEY CANDIDATES.

Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended by adding at the end the following:

''(d) PRIVATE MONEY CANDIDATES.—

''(1) EXPENDITURES IN EXCESS OF CLEAN MONEY AMOUNTS.—Not later than 48 hours after making or obligating to make an expenditure, a private money candidate (as defined in section 501) that makes or obligates to make expenditures during an election period (as defined by section 501), in an aggregate amount in excess of 100 percent of the amount of clean money provided to a clean money candidate (as defined in section 501), who is an opponent of the private money candidate shall file with the Commission a report stating the amount of each expenditure (in increments of an aggregate amount of $1,000) made or obligated to be made.

''(2) PLACE OF FILING; NOTIFICATION.—

''(A) PLACE OF FILING.—A report under this subsection shall be filed with the Commission.

''(B) NOTIFICATION OF CLEAN MONEY CANDIDATES.—Not later than 24 hours after receipt of a report under this subsection, the Commission shall notify each clean money candidate seeking nomination for election to, or election to, the office in question, of the receipt of the report.

''(3) DETERMINATIONS BY THE COMMISSION.—

''(A) IN GENERAL.—The Commission may, on a request of a candidate or on its own initiative, make a determination that a private money candidate has made, or has obligated to make, expenditures in excess of the applicable amount in paragraph (1).

''(B) NOTIFICATION.—In the case of such a determination, the Commission shall notify each clean money candidate seeking nomination for election to, or election to, the office in question, of the making of the determination not later than 24 hours after making the determination.

''(C) TIME TO COMPLY WITH REQUEST FOR DETERMINATION.—A determination made at the request of a candidate shall be made not later than 48 hours after the date of the request.''.

SEC. 104. TRANSITION RULE FOR CURRENT ELECTION CYCLE.

(a) IN GENERAL.—During the election cycle in effect on the date of enactment of this Act, a candidate may be certified as a clean money candidate (as defined in section 501 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)), notwithstanding the acceptance

of contributions or making of expenditures from private funds before the date of enactment that would, absent this section, disqualify the candidate as a clean money candidate.

(b) PRIVATE FUNDS.—A candidate may be certified as a clean money candidate only if any private funds accepted and not expended before the date of enactment of this Act are—

(1) returned to the contributor; or

(2) submitted to the Federal Election Commission for deposit in the Senate Election Fund (as defined in section 501 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)).

TITLE II—INDEPENDENT EXPENDITURES; COORDINATED EXPENDITURES

SEC. 201. REPORTING REQUIREMENTS FOR INDEPENDENT EXPENDITURES.

(a) INDEPENDENT EXPENDITURES.—Section 304(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(c)) is amended—

(1) by striking ''(c)(1) Every person'' and inserting the following:

''(c) INDEPENDENT EXPENDITURES.—

''(1) IN GENERAL.—

''(A) REQUIRED FILING.—Except as provided in paragraph (2), every person'';

(2) in paragraph (2), by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively, and adjusting the margins accordingly;

(3) by redesignating paragraphs (2) and (3) as subparagraphs (B) and (C), respectively, and adjusting the margins accordingly;

(4) by adding at the end the following:

''(2) SENATE ELECTIONS WITH A CLEAN MONEY CANDIDATE.—

''(A) INDEPENDENT EXPENDITURES MORE THAN 20 DAYS BEFORE AN ELECTION.—

''(i) IN GENERAL.—Not later than 48 hours after making or obligating to make an independent expenditure, more than 20 days before the date of an election, in support of an opponent of or in opposition to a clean money candidate (as defined in section 501), a person that makes independent expenditures in an aggregate amount in excess of $1,000 during an election period (as defined in section 501) shall file with the Commission a statement containing the information described in clause (ii).

''(ii) CONTENTS OF STATEMENT.—A statement under subparagraph (A) shall include a certification, under penalty of perjury, that contains the information required by subsection (b)(6)(B)(iii).

''(iii) ADDITIONAL STATEMENTS.—An additional statement shall be filed for each aggregate of independent expenditures that exceeds $1,000.

''(B) INDEPENDENT EXPENDITURES DURING THE 20 DAYS PRECEDING AN ELECTION.—Not later than 24 hours after making or obligating to make an independent expenditure in support of an opponent of or in opposition to a clean money candidate in an aggregate amount in excess of $500, during the 20 days preceding the date of an election, a person that makes or obligates to make the independent expenditure shall file with the Commission a statement stating the amount of each independent expenditure made or obligated to be made.

''(C) PLACE OF FILING; NOTIFICATION.—

''(i) PLACE OF FILING.—A report or statement under this paragraph shall be filed with the Commission.

''(ii) NOTIFICATION OF CLEAN MONEY CANDIDATES.—Not later than 24 hours after receipt of a statement under this paragraph, the Commission shall notify each clean money candidate seeking nomination for election to, or election to, the office in question of the receipt of a statement.

''(D) DETERMINATION BY THE COMMISSION.—

''(i) IN GENERAL.—The Commission may, on request of a candidate or on its own initiative, make a determination that a person has made or obligated to make independent expenditures with respect to a candidate that in the aggregate exceed the applicable amount under subparagraph (A).

''(ii) NOTIFICATION.—Not later than 24 hours after making a determination under clause (i), the Commission shall notify each clean money candidate in the election of the making of the determination.

''(iii) TIME TO COMPLY WITH REQUEST FOR DETERMINATION.—A determination made at the request of a candidate shall be made not later than 48 hours after the date of the request.''.

SEC. 202. DEFINITION OF INDEPENDENT EXPENDITURE.

(a) IN GENERAL.—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by striking paragraph (17) and inserting the following:

''(17) INDEPENDENT EXPENDITURE.—

''(A) IN GENERAL.—The term 'independent expenditure' means an expenditure made by a person other than a candidate or candidate's authorized committee—

''(i) that is made for a communication that contains express advocacy; and

''(ii) is made without the participation or cooperation of and without coordination with a candidate (within the meaning of section 301(8)(A)(iii)).

''(B) EXPRESS ADVOCACY.—The term 'express advocacy' means a communication that is made through a broadcast medium, newspaper, magazine, billboard, direct mail, or similar type of general public communication or political advertising and that—

''(i) advocates the election or defeat of a clearly identified candidate, including any communication that—

''(I) contains a phrase such as 'vote for', 're-elect', 'support', 'cast your ballot for', '(name of candidate) for Congress', '(name of candidate) in 1997', 'vote against', 'defeat', 'reject'; or

''(II) contains campaign slogans or individual words that in context can have no reasonable meaning other than to recommend the election or defeat of 1 or more clearly identified candidates; or

''(ii)(I) involves aggregate disbursements of $5,000 or more;

''(II) refers to a clearly identified candidate; and

''(III) is made not more than 60 days before the date of a general election.''.

(b) DEFINITION APPLICABLE WHEN PROVISION NOT IN EFFECT.—For purposes of the Federal Election Campaign Act of 1971, during any period beginning after the effective date of this Act in which the definition, or any part of the definition, under section 301(17)(B) of that Act (as added by subsection (a)) is not in effect, the definition of ''express advocacy'' shall mean, in addition to the part of the definition that is in effect, a communication that clearly identifies a candidate and—

(1) taken as a whole and with limited reference to external events, such as proximity to an election, expresses unmistakable support for or opposition to 1 or more clearly identified candidates; or

(2) is made for the clear purpose of advocating the election or defeat of the candidate, as shown by the existence of each of the following factors:

(A) A statement or action by the person making the communication.

(B) The targeting or placement of the communication.

(C) The use by the person making the communication of polling, demographic, or other similar data relating to the candidate's campaign for election.

SEC. 203. LIMIT ON EXPENDITURES BY POLITICAL PARTY COMMITTEES.

Section 315(d)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)(3)) is amended—

(1) in subparagraph (A)(ii)—

(A) by inserting ''except an election in which 1 or more of the candidates is a clean money candidate (as defined in section 501)'' after ''Senator''; and

(B) by striking ''and'' at the end;

(2) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(C) in the case of an election to the office of Senator in which 1 or more candidates is a clean money candidate (as defined in section 501), 10 percent of the amount of clean money that a clean money candidate is eligible to receive for the general election period.''.

SEC. 204. PARTY INDEPENDENT EXPENDITURES AND COORDINATED EXPENDITURES.

(a) DETERMINATION TO MAKE COORDINATED EXPENDITURES.—Section 315(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)) is amended—

(1) in paragraph (1)—

(A) by inserting ''coordinated'' after ''make''; and

(B) by striking ''(2) and (3)'' and inserting ''(2), (3), and (4)''; and

(2) by adding at the end the following:

''(4)(A) Before a committee of a political party makes a coordinated expenditure in connection with a general election campaign for Federal office in excess of $5,000, the committee shall file with the Commission a certification, signed by the treasurer, that the committee has not made and will not make any independent expenditures in connection with that campaign for Federal office. A party committee that determines to make a coordinated expenditure shall not make any transfer of funds in the same election cycle to, or receive any transfer of funds in the same election cycle from, any other party committee that determines to make independent expenditures in connection with the same campaign for Federal office.

''(B) A committee of a political party shall be considered to be in coordination with a candidate of the party if the committee—

''(i) makes a payment for a communication or anything of value in coordination with the candidate, as described in section 301(8)(A)(iii);

''(ii) makes a coordinated expenditure under this subsection on behalf of the candidate;

''(iii) participates in joint fundraising with the candidate or in any way solicits or receives a contribution on behalf of the candidate;

''(iv) communicates with the candidate, or an agent of the candidate (including a pollster, media consultant, vendor, advisor, or staff member), acting on behalf of the candidate, about advertising, message, allocation of resources, fundraising, or other campaign matters related to the candidate's campaign, including campaign operations, staffing, tactics or strategy; or

''(v) provides in-kind services, polling data, or anything of value to the candidate.

''(C) For purposes of this paragraph, all political committees established and maintained by a national political party (including all congressional campaign committees) and all political committees established by State political parties shall be considered to be a single political committee.

''(D) For purposes of subparagraph (A), any coordination between a committee of a political party and a candidate of the party after

the candidate has filed a statement of candidacy constitutes coordination for the period beginning with the filing of the statement of candidacy and ending at the end of the election cycle.''.

(b) DEFINITIONS.—

(1) AMENDMENT OF DEFINITION OF CONTRIBUTION.—Section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)) is amended—

(A) in subparagraph (A)—

(i) by striking ''or'' at the end of clause (i);

(ii) by striking the period at the end of clause (ii) and inserting ''; or''; and

(iii) by adding at the end the following:

''(iii) a payment made for a communication or anything of value that is for the purpose of influencing an election for Federal office and that is made in coordination with a candidate.''; and

(B) by adding at the end the following:

''(C) For the purposes of subparagraph (A)(iii), the term 'payment made in coordination with a candidate' includes—

''(i) a payment made by a person in cooperation, consultation, or concert with, at the request or suggestion of, or pursuant to any general or particular understanding with a candidate, the candidate's authorized committee, or an agent acting on behalf of a candidate or authorized committee;

''(ii) a payment made by a person for the dissemination, distribution, or republication, in whole or in part, of any broadcast or any written, graphic, or other form of campaign material prepared by a candidate, a candidate's authorized committee, or an agent of a candidate or authorized committee (not including a communication described in paragraph (9)(B)(i) or a communication that expressly advocates the candidate's defeat);

''(iii) a payment made based on information about a candidate's plans, projects, or needs provided to the person making the payment by the candidate or the candidate's agent who provides the information with a view toward having the payment made;

''(iv) a payment made by a person if, in the same election cycle in which the payment is made, the person making the payment is serving or has served as a member, employee, fundraiser, or agent of the candidate's authorized committee in an executive or policymaking position;

''(v) a payment made by a person if the person making the payment has served in any formal policy or advisory position with the candidate's campaign or has participated in strategic or policymaking discussions with the candidate's campaign relating to the candidate's pursuit of nomination for election, or election, to Federal office, in the same election cycle as the election cycle in which the payment is made; and

''(vi) a payment made by a person if the person making the payment retains the professional services of an individual or person who has provided or is providing campaign-related services in the same election cycle to a candidate in connection with the candidate's pursuit of nomination for election, or election, to Federal office, including services relating to the candidate's decision to seek Federal office, and the payment is for services of which the purpose is to influence that candidate's election.

''(D) For purposes of subparagraph (C)(vi), the term 'professional services' includes services in support of a candidate's pursuit of nomination for election, or election, to Federal office such as polling, media advice, direct mail, fundraising, or campaign research.''.

(2) DEFINITION OF CONTRIBUTION IN SECTION 315(a)(7).—Section 315(a)(7) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(7)) is amended by striking paragraph (B) and inserting the following:

''(B)(i) Except as provided in clause (ii), a payment made in coordination with a candidate (as described in section 301(8)(A)(iii)) shall be considered to be a contribution to the candidate, and, for the purposes of any provision of this Act that imposes a limitation on the making of expenditures by a candidate, shall be treated as an expenditure by the candidate for purposes of this paragraph.

''(ii) In the case of a clean money candidate (as defined in section 501), a payment made in coordination with a candidate by a committee of a political party shall not be treated as a contribution to the candidate for purposes of section 503(b)(1) or an expenditure made by the candidate for purposes of section 503(b)(2).''.

(c) MEANING OF CONTRIBUTION OR EXPENDITURE FOR THE PURPOSES OF SECTION 316.—Section 316(b)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b(b)(2)) is amended by striking ''shall include'' and inserting ''includes a contribution or expenditure (as those terms are defined in section 301) and also includes''.

TITLE III—VOTER INFORMATION

SEC. 301. FREE BROADCAST TIME.

Section 315 of the Communications Act of 1934 (47 U.S.C. 315) is amended—

(1) in subsection (a), in the third sentence, by striking ''within the meaning of this subsection'' and inserting ''within the meaning of this subsection or subsection (c)'';

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(3) by inserting after subsection (b) the following:

''(c) FREE BROADCAST TIME.—

''(1) AMOUNT OF TIME.—A clean money candidate shall be entitled to receive—

''(A) 30 minutes of free broadcast time during each of the primary election period and the primary runoff election period; and

''(B) 60 minutes of free broadcast time during the general election period.

''(2) TIME DURING WHICH THE BROADCAST IS AIRED.—The broadcast time under paragraph (1) shall be—

''(A) with respect to a television broadcast, the time between 6:00 p.m. and 10:00 p.m. on any day that falls on Monday through Friday; and

''(B) with respect to a radio broadcast, the time between 7:00 a.m. and 9:30 a.m. or between 4:30 p.m. and 7:00 p.m. on any day that falls on Monday through Friday.

''(3) MAXIMUM REQUIRED OF ANY STATION.—The amount of free broadcast time that any 1 station is required to make available to any 1 clean money candidate during each of the primary election period, primary runoff election period, and general election period shall not exceed 15 minutes.

''(4) CONTENT OF BROADCAST.—A broadcast under this subsection shall be more than 30 seconds and less than 5 minutes in length.''; and

(4) in subsection (d) (as redesignated by paragraph (1))—

(A) by striking ''and'' at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting a semicolon, and by redesignating that paragraph as paragraph (4);

(C) by inserting after paragraph (1) the following:

''(2) the term 'clean money candidate' has the meaning given in section 501 of the Federal Election Campaign Act of 1971;

''(3) the term 'general election period' has the meaning given in section 501 of the Federal Election Campaign Act of 1971;''; and

(D) by adding at the end the following:

''(5) the term 'primary election period' has the meaning given in section 501 of the Federal Election Campaign Act of 1971;

''(6) the term 'private money candidate' has the meaning given in section 501 of the Federal Election Campaign Act of 1971; and

''(7) the term 'primary runoff election period' has the meaning given in section 501 of the Federal Election Campaign Act of 1971.''.

SEC. 302. BROADCAST RATES AND PREEMPTION.

(a) BROADCAST RATES.—Section 315(b) of the Communications Act of 1934 (47 U.S.C. 315(b)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and adjusting the margins accordingly;

(2) by striking ''The charges'' and inserting the following:

''(1) IN GENERAL.—Except as provided in paragraph (2), the charges''; and

(3) by adding at the end the following:

''(2) CLEAN MONEY CANDIDATES.—In the case of a clean money candidate, the charges for the use of a television broadcasting station shall not exceed 50 percent of the lowest charge described in paragraph (1)(A) during—

''(A) the 30 days preceding the date of a primary or primary runoff election in which the candidate is opposed; and

''(B) the 60 days preceding the date of a general or special election in which the candidate is opposed.

''(3) RATE CARDS.—A licensee shall provide to a Senate candidate a rate card that discloses—

''(A) the rate charged under this subsection; and

''(B) the method that the licensee uses to determine the rate charged under this subsection.''.

(b) PREEMPTION.—Section 315 of the Communications Act of 1934 (47 U.S.C. 315) (as amended by section 301) is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (d) the following:

''(d) PREEMPTION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), a licensee shall not preempt the use of a broadcasting station by a legally qualified candidate for the United States Senate who has purchased and paid for such use.

''(2) CIRCUMSTANCES BEYOND CONTROL OF LICENSEE.—If a program to be broadcast by a broadcasting station is preempted because of circumstances beyond the control of the broadcasting station, any candidate advertising spot scheduled to be broadcast during that program may also be preempted.''.

SEC. 303. CAMPAIGN ADVERTISEMENTS; ISSUE ADVERTISEMENTS.

(a) CONTENTS OF CAMPAIGN ADVERTISEMENTS.—Section 318 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking ''Whenever'' and inserting ''Whenever a political committee makes a disbursement for the purpose of financing any communication through any broadcasting station, newspaper, magazine, outdoor advertising facility, mailing, or any other type of general public political advertising, or whenever'';

(ii) by striking ''an expenditure'' and inserting ''a disbursement''; and

(iii) by striking ''direct''; and

(B) in paragraph (3), by inserting ''and permanent street address'' after ''name''; and

(2) by adding at the end the following:

''(c) Any printed communication described in subsection (a) shall be—

''(1) of sufficient type size to be clearly readable by the recipient of the communication;

''(2) contained in a printed box set apart from the other contents of the communication; and

''(3) consist of a reasonable degree of color contrast between the background and the printed statement.

''(d)(1) Any broadcast or cablecast communication described in subsection (a)(1) or subsection (a)(2) shall include, in addition to the requirements of those subsections, an audio statement by the candidate that identifies the candidate and states that the candidate has approved the communication.

''(2) If a broadcast or cablecast communication described in paragraph (1) is broadcast or cablecast by means of television, the communication shall include, in addition to the audio statement under paragraph (1), a written statement which—

''(A) appears at the end of the communication in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds; and

''(B) is accompanied by a clearly identifiable photographic or similar image of the candidate.

''(e) Any broadcast or cablecast communication described in subsection (a)(3) shall include, in addition to the requirements of those subsections, in a clearly spoken manner, the following statement: '_____ is responsible for the content of this advertisement.' (with the blank to be filled in with the name of the political committee or other person paying for the communication and the name of any connected organization of the payor). If broadcast or cablecast by means of television, the statement shall also appear in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds.

''(f) Any broadcast or cablecast communication described in subsection (a)(1), made by or on behalf of a private money candidate (as defined in section 501), shall include, in addition to the requirements of this subsection, in a clearly spoken manner, the following statement: 'This candidate has chosen not to participate in the Clean Money, Clean Elections Act and is receiving campaign contributions from private sources'.''.

(b) REPORTING REQUIREMENTS FOR ISSUE ADVERTISEMENTS.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) (as amended by section 103) is amended by adding at the end the following:

''(e) ISSUE ADVERTISEMENTS.—

''(1) IN GENERAL.—A person that makes or obligates to make a disbursement to purchase an issue advertisement shall file a report with the Commission not later than 48 hours after making or obligating to make the disbursement, containing the following information—

''(A) the amount of the disbursement;

''(B) the information required under subsection (b)(3)(A) for each person that makes a contribution, in an aggregate amount of $5,000 or greater in a calendar year, to the person who makes the disbursement;

''(C) the name and address of the person making the disbursement; and

''(D) the purpose of the issue advertisement.

''(2) DEFINITION OF ISSUE ADVERTISEMENT.—In this subsection, the term 'issue advertisement' means a communication through a broadcasting station, newspaper, magazine, outdoor advertising facility, mailing, or any other type of general public political advertising—

''(A) the purchase of which is not an independent expenditure or a contribution;

''(B) that contains the name or likeness of a Senate candidate;

''(C) that is communicated during an election year; and

''(D) that recommends a position on a political issue.''.

SEC. 304. LIMIT ON CONGRESSIONAL USE OF THE FRANKING PRIVILEGE.

Section 3210(a)(6) of title 39, United States Code, is amended by striking subparagraph (A) and inserting the following:

''(A)(i) Except as provided in clause (ii), a Member of Congress shall not mail any mass mailing as franked mail during a year in which there will be an election for the seat held by the Member during the period between January 1 of that year and the date of the general election for that office, unless the Member has made a public announcement that the Member will not be a candidate for reelection in that year or for election to any other Federal office.

''(ii) A Member of Congress may mail a mass mailing as franked mail if—

''(I) the purpose of the mailing is to communicate information about a public meeting; and

''(II) the content of the mailed matter includes only the candidate's name, and the date, time, and place of the public meeting.''.

TITLE IV—SOFT MONEY OF POLITICAL PARTY COMMITTEES

SEC. 401. SOFT MONEY OF POLITICAL PARTY COMMITTEE.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following:

''SEC. 324. SOFT MONEY OF PARTY COMMITTEES.

''(a) NATIONAL COMMITTEES.—A national committee of a political party (including a national congressional campaign committee of a political party but not including an entity regulated under subsection (b)) shall not solicit or receive any contributions, donations, or transfers of funds, or spend any funds, that are not subject to the limitations, prohibitions, and reporting requirements of this Act.

''(b) STATE, DISTRICT, AND LOCAL COMMITTEES.—

''(1) IN GENERAL.—A State, district, or local committee of a political party shall not expend or disburse any amount during a calendar year in which a Federal election is held for any activity that might affect the outcome of a Federal election, including any voter registration or get-out-the-vote activity, any generic campaign activity, and any communication that refers to a candidate (regardless of whether a candidate for State or local office is also mentioned or identified) unless the amount is subject to the limitations, prohibitions, and reporting requirements of this Act.

''(2) ACTIVITY EXCLUDED FROM PARAGRAPH (1).—

''(A) IN GENERAL.—Paragraph (1) shall not apply to an expenditure or disbursement made by a State, district, or local committee of a political party for—

''(i) a contribution to a candidate for State or local office if the contribution is not designated or otherwise earmarked to pay for an activity described in paragraph (1);

''(ii) the costs of a State, district, or local political convention;

''(iii) the non-Federal share of a State, district, or local party committee's administrative and overhead expenses (but not including the compensation in any month of any individual who spends more than 20 percent of the individual's time on activities during the month that may affect the outcome of a Federal election), except that for purposes of this paragraph, the non-Federal share of a party committee's administrative and overhead expenses shall be determined by applying the ratio of the non-Federal disbursements to the total Federal expenditures and non-Federal disbursements made by the committee during the previous presidential election year to the committee's administrative and overhead expenses in the election year in question;

''(iv) the costs of grassroots campaign materials, including buttons, bumper stickers, and yard signs that name or depict only a candidate for State or local office; and

''(v) the cost of any campaign activity conducted solely on behalf of a clearly identified candidate for State or local office, if the candidate activity is not an activity described in paragraph (1).

''(B) FUNDRAISING COSTS.—A national, State, district, or local committee of a political party shall not expend any amount to raise funds that are used, in whole or in part, to pay the costs of an activity described in paragraph (1) unless the amount is subject to the limitations, prohibitions, and reporting requirements of this Act.

''(c) TAX-EXEMPT ORGANIZATIONS.—A national, State, district, or local committee of a political party (including a national congressional campaign committee of a political party) shall not solicit any funds for or make any donations to an organization that is exempt from Federal taxation under section 501(a) of the Internal Revenue Code of 1986 and that is described in section 501(c) of such Code.

''(d) CANDIDATES.—

''(1) IN GENERAL.—A candidate, individual holding Federal office, or agent of a candidate or individual holding Federal office shall not—

''(A) solicit, receive, transfer, or spend funds in connection with an election for Federal office unless the funds are subject to the limitations, prohibitions, and reporting requirements of this Act;

''(B) solicit, receive, or transfer funds that are to be expended in connection with any election other than a Federal election unless the funds—

''(i) are not in excess of the amounts permitted with respect to contributions to candidates and political committees under section 315(a) (1) and (2); and

''(ii) are not from sources prohibited by this Act from making contributions with respect to an election for Federal office; or

''(C) solicit, receive, or transfer any funds on behalf of any person that are not subject to the limitations, prohibitions, and reporting requirements of this Act if the funds are for use in financing any campaign-related activity or any communication that refers to a clearly identified candidate for Federal office.

''(2) EXCEPTION.—Paragraph (1) does not apply to the solicitation or receipt of funds by an individual who is a candidate for a State or local office if the solicitation or receipt of funds is permitted under State law for the individual's State or local campaign committee.

''(e) DEFINITION OF COMMITTEE.—In this section, the term 'committee of a political party' includes an entity that is directly or indirectly established, financed, maintained, or controlled by a committee or its agent, an entity acting on behalf of a committee, and an officer or agent acting on behalf of any such committee or entity.''.

SEC. 402. STATE PARTY GRASSROOTS FUNDS.

(a) INDIVIDUAL CONTRIBUTIONS.—Section 315(a)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(1)) is amended—

(1) in subparagraph (B) by striking ''or'' at the end;

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting after subparagraph (B) the following:

''(C) to—

''(i) a State Party Grassroots Fund established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $20,000;

''(ii) any other political committee established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $5,000;

except that the aggregate contributions described in this subparagraph that may be made by a person to the State Party Grassroots Fund and all committees of a State Committee of a political party in any State in any calendar year shall not exceed $20,000; or''.

(b) LIMITS.—

(1) IN GENERAL.—Section 315(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)) is amended by striking paragraph (3) and inserting the following:

''(3) OVERALL LIMITS.—

''(A) INDIVIDUAL LIMIT.—No individual shall make contributions during any calendar year that, in the aggregate, exceed $25,000.

''(B) CALENDAR YEAR.—No individual shall make contributions during any calendar year—

''(i) to all candidates and their authorized political committees that, in the aggregate, exceed $25,000; or

''(ii) to all political committees established and maintained by State committees of a political party that, in the aggregate, exceed $20,000.

''(C) NONELECTION YEARS.—For purposes of subparagraph (B)(i), any contribution made to a candidate or the candidate's authorized political committees in a year other than the calendar year in which the election is held with respect to which the contribution is made shall be treated as being made during the calendar year in which the election is held.''.

(c) DEFINITIONS.—Section 301 of the Federal Election Campaign Act of 1970 (2 U.S.C. 431) is amended by adding at the end the following:

''(20) The term 'generic campaign activity' means a campaign activity that promotes a political party and does not refer to any particular Federal or non-Federal candidate.

''(21) The term 'State Party Grassroots Fund' means a separate segregated fund established and maintained by a State committee of a political party solely for purposes of making expenditures and other disbursements described in section 326(d).''.

(d) STATE PARTY GRASSROOTS FUNDS.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) (as amended by section 401) is amended by adding at the end the following:

''SEC. 325. STATE PARTY GRASSROOTS FUNDS.

''(a) IN GENERAL.—A State committee of a political party shall only make disbursements and expenditures from the committee's State Party Grassroots Fund that are described in subsection (d).

''(b) TRANSFERS.—

''(1) IN GENERAL.—Notwithstanding section 315(a)(4), a State committee of a political party shall not transfer any funds from the committee's State Party Grassroots Fund to any other State Party Grassroots Fund or to any other political committee, except as provided in paragraph (2).

''(2) EXCEPTION.—A committee of a political party may transfer funds from the committee's State Party Grassroots Fund to a district or local committee of the same political party in the same State if the district or local committee—

''(A) has established a separate segregated fund for the purposes described in subsection (d); and

''(B) uses the transferred funds solely for those purposes.

''(c) AMOUNTS RECEIVED BY GRASSROOTS FUNDS FROM STATE AND LOCAL CANDIDATE COMMITTEES.—

''(1) IN GENERAL.—Any amount received by a State Party Grassroots Fund from a State or local candidate committee for expenditures described in subsection (d) that are for the benefit of that candidate shall be treated as meeting the requirements of 324(b)(1) and section 304(d) if—

''(A) the amount is derived from funds which meet the requirements of this Act with respect to any limitation or prohibition as to source or dollar amount specified in section 315(a) (1)(A) and (2)(A)(i); and

''(B) the State or local candidate committee—

''(i) maintains, in the account from which payment is made, records of the sources and amounts of funds for purposes of determining whether those requirements are met; and

''(ii) certifies that the requirements were met.

''(2) DETERMINATION OF COMPLIANCE.—For purposes of paragraph (1)(A), in determining whether the funds transferred meet the requirements of this Act described in paragraph (1)(A)—

''(A) a State or local candidate committee's cash on hand shall be treated as consisting of the funds most recently received by the committee; and

''(B) the committee must be able to demonstrate that its cash on hand contains funds meeting those requirements sufficient to cover the transferred funds.

''(3) REPORTING.—Notwithstanding paragraph (1), any State Party Grassroots Fund that receives a transfer described in paragraph (1) from a State or local candidate committee shall be required to meet the reporting requirements of this Act, and shall submit to the Commission all certifications received, with respect to receipt of the transfer from the candidate committee.

''(d) DISBURSEMENTS AND EXPENDITURES.—A State committee of a political party may make disbursements and expenditures from its State Party Grassroots Fund only for—

''(1) any generic campaign activity;

''(2) payments described in clauses (v), (ix), and (xi) of paragraph (8)(B) and clauses (iv), (viii), and (ix) of paragraph (9)(B) of section 301;

''(3) subject to the limitations of section 315(d), payments described in clause (xii) of paragraph (8)(B), and clause (ix) of paragraph (9)(B), of section 301 on behalf of candidates other than for President and Vice President;

''(4) voter registration; and

''(5) development and maintenance of voter files during an even-numbered calendar year.

''(e) DEFINITION.—In this section, the term 'State or local candidate committee' means a committee established, financed, maintained, or controlled by a candidate for other than Federal office.''.

SEC. 403. REPORTING REQUIREMENTS.

(a) REPORTING REQUIREMENTS.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) (as amended by section 303(b)) is amended by adding at the end the following:

''(f) POLITICAL COMMITTEES.—

''(1) NATIONAL AND CONGRESSIONAL POLITICAL COMMITTEES.—The national committee of a political party, any congressional campaign committee of a political party, and any subordinate committee of either, shall report all receipts and disbursements during the reporting period, whether or not in connection with an election for Federal office.

''(2) OTHER POLITICAL COMMITTEES TO WHICH SECTION 324 APPLIES.—A political committee to which section 324(b)(1) applies shall report all receipts and disbursements made for activities described in section 324(b) (1) and (2)(A)(iii).

''(3) OTHER POLITICAL COMMITTEES.—Any political committee to which paragraph (1) or (2) does not apply shall report any receipts or disbursements that are used in connection with a Federal election.

''(4) ITEMIZATION.—If a political committee has receipts or disbursements to which this subsection applies from any person aggregating in excess of $200 for any calendar year, the political committee shall separately itemize its reporting for the person in the same manner as required in paragraphs (3)(A), (5), and (6) of subsection (b).

''(5) REPORTING PERIODS.—Reports required to be filed under this subsection shall be filed for the same time periods as reports are required for political committees under subsection (a).''.

(b) BUILDING FUND EXCEPTION TO THE DEFINITION OF CONTRIBUTION.—Section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)) is amended—

(1) by striking clause (viii); and

(2) by redesignating clauses (ix) through (xiv) as clauses (viii) through (xiii), respectively.

(c) REPORTS BY STATE COMMITTEES.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) (as amended by subsection (a)) is amended by adding at the end the following:

''(g) FILING OF STATE REPORTS.—In lieu of any report required to be filed by this Act, the Commission may allow a State committee of a political party to file with the Commission a report required to be filed under State law if the Commission determines that such reports contain substantially the same information.''.

(d) OTHER REPORTING REQUIREMENTS.—

(1) AUTHORIZED COMMITTEES.—Section 304(b)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(4)) is amended—

(A) by striking ''and'' at the end of subparagraph (H);

(B) by inserting ''and'' at the end of subparagraph (I); and

(C) by adding at the end the following:

''(J) in the case of an authorized committee, disbursements for the primary election, the general election, and any other election in which the candidate participates;''.

(2) NAMES AND ADDRESSES.—Section 304(b)(5)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(5)(A)) is amended by striking ''operating expense'' and inserting ''operating expenditure, and the election to which the operating expenditure relates''.

TITLE V—RESTRUCTURING AND STRENGTHENING OF THE FEDERAL ELECTION COMMISSION

SEC. 501. APPOINTMENT AND TERMS OF COMMISSIONERS.

(a) IN GENERAL.—Section 306(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437c(a)) is amended—

(1) in paragraph (1)—

(A) by striking ''(1) There is established'' and inserting ''(1)(A) There is established'';

(B) by striking the second sentence and inserting the following:

''(B) COMPOSITION OF COMMISSION.—The Commission is composed of 6 members appointed by the President, by and with the advice and consent of the Senate, and 1 member appointed by the President from among persons recommended by the Commission as provided in subparagraph (D).'';

(C) by striking ''No more than'' and inserting the following:

''(C) PARTY AFFILIATION.—Not more than''; and

(D) by adding at the end the following:

''(D) NOMINATION BY COMMISSION OF ADDITIONAL MEMBER.—

''(i) IN GENERAL.—The members of the Commission shall recommend to the President, by a vote of 4 members, 3 persons for the appointment to the Commission.

''(ii) VACANCY.—On vacancy of the position of the member appointed under this subparagraph, a member shall be appointed to fill the vacancy in the same manner as provided in clause (i).'';

(2) in paragraph (2)(A) by striking ''terms of 6 years'' and inserting ''not more than 1 term of 6 years;''; and

(3) in paragraphs (3) and (4), by striking ''(other than the Secretary of the Senate and the Clerk of the House of Representatives)''.

(b) TRANSITION RULE.—Not later than 90 days after the date of enactment of this Act, the Commission shall recommend persons for appointment under section 306(a)(1)(D) of the Federal Election Campaign Act of 1971, as added by section 501(a)(1)(D) of this Act.

SEC. 502. AUDITS.

(a) RANDOM AUDIT.—Section 311(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438(b)) is amended—

(1) by inserting ''(1)'' before ''The Commission''; and

(2) by adding at the end the following:

''(2) RANDOM AUDITS.—

''(A) IN GENERAL.—Notwithstanding paragraph (1), after every primary, general, and runoff election, the Commission may conduct random audits and investigations to ensure voluntary compliance with this Act.

''(B) SELECTION OF SUBJECTS.—The subjects of audits and investigations under this paragraph shall be selected on the basis of impartial criteria established by a vote of at least 4 members of the Commission.

''(C) EXCLUSION.—This paragraph does not apply to an authorized committee of a candidate for President or Vice President subject to audit under chapter 95 or 96 of the Internal Revenue Code of 1986.''.

SEC. 503. AUTHORITY TO SEEK INJUNCTION.

Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)) is amended—

(1) by adding at the end the following:

''(13) AUTHORITY TO SEEK INJUNCTION.—

''(A) IN GENERAL.—If, at any time in a proceeding described in paragraph (1), (2), (3), or (4), the Commission believes that—

''(i) there is a substantial likelihood that a violation of this Act is occurring or is about to occur;

''(ii) the failure to act expeditiously will result in irreparable harm to a party affected by the potential violation;

''(iii) expeditious action will not cause undue harm or prejudice to the interests of others; and

''(iv) the public interest would be best served by the issuance of an injunction;

the Commission may initiate a civil action for a temporary restraining order or preliminary injunction pending the outcome of proceedings under paragraphs (1), (2), (3), and (4).

''(B) VENUE.—An action under subparagraph (A) shall be brought in the United States district court for the district in which the defendant resides, transacts business, or may be found, or in which the violation is occurring, has occurred, or is about to occur.'';

(2) in paragraph (7), by striking ''(5) or (6)'' and inserting ''(5), (6), or (13)''; and

(3) in paragraph (11), by striking ''(6)'' and inserting ''(6) or (13)''.

SEC. 504. STANDARD FOR INVESTIGATION.

Section 309(a)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437f(a)(2)) is amended by striking ''reason to believe that'' and inserting ''reason to open an investigation on whether''.

SEC. 505. PETITION FOR CERTIORARI.

Section 307(a)(6) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437d(a)) is amended by inserting ''(including a proceeding before the Supreme Court on certiorari)'' after ''appeal''.

SEC. 506. EXPEDITED PROCEDURES.

Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)) (as amended by section 503) is amended by adding at the end the following:

''(14) EXPEDITED PROCEDURE.—

''(A) 60 DAYS BEFORE A GENERAL ELECTION.—If the complaint in a proceeding was filed within 60 days before the date of a general election, the Commission may take action described in this subparagraph.

''(B) RESOLUTION BEFORE AN ELECTION.—If the Commission determines, on the basis of facts alleged in the complaint and other facts available to the Commission, that there is clear and convincing evidence that a violation of this Act has occurred, is occurring, or is about to occur and it appears that the requirements for relief stated in clauses (ii), (iii), and (iv) of paragraph (13)(A) are met, the Commission may—

''(i) order expedited proceedings, shortening the time periods for proceedings under paragraphs (1), (2), (3), and (4) as necessary to allow the matter to be resolved in sufficient time before the election to avoid harm or prejudice to the interests of the parties; or

''(ii) if the Commission determines that there is insufficient time to conduct proceedings before the election, immediately seek relief under paragraph (13)(A).

''(C) MERITLESS COMPLAINTS.—If the Commission determines, on the basis of facts alleged in the complaint and other facts available to the Commission, that the complaint is clearly without merit, the Commission may—

''(i) order expedited proceedings, shortening the time periods for proceedings under paragraphs (1), (2), (3), and (4) as necessary to allow the matter to be resolved in sufficient time before the election to avoid harm or prejudice to the interests of the parties; or

''(ii) if the Commission determines that there is insufficient time to conduct proceedings before the election, summarily dismiss the complaint.''.

SEC. 507. FILING OF REPORTS USING COMPUTERS AND FACSIMILE MACHINES.

Section 302(g) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(g)) is amended by adding at the end the following:

''(5) FILING OF REPORTS USING COMPUTERS AND FACSIMILE MACHINES.—

''(A) COMPUTERS.—The Commission, in consultation with the Secretary of the Senate and the Clerk of the House of Representatives, shall issue a regulation under which a person required to file a designation, statement, or report under this Act—

''(i) is required to maintain and file the designation, statement, or report for any calendar year in electronic form accessible by computers if the person has, or has reason to expect to have, aggregate contributions or expenditures in excess of a threshold amount determined by the Commission; and

''(ii) may maintain and file the designation, statement, or report in that manner if not required to do so under a regulation under clause (i).

''(B) FACSIMILE MACHINES.—The Commission, in consultation with the Secretary of the Senate and the Clerk of the House of Representatives, shall prescribe a regulation that allows a person to file a designation, statement, or report required by this Act through the use of a facsimile machine.

''(C) VERIFICATION.—In a regulation under this paragraph, the Commission shall provide methods (other than requiring a signature on the document being filed) for verifying a designation, statement, or report. Any document verified under any of the methods shall be treated for all purposes (including penalties for perjury) in the same manner as a document verified by signature.

''(D) COMPATIBILITY OF SYSTEMS.—The Secretary of the Senate and the Clerk of the House of Representatives shall ensure that any computer or other system that the Secretary or the Clerk may develop and maintain to receive designations, statements, and reports in the forms required or permitted under this paragraph is compatible with any system that the Commission may develop and maintain.''.

SEC. 508. POWER TO ISSUE SUBPOENA WITHOUT SIGNATURE OF CHAIRPERSON.

Section 307(a)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437d(a)(3)) is amended by striking '', signed by the chairman or the vice chairman,''.

SEC. 509. PROHIBITION OF CONTRIBUTIONS BY INDIVIDUALS NOT QUALIFIED TO VOTE.

(a) PROHIBITION.—Section 319 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e) is amended—

(1) in the heading by adding ''AND INDIVIDUALS NOT QUALIFIED TO REGISTER TO VOTE'' at the end; and

(2) in subsection (a)—

(A) by striking ''(a) It shall'' and inserting the following:

''(a) PROHIBITIONS.—

''(1) FOREIGN NATIONALS.—It shall''; and

(B) by adding at the end the following:

''(2) INDIVIDUALS NOT QUALIFIED TO VOTE.—It shall be unlawful for an individual who is not qualified to register to vote in a Federal election to make a contribution, or to promise expressly or impliedly to make a contribution, in connection with a Federal election; or for any person to solicit, accept, or receive a contribution in connection with a Federal election from an individual who is not qualified to register to vote in a Federal election.''.

(b) INCLUSION IN DEFINITION OF IDENTIFICATION.—Section 301(13) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(13)) is amended—

(1) in subparagraph (A)—

(A) by striking ''and'' the first place it appears; and

(B) by inserting '', and an affirmation that the individual is an individual who is not prohibited by section 319 from making a contribution'' after ''employer''; and

(2) in subparagraph (B) by inserting ''and an affirmation that the person is a person that is not prohibited by section 319 from making a contribution'' after ''such person''.

TITLE VI—EFFECTIVE DATE

SEC. 601. EFFECTIVE DATE.

This Act and the amendments made by this Act take effect on January 1, 1998.

THE CLEAN MONEY, CLEAN ELECTIONS ACT—SECTION-BY-SECTION ANALYSIS

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

TITLE I—CLEAN MONEY FINANCING OF SENATE ELECTION CAMPAIGNS

(pp 2–32)

Section 101. Findings and declarations.

Section 101 states the premises for the legislation.

Section 102. Eligibility requirements and benefits of "clean money" financing of Senate election campaigns.

Section 102 of the bill would create a new Title V in the 1971 Federal Election Campaign Act (2 U.S.C. 431). It defines ''clean money;'' establishes the requirements for a major party or other candidate to qualify to receive clean money; establishes the dates and methods for receiving clean money; places restrictions, including spending limits, on clean money candidates; establishes the amounts of clean money to be provided

to candidates for primary and general elections; and allows for providing additional clean money to match expenditures by and on behalf of an opponent which exceed a trigger-amount above the voluntary spending limit adopted by the clean money candidate.

The section defines clean money as the funds provided to a qualifying clean money candidate. Clean money will be provided from a Senate Election Fund established in the Treasury and composed of unspent seed money contributions, qualifying contributions, penalties, and amounts appropriated for clean money financing of Senate election campaigns.

The clean money candidate qualifying period begins 270 days prior to the date of the primary election. To qualify for clean money financing for a primary or a general election, a candidate must be certified as qualified by 30 days prior to the date of that election. Prior to the candidate receiving clean money from the Senate Election Fund, a candidate wishing to qualify as a clean money candidate may spend only ''seed money.'' Seed money contributions are private contributions of not more than $100 in the aggregate by a person. It is the only private money a clean money candidate may receive as a contribution, and spend. A candidate's seed money contributions are limited to a total of $50,000 plus an additional $5,000 for every congressional district in the state over one. Seed money can be spent for campaign-related costs such as to open an office, fund a grassroots campaign or hold community meetings, but cannot be spent for a television or radio broadcast or for personal use. At the time that a clean money candidate receives clean money, all unspent seed money shall be remitted to the Commission to be deposited in the Senate Election Fund

To qualify for clean money financing, a major party candidate must gather a number of qualifying contributions equal to one-quarter of 1 percent of the state's voting age population, or 1,000 qualifying contributions, whichever is greater. A qualifying contribution is $5, made by an individual registered to vote in the candidate's state, and is made during the qualifying period. Qualifying contributions are made to the Senate Election Fund by check, money order or cash. They shall be accompanied by the contributor's name and address and a signed statement that the purpose of the contribution is to allow the named candidate to qualify as a clean money candidate.

A major party candidate is the candidate of a party whose candidate for Senator, President or Governor in the preceding 5 years received, as a candidate of that party, 25 percent or more of the total popular vote in that state for all candidates for that office.

Clean money candidates qualify for clean money for both the primary and the general election. A qualifying candidate will receive clean money for the primary election upon being certified by the Commission, and once the ''primary election period'' has begun. A candidate will be certified within 5 days of filing for certification if the candidate has gathered the threshold number of qualifying contributions, has not spent private money other than seed money, and is eligible to be on the primary ballot. The primary election period is from 90 days prior to the primary election date until the primary election date. The qualifying period begins 180 days before the beginning of the primary election period. A candidate must be certified as a clean money candidate by 30 days prior to the primary election in order to receive clean money financing for the primary election.

A clean money candidate who wins the party primary and is eligible to be placed on the ballot for the general election will receive clean money financing for the general election. A candidate not of a major party who does not qualify as a clean money candidate in time to receive clean money financing for the primary election period may still qualify for clean money financing for the general election by gathering the threshold number of qualifying contributions by 30 days prior to the general election and qualifying to be on the ballot.

The amount of clean money a qualified candidate receives for the primary and the general election is also the spending limit for clean money candidates for each respective election. The clean money amount for the general election for a qualified clean money candidate is established according to a formula based on a state's voting age population. The formula results in clean money financing for primary and general elections for major party candidates in contested elections which equals 80 percent of the spending limits for primary and general elections established by S. 25, the McCain-Feingold bill.

The section establishes a clean money ceiling for the general election of $4.4 million, and a floor of $760,000. The clean money amount for a contested major party primary is 67 percent of the clean money amount for the general election. In the case of an uncontested primary or general election, the clean money amount is 25 percent of the amount provided in the case of a contested election.

To qualify for clean money financing, a candidate who is not a major party candidate must collect 150 percent of the number of qualifying contributions that a major party candidate in the same election is required to collect. A candidate who is not a major party candidate must otherwise qualify for clean money financing according to the same requirements, restrictions and deadlines as does a major party candidate. A candidate who is not a major party candidate who qualifies as a clean money candidate in the primary election period will receive 25 percent of the regular clean money amount for a major party candidate in the primary. A candidate who is not a major party candidate who qualifies as a clean money candidate will receive the same clean money amount in the general election as will a major party candidate.

Additional clean money financing, above the regular clean money amount, will be provided to a clean money candidate to match aggregate expenditures by a private money candidate, and independent expenditures against the clean money candidate or on behalf of an opponent of the clean money candidate, which are, separately or combined, in excess of 125 percent of the clean money spending limit. The total amount of matching clean money financing received by a candidate shall not exceed 200 percent of the regular clean money spending limit.

The section establishes penalties for misuse of clean money and for expenditure by a clean money candidate of money other than clean money.

Section 103. Reporting requirements for private money candidates.

Section 103 requires private money candidates facing clean money opponents to report within 48 hours expenditures which in aggregate exceed the amount of clean money provided to a clean money candidate. A report of additional expenditures, in aggregate increments of $1,000, will also be required.

Section 104. Transition rule for current election cycle.

Section 104 allows a candidate who received private contributions or made private expenditures prior to enactment of the Act not to be disqualified as a clean money candidate.

TITLE II—INDEPENDENT EXPENDITURES; COORDINATED EXPENDITURES.

(pp 33–47.)

Section 201. Reporting requirements for independent expenditures.

Section 201 amends Section 304 (c) of the 1971 FECA (2 U.S.C. 434 (c)) to require reporting of independent expenditures made or obligated to be made in support of an opponent of or in opposition to a clean money candidate. Prior to 20 days before the date of the election, each such independent expenditure which exceeds in aggregate $1,000 by a person shall be reported within 48 hours. After 20 days prior to the date of the election, each such independent expenditure made or obligated to be made which exceeds in aggregate $500 shall be reported within 24 hours.

Section 202. Definition of independent expenditure.

Section 202 amends section 301 of the 1971 FECA (2 U.S.C. 431) to create a new definition of independent expenditure. An independent expenditure would be an expenditure made by a person other than a candidate or candidate's authorized committee: That is made for a communication that contains express advocacy; and is made without the participation or cooperation of, and without coordination with, a candidate.

The section defines express advocacy as a communication that is made through a broadcast medium, newspaper, magazine, billboard, direct mail or other general public communication or political advertising and that: Advocates the election or defeat of a clearly identified candidate, including a communication that: Contains a phrase such as ''vote for'', ''re-elect'', ''support'', ''cast your ballot for'', ''(name of candidate) for Congress'', ''(name of candidate) in 1998'', ''vote against'', ''defeat'', ''reject''; or contains campaign slogans or individual words that in context can have no reasonable meaning other than to recommend the election or defeat of a clearly identified candidate; or involves aggregate disbursements of $5,000 or more; refers to a clearly identified candidate; and is made within the last 60 days before the date of a general election.

The section provides a fall back definition of express advocacy should a portion of the above definition not be in effect. The fall back definition would be in addition to any portion of the above still in effect. The fall back definition establishes that express advocacy would be a communication that clearly identifies a candidate and: Taken as a whole, with limited reference to external events, expresses unmistakable support for or opposition to the candidate; or is made for the clear purpose of advocating the election or defeat of the candidate, as shown by a statement or action by the person making the communication, the targeting or placement of the communication, and the use by the person making the communication of polling, demographic or other similar data relating to the candidate's campaign for election.

Section 203. Limit on expenditures by political party committees.

The section amends section 315(d)(3) of the 1971 FECA (2 U.S.C. 441a(d)(3)) to limit a party's coordinated expenditures in a race involving a clean money candidate. In the case of any Senate election in which 1 or more candidates is a clean money candidate, the amount that any party may spend in connection with that race or in coordination with that candidate is limited to 10 percent of the amount of clean money a clean money candidate is eligible to receive for the general election.

Section 204. Party independent expenditures and coordinated expenditures.

The section, modeled after S. 25, the McCain-Feingold bill, strictly tightens the

definition of party coordination with a candidate in numerous ways. The section also requires a party which makes a coordinated expenditure in connection with a general election campaign for Federal office in excess of $5,000 to file a certification that the party will not make any independent expenditures in connection with that campaign. The section further strictly tightens the definition of coordinated expenditure by persons other than a party. And it establishes that coordinated expenditures shall be considered to be contributions made to a candidate (with an exception that allows the limited party coordinated expenditures on behalf of a clean money candidate as provided in Section 203).

TITLE III—VOTER INFORMATION.

(pp 47–57)

Section 301. Free broadcast time.

The section provides clean money candidates with 30 minutes of free broadcast time during the primary election period and 60 minutes of free broadcast time during the general election period. The broadcasts shall be between 30 seconds and 5 minutes in length, aired during prime time for television or drive time for radio. Any one station shall not be required to provide a clean money candidate with more than 15 minutes of free time during an election period.

Section 302. Broadcast rates and preemption.

A clean money candidate in a contested election shall be charged 50 percent of the lowest charge described in section 315(b) of the Communications Act of 1934 (47 U.S.C.315(b)) for purchased broadcast time during the 30 days preceding the primary and 60 days preceding the general election.

Section 303. Campaign advertising.

The section requires that campaign advertisements contain sufficient information clearly identifying the candidate on whose behalf the advertisements are placed. The information shall include an audio statement by the candidate where applicable which states that the candidate approves the communication, and a clearly identifiable photographic or similar image of the candidate where applicable. Private money candidates shall include the following statement: ''This candidate has chosen not to participate in the Clean Money, Clean Elections Act and is receiving campaign contributions from private sources.''

The section also establishes new reporting requirements for issue advertisements, including the amount of the disbursement for an issue advertisement, the name and address of the person making the disbursement, donors of $5,000 or more to the person during the calendar year, and the purpose of the advertisement. An issue advertisement is an advertisement which is not an independent expenditure or a contribution, that contains the name or likeness of a Senate candidate during an election year, and recommends a position on a political issue.

Section 304. Limit on Congressional use of the franking privilege.

The section prohibits franked mass mailings during an election year by a Senate candidate who holds Congressional office, except for a notice of public meeting which contains only the candidate's name, and the date, time and place of the public meeting.

TITLE IV—SOFT MONEY OF POLITICAL PARTY COMMITTEES

(pp 57–57)

This title prohibits political party soft money and is taken from S. 25, the McCain-Feingold bill.

Section 401. Soft money of political party committee.

The section prohibits national parties from soliciting or receiving contributions or spending funds not subject to the Federal Election Campaign Act. It prohibits state, district or local committees of a political party from spending money during an election year for activity that might affect the outcome of a Federal election unless the money is subject to the FECA. The section establishes certain activities excluded from the above prohibition, which are legitimate or necessary activities of the committees.

The section prohibits parties or their committees from soliciting funds for, or making any donation to, a tax-exempt organization. It also prohibits candidates and Federal officeholders from receiving or spending funds not subject to the FECA.

Section 402. State party grassroots funds.

The section allows establishment of state party grassroots funds solely for the purpose of generic campaign activity, voter registration, other activities specified in the FECA and the development and maintenance of voter files. The fund shall be separate and segregated

Section 403. Reporting requirements.

The section establishes new reporting requirements for national parties and congressional campaign committees for all receipts and disbursements.

TITLE V—RESTRUCTURING AND STRENGTHENING OF THE FEDERAL ELECTION COMMISSION

(pp 71–81)

Section 501. Appointment and terms of Commissioners.

The President shall appoint 6 members of the Commission with the advice and consent of the Senate and 1 member from among persons recommended by the Commission.

Section 502. Audits.

The section authorizes random audits and investigations by the Commission to ensure voluntary compliance with the FECA. The subjects of such audits and investigations shall be selected on the basis of impartial criteria established by a vote of at least 4 members of the Commission.

Section 503. Authority to seek injunction.

The section authorizes and sets out standards for initiation by the Commission of a civil action for a temporary restraining order or preliminary injunction.

Section 504. Standard for investigation.

The section grants the Commission greater discretion in opening an investigation.

Section 505. Petition for certiorari.

The section allows petition to the Supreme Court on certiorari.

Section 506. Expedited procedures.

The section allows the Commission to order expedited proceedings based on clear and convincing evidence that a violation of the FECA has occurred, is occurring, or is about to occur, to avoid harm or prejudice to the interests of the parties.

Section 507. Filing of reports using computers and facsimile machines.

The section instructs the Commission to require the filing of reports in electronic form in certain cases, and instructs the Commission to allow the filing of reports by facsimile machine.

Section 508. Power to issue subpoena without signature of chairperson.

The section allows the Commission to issue a subpoena without the signature of the chairperson or vice chairperson.

Section 509. Prohibition of contributions by individuals not qualified to vote.

The section prohibits contributions in connection with a Federal election by an individual who is not qualified to register to vote in a Federal election, and prohibits receiving contributions from any such individual.

TITLE VI—EFFECTIVE DATE

(p. 81)

Section 601. Effective date.

The Act would take effect on January 1, 1998.

SENATE CLEAN MONEY—CLEAN ELECTIONS BILL—KERRY, WELLSTONE, GLENN, BIDEN, LEAHY

State	Voting age population [1]	Qualifying contribution threshold [2]	General election clean money amount [3]
Alabama	3,197,000	7,993	$1,087,280
Alaska	423,000	1,058	760,000
Arizona	3,278,000	8,195	1,106,720
Arkansas	1,850,000	4,625	764,000
California	23,012,000	57,530	4,400,000
Colorado	2,825,000	7,063	998,000
Connecticut	2,476,000	6,190	914,240
Delaware	549,000	1,373	760,000
Florida	10,977,000	27,443	2,515,400
Georgia	5,401,000	13,503	1,400,200
Hawaii	877,000	2,193	760,000
Idaho	841,000	2,103	760,000
Illinois	8,691,000	21,728	2,058,200
Indiana	4,342,000	10,855	1,188,400
Iowa	2,132,000	5,330	831,680
Kansas	1,885,000	4,713	772,400
Kentucky	2,915,000	7,288	1,019,600
Louisiana	3,117,000	7,793	1,068,080
Maine	944,000	2,360	760,000
Maryland	3,785,000	9,463	1,228,400
Massachusetts	4,670,000	11,675	1,254,000
Michigan	7,057,000	17,643	1,731,400
Minnesota	3,411,000	8,528	1,138,640
Mississippi	1,960,000	4,900	790,400
Missouri	3,964,000	9,910	1,271,360
Montana	647,000	1,618	760,000
Nebraska	1,210,000	3,025	760,000
Nevada	1,186,000	2,965	760,000
New Hampshire	867,000	2,168	760,000
New Jersey	6,001,000	15,003	1,520,200
New Mexico	1,212,000	3,030	760,000
New York	13,644,000	34,110	3,048,800
North Carolina	5,489,000	13,723	1,417,800
North Dakota	475,000	1,188	760,000
Ohio	8,325,000	20,813	1,985,000
Oklahoma	2,420,000	6,050	900,800
Oregon	2,395,000	5,988	894,800
Pennsylvania	9,161,000	22,903	2,152,200
Rhode Island	755,000	1,888	760,000
South Carolina	2,761,000	6,903	982,640
South Dakota	528,000	1,320	760,000
Tennessee	3,997,000	9,993	1,279,280
Texas	13,676,000	34,190	3,055,200
Utah	1,322,000	3,305	760,000
Vermont	442,000	1,105	760,000
Virginia	5,044,000	12,610	1,328,800
Washington	4,096,000	10,240	1,139,200
West Virginia	1,404,000	3,510	760,000
Wisconsin	3,817,000	9,543	1,236,080
Wyoming	348,000	1,000	760,000

[1] Data certified by the Federal Elections Commission; current through July 1, 1996.

[2] Number of $5 qualifying contributions to Senate Election Fund in candidate's name.

[3] Clean money amount is also the spending limit for clean money candidates. Clean money amount for a contested major party primary is 67 percent of the clean money amount for the general election.

CLEAN MONEY AMOUNT (CMA) MADE EASY

FLOOR AND CEILING

The Clean Money Amount (CMA) is never greater than $4.4 million.

The CMA is never less than $760 thousand.

FORMULAS

A. If the Voting Age Population (VAP) is less than 4 million:

$320,000 + VAP (.24) = CMA

B. If the VAP is greater than 4 million:

$320,000 + VAP (.2) = CMA

SAMPLES

Minnesota 3,411,000 8,528 $1,138,640
VAP = 3,411,000
$320,000 + 3,411,000 (.24) = $1,138,640

Massachusetts 4,670,000 11,675 $1,254,000
VAP = 4,670,000
$320,000 + 4,670,000 (.2) = $1,254,000

California 23,012,000 57,530 $4,400,000

Rhode Island 755,000 1,888 $760,000

Mr. WELLSTONE. Mr. President, I join my colleague today, Senator KERRY, as well as Senators GLENN, BIDEN, and LEAHY, in introducing the Clean Money Clean Elections Act of 1997.

One of the most important ethical issues of this Congress is the way in

which money has come to dominate politics. That is why we are introducing this legislation to address what has become a systemic corruption, a corruption which results from the sharp disparity of power between those who are able to mobilize and invest large amounts of campaign cash on one hand, and ordinary citizens on the other. Our proposal would provide sweeping and simple reform. It would sever the direct connection between big-money special interests and Senate candidates.

American democracy needs elections, not auctions. But our current campaign finance system locks most citizens out of participation. Most citizens don't believe they can be players when it comes to the really important policy decisions that affect their lives. They don't believe they have a real voice. They are not even sure that their vote counts for much.

At the same time, our current system makes sure that big givers and heavy hitters always have a seat at the table. That is why so many believe, with reason, that we have a pseudo-democracy, not authentic democracy. They see the subversion of democracy, the loss of the principle of one-person, one-vote. They are losing faith in the idea that Government is supposed to be on their side.

In this system, what's legal is a scandal.

To address this mix of money and politics which is corrupting our politics, my colleagues and I are proposing an approach to reform called ''Clean Money, Clean Elections.'' I believe our proposal is ambitious and innovative. I am sure that it is needed.

Citizens around the country are turning up the heat in a push for this vision of real reform. Voters in Maine chose this approach to the finance of election campaigns. And now legislators and the Governor in Vermont have decided to pursue it. A number of States will be considering the Clean Money Clean Elections approach during the coming months. I strongly endorse these actions at the State level. And I hope that citizens around the country will continue to keep comprehensive campaign finance reform at the front of the Nation's political agenda.

This Congress needs pressure. It needs a jolt. What it needs is a counterbalancing pressure to ensure that the voices who believe in reform are heard above the voices of those who march on Washington every day—the monied interests who far too often determine what issues are on the table in American politics, and who far too often shape the outcomes within that agenda. The American people should turn up the heat. This is the only way reform will happen.

Reform can happen. When we passed lobby reform and a gift ban during the last Congress, despite great resistance, it was because Members of Congress were forced to vote, with the people of America watching. Now, we plan to take this proposal to the American people—State by State, townhall by townhall, to build the support needed to enact true reform. The people are watching. When the time comes to vote, Members of Congress will need to vote the right way.

We all know that campaigns currently cost far too much money. Our bill will set a voluntary spending limit on the campaigns of clean money candidates. The spending limit is based on a formula tied to each State's voting-age population. We have adopted the McCain-Feingold bill's formula, except that we subtract 20 percent from the upper limit. We subtract 20 percent because that is approximately the amount most candidates now spend to raise money. Under our bill they won't have to spend that time and money to raise money. In Minnesota, the clean money amount, which also is the spending limit for a clean money candidate, will be about $1.14 million for the general election. In a contested primary, the amount will be about $764,000. That adds up to a total clean money amount of $1.9 million in Minnesota for a clean money Senate candidate.

Less than $2 million is enough in Minnesota:

If we also ban soft money to the parties, which this bill does; and if we close loopholes on independent expenditures and so-called ''issue'' ads which are really election ads, which this bill does.

Our provisions on these items are similar to those in S. 25, the McCain-Feingold bill, a bill which I am proud to have co-authored. I continue to support that bill.

But we really need to go further. The Clean Money Clean Elections Act does so. It takes special-interest money out of campaigns. It gives the country's electoral system back to the people.

Americans know that the current campaign finance system works for the monied special interests, not for them. They're paying too much now for our elections. Too much in special favors, whether it's tax breaks for huge companies, tobacco politics that threaten the health of children, unneeded spending, and misdirected national policy. These result in the systemic corruption that is enshrined in our present system of financing campaigns. That's why we need to change it.

We need to take the special interest money out, and replace it with Clean Money Campaigns. Clean Money Campaigns would:

Level the playing field for non-incumbents, including those who are not major party candidates; allow candidates to focus on seeking office and serving the public once in office, rather than spending an inordinate amount of time raising money; and utilize free media time to allow candidates to get their message out.

Candidates who meet our bill's rigorous standard for showing serious public support will receive full public financing in contested primary and general elections. They will receive the full amount of the spending limit for their State. In Minnesota, to qualify as a clean money candidate, a major-party candidate would have to gather about 8,500 signatures, each accompanied by a $5 check to the Senate Election Fund. That is a tough standard of seriousness, but it is realistic. A candidate who is not seeking the nomination of, or who has not received the nomination of, a major party can also receive clean money financing for his or her campaign. That candidate must gather 150 percent of the qualifying contributions that a major party candidate needs to gather in the same State. Again, it requires that a candidate demonstrate genuinely broad support, but it is an achievable threshold.

The American people can no longer afford what has been called ''The Best Congress Money Can Buy.'' That is why we have to take special-interest money out of campaigns. The roughly $160 million of annual cost of Senate elections under our proposal can be easily offset with reductions in current corporate welfare or other unneeded expenditures.

Are Americans willing to fight for and put in the budget clean elections that really belong to them—that belong to the people? I believe they are. So do the many groups endorsing our bill: Public Campaign, Public Citizen, League of Women Voters, Citizen Action, USPIRG, National Council of Churches of Christ in the USA, United Church of Christ, Office for Church and Society. Still other organizations support our approach, even if they do not endorse specific pieces of legislation.

Mr. President, the Senate needs to consider comprehensive campaign finance reform soon—before we leave this summer. This bill shows us the direction to go. It is workable, and it is needed. I urge my colleagues who have not yet read the bill to consider cosponsoring it. I am hopeful that this bill and a similar proposal to be introduced during the coming weeks in the House of Representatives will contribute to real momentum for genuine reform during this Congress.

Mr. President, let me say that I am pleased to introduce this bill today with my colleagues, Senators KERRY, GLENN, BIDEN, and LEAHY. And I am confident there will be other Senators in the future who support this approach to reform.

There are other worthy and important efforts going on here, the McCain-Feingold bill being one of them, to try to reduce the amount of money that is flowing in and affecting the politics of our country. I personally think, and I think the majority of people in this country agree, that this is a core issue, a core problem. Many things which could happen here don't happen because they get trumped by money, big money in politics.

The ethical issue of our time is the way money has come to dominate politics. If you believe each person should

count as one, and no more than one, which is the standard of representative democracy, that is a harsh verdict.

I do think we have corruption, but I don't like bashing colleagues. I am not talking about individual colleagues. The vast majority of Senators and Representatives with whom I serve—Democrats and Republicans alike—believe in public service and do their very best to serve people. Still, there is a systemic corruption. We have such a huge imbalance between those people at the top who have economic resources and access to power and the vast majority of people who just feel locked out.

Mr. President, I have a friend—Jim Hightower, who used to be Agriculture Commissioner in Texas. He has a wonderful way of putting things. Jim Hightower says you don't have to be who's who to know what's what. The what's what is that a lot of people in the country think there has been a hostile takeover of our electoral and Government processes by big money interests. Many people don't feel a part of this system any longer. When that is the case, there is not anything more important that can be done than to pass a reform bill.

The goals of the clean money/clean elections bill are simple: dramatically reduce the amount of money that is spent, get the interested dollars and private money out, have a level playing field, try to eliminate, or come as possible to eliminating special interest access, have real elections as opposed to auctions, don't have Senators spending so much of their time raising money, instead they should be trying to be good legislators. I think people want to turn this system, which they think is a rotten system, not upside down, it is upside down now, but right side up.

What our bill does, with agreed-upon spending limits, so candidates don't have to go out and raise all the private money, is we break the link between private money and our votes and work as legislators. Under our bill, the money is no longer interested money. We dramatically reduce spending by setting voluntary limits, then campaign spending by clean money candidates comes from this Senate election fund. We tighten the definition when it comes to independent expenditures. And we do the same for issue advocacy ads, some of which are barely disguised campaign ads. Our bill includes free broadcast time. If you really want to have a system where the vast majority of the people feel like they can be a part of it, we are going to have to take this journey.

Mr. President, two final points. If we can pass McCain-Feingold, that moves our country forward, that would be an important step. But this piece of legislation, which won't pass immediately, has a lot of energy behind it, too. We introduce it as part of the debate, as part of the energy behind reform. I have met with the people who were involved in the Maine effort, and they passed a clean effort option. I met with legislators and a lot of people in Vermont, and they are going to pass it. I met with people in the Midwest. There is a lot of energy in the Midwest and New England. It may be States which pass this kind of reform at first. You are going to see a lot of pressure on people here from the grassroots.

We need to have a galvanized public. We are going to have to have an external jolt to this Congress to pass a reform bill, but there is no more important thing that we can do than to pass such a reform bill. This clean money/clean elections bill would represent an enormous step forward for our country, toward real elections as opposed to auctions, toward authentic democracy as opposed to pseudo democracy, toward a Government of, by and for the people, not of, by and for those who have the wealth and economic resources.

I think people in this country yearn for a political process they can believe in. They yearn for reform, and I don't agree with one person who says, ''Look, people don't seem to care that much.'' People care deeply, they care desperately, they care about issues that affect themselves and their families. They have hopes for themselves and their families and their communities, but right now I think most people believe that they there is not a heck of a lot they can do on the issues that are most important to them, because our political process has essentially been dominated by big money, not people's needs.

Mr. President, we have given people entirely too much justification for that point of view. We have to make some big changes. Some of us are going to be fighting hard on the floor for reform. I think there will be plenty of pressure building around the country. It will be a tough fight, but I cannot think of a more important fight as a Senator from Minnesota.

I yield the floor.

Mr BIDEN. Mr. President, the single most significant thing we can do in Congress today is to reform the way we fund political campaigns in this country. I have been saying it for 24 years now, and while some things are better than they used to be—large amounts of cash are no longer being passed under the table in brown paper bags—many things are worse—large checks are being passed over the table, or in the Chamber of the House of Representatives, in the clear light of day. But, regardless of what's better and what's worse, the fundamental problem, in my view, remains.

That problem will not be fixed by tinkering at the edges, or making a small reform here and a small reform there—because the fundamental problem is not a flaw in the system's construction. The fundamental problem is the system itself—a system where the amount of private money is out of control and is not susceptible to be controlled in the public interest. Until we get private money completely out of the system, we will not completely reform the system.

That is why, Mr. President, I have been pushing for public funding of congressional campaigns for my entire career, and that is why I am pleased today to join several of my colleagues in introducing the Clean Money, Clean Elections Act.

When I first came to the United States Senate, 24 years ago, in speeches on this floor and in testimony before the Rules Committee, I outlined three principles of a better system. All three are contained in this important proposal.

First and foremost, we must have a system of public funding. Let me explain why that is so crucial. When they asked Willy Sutton why he robbed banks, he said that was where the money was. Politicians do not rob banks, but they, like Willy Sutton, must go where the money is. You will not get very far in this business by asking for contributions from people who do not have money. So, inevitably, people running for office find themselves on the doorsteps of the wealthy and the special interests. Or, they are wealthy enough to fund their own campaigns.

The result is that other old saying—he who pays the piper calls the tune. Those who pay the bills ultimately, when you get right down to it, are the ones who decide who runs for office. And, they are the ones, at least in the mind of the public, to whom elected officials are beholden.

No matter what other reforms you enact, unless you get private money out of the system, that is the way it will continue. I submit that it would be better to let the American people decide—on the merits—who runs for office. And, I submit that it would be far better for America to make sure that elected officials are beholden to no one but the people who elected them.

Second, we need to level the playing field between incumbents and challengers. I have, Mr. President, been both an incumbent and a challenger. And, I can tell you that being an incumbent has its disadvantages. But, the biggest advantage of incumbency is in the money chase. It is such an advantage that if I were looking out only for my own self-interest, I would not support this proposal. I do pretty well in raising money, and the thought that my opponent would have the same amount of money as I do is not exactly an appealing notion.

But, there is something much bigger at stake here than my own electoral future. What is at stake is nothing less than a healthy, vibrant democracy. What is at stake is whether election to office will be based on the merits of the individuals, not on who is the best fundraiser.

Third, we need to limit the overall amount of money that can be spent in political campaigns. Back in 1976, all candidates for all congressional races—Senate and House—spent $99 million in

the general election. In 1996, all candidates for Congress in the general election spent over $626 million—more than six times as much. In just the last 4 years, the total amount of money given to political parties has increased 73 percent—in just the last 4 years.

Unfortunately, the Supreme Court has ruled—in what is, in my view, a wrong decision, but one that we are bound by—that spending money is the same thing as speech. Thus, Congress cannot limit spending in political campaigns, unless a candidate is offered some benefit in return for voluntarily agreeing to a spending limit.

Enter the ''Clean Money, Clean Elections Act.'' This significant proposal that we are introducing today would, as I said a moment ago, meet the three principles I just outlined. It would limit spending in campaigns—in a constitutional way—by providing public funding and free media time to candidates who agreed to abide by those limits. And, it would be full public funding for both challengers and incumbents—so that private money is eliminated from the system and so that both challengers and incumbents are on the same level playing field.

I am not so naive, Mr. President, to believe this bill is going to pass today—or even without a fight. I have been down this road too many times before. Too many special interests have too many vested interests in the status quo. But, if we are to reverse the tide of cynicism and mistrust that surrounds political campaigns—and even our institutions of government—then we must change the system so that the only interests we are all concerned about are the interests of the American people.

Mr. GLENN. Mr. President, I appreciate the opportunity today to support my colleagues, Senators KERRY and WELLSTONE, in cosponsoring this much needed reform of our campaign finance system. I believe that simple principles should be applied in our democracy. We should encourage the active participation of the greatest possible number of citizens and restrain the undue influence of narrow and divisive factions and special interests.

I believe that our democracy must be built on common rather than special interests and that our elections should depend upon common sense rather than dollars and cents. Only through an open and fair election system can we guarantee that our democracy will be open and fair. Only then can the notion of consent of the governed have any true meaning.

I believe that many of the statements made here today underscore the need to reform our current system. I have been working with Senators KERRY and WELLSTONE to provide a workable alternative that will go a long way toward bringing long overdue improvements to our electoral process.

Let's face facts. Our current system of paying the bills for American elections is awash in money, largely unregulated and often unreported. The improvements made a generation ago to provide partial public financing for presidential campaigns and contribution and spending limits for all federal elections have been eroded and are now overwhelmed by Supreme Court decisions, overly partisan competition for money, increased costs of advertising and special interest contributions. Nothing undermines the legitimacy and integrity of our elections more than the belief that special interests have special privileges.

Many American voters believe that campaigns are too expensive, that special interests wield too much influence, while the average voter has too little, and that elected officials spend too much time raising money and not enough time solving the Nation's problems.

The McCain-Feingold proposal to provide voluntary campaign spending limits is supported by a number of Senators and I am pleased to be a cosponsor. However, even with the much needed improvements in that legislation, I believe that the only way to eliminate any doubt about who influences elections is to provide financing underwritten by the American people.

The Clean Money, Clean Elections Act built upon the plan proposed in Maine would limit campaign spending, prohibit special interest contributions to candidates, eliminate fund raising efforts, provide equal funding and a level playing field for all candidates, and end many of the loopholes that have wrecked our current system.

Let's end this current abuse and establish a system that leaves no doubt that only the clean money of the American people pays for American elections.

Building on that Maine ballot initiative, nearly 20 States are now reviewing how they can improve their elections. Federal legislation is needed to bring these reforms to Federal elections and we propose to bring those improvements into the congressional debate on campaign finance reform.

This proposal will provide:

The most comprehensive reform of all the proposals currently under consideration; the lowest spending limits: the most free time and discounted media; the strictest limits on special interest money and influence; the most competitive election financing; an end to the money chase and dialing for dollars.

As the Nation's attention turns to the campaign finance investigation in the Senate Governmental Affairs Committee, I want everyone to understand that highlighting these issues will be of little use if action is not taken. Certainly, the investigation should be conducted in a full and fair manner. But at the end of day, I believe that we owe it to ourselves as a people to end our current campaign finance system and bring true reform.

I am pleased to join my colleagues who are long time advocates of serious campaign finance reform and look forward to working together to enact this important legislation.

By Mr. KOHL (for himself and Mr. BROWNBACK):

S. 919. A bill to establish the Independent Bipartisan Commission on Campaign Finance Reform to recommend reforms in the law relating to elections for Federal office; to the Committee on Rules and Administration.

THE INDEPENDENT BIPARTISAN COMMISSION ON CAMPAIGN FINANCE REFORM ACT

Mr. KOHL. Mr. President, I rise today to introduce legislation to address the serious problem within our campaign finance system. I have made similar remarks earlier this year, so I will not belabor the problems again.

The American public is demanding that Congress reform our campaign finance system, and many doubt whether we are ready or even able to meet that demand. I am support S. 25, introduced by Senators MCCAIN and FEINGOLD. This bipartisan legislation is the best bill moving through the Congress to reform our campaign system. However, there are signs that Congress may not pass this legislation.

Therefore, if, and only if S. 25 is not passed, I think the 105th Congress must put in place a process for reforming the campaign finance system. The legislation I introduce today for myself and Mr. BROWNBACK of Kansas would establish an independent, bipartisan commission to reform our campaign finance laws. Earlier this year I introduced similar legislation, also as a fallback measure if S. 25 is not passed.

This measure, like the bill I introduced earlier this year, establishes a commission similar to the Base Closure and Realignment Commission. The Commission would have a limited time to make recommendations, Congress would be forced to vote up or down on their proposals, and would not have the power to amend the legislation.

Mr. President, I sincerely hope that Congress does not have to turn over this matter to an independent commission. But, if we do not pass meaningful campaign finance reform this year, I believe it is the next best alternative. And, if we do create a campaign finance reform commission, it must be a real commission, with real powers, and not another advisory committee.

Congress has created many panels in the past to make recommendations about reforming campaign finance laws. But, for reform to genuinely take place, we must empower the Commission with the ability to create a package of reforms that Congress cannot change. Like the successful Base Closure and Realignment Commission, Congress should have only the power to vote up or down on the recommendations.

Mr. President, we should not allow another Congress to come and go without passing meaningful campaign finance reform. Let this be the year that Congress responds to cry from the grassroots and restore America's faith in our election system.

Mr. BROWNBACK. Mr. President, I am proud today to be offering a bipartisan proposal for campaign finance reform with my distinguished colleague, the senior Senator from Wisconsin, HERB KOHL.

Mr. President, those of us who have spent the balance of our congressional careers working to build public trust in the political system know of the difficulties in offering constructive alternatives. Any legislation which fundamentally alters the way public officials seek election is bound to attract their attention and intense scrutiny—as it should.

Mr. President, Senator KOHL and I believe this proposal offers a hopeful avenue for progress. Recognizing that any reform effort must be bipartisan to succeed, the legislation we are offering establishes a fair and independent process to bring this issue to the floor of the Congress for consideration. Without prejudging any outcomes, this bill would help to break the logjam which threatens to prevent even meaningful consideration of alternatives for reform.

Mr. President, Senator KOHL and I do not claim to have all the answers, but we believe that through this vehicle, we can take the next step in accomplishing substantial progress on this important matter.

By Mr. WYDEN:

S. 920. A bill to require the Secretary of Health and Human Services to issue an annual report card on the performance of the States in protecting children placed for adoption in foster care, or with a guardian, and for other purposes; to the Committee on Labor and Human Resources.

THE ADOPTION REPORT CARD ACT OF 1997

Mr. WYDEN. Mr. President, I rise today to introduce the Adoption Report Card Act of 1997 to redress the poor quality of national data on adoption and foster care.

According to the American Public Welfare Association, the population of children in foster care is growing 33 times faster than the United States child population in general. During the past 10 years, more children have entered the foster care system than have exited. Every year, 15,000 children graduate from foster care by turning 18 with no permanent family. According to the American Civil Liberties Union, 40 percent of all foster children leaving the system end up on welfare.

In addition to the 50,000 children who today are legally free to be adopted, there are hundreds of thousands more who drift for days, months, or years within the state-run system—a system that too often lets down some of society's most vulnerable—our children.

I have already introduced legislation to promote kinship care as one solution to this problem. However, more still needs to be done. Part of the problem is we simply don't have any data on where children are in the system. No one knows how long our children are languishing in the foster care system, or how long it takes a State to find adoptive placements for children. Finding comprehensive data for each State is a challenge and, until recently, the Department of Health and Human Services [HHS] did not collect comprehensive national data on adoption from every State.

The legislation I offer in the Senate today will require HHS to issue an annual report card on the performance of each State in protecting children placed for adoption, in foster care or with a guardian.

My bill will require HHS to develop outcome measures, a rating system for each State and make recommendations on how States can improve their efforts to move children from foster care to loving families.

It is high time we started holding those responsible for children in foster care accountable for the treatment of these children. I believe an annual report card will give us the information we need to improve the care and quality of life for these children.

I ask unanimous consent that my statement and a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 920

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Adoption Report Card Act of 1997''.

SEC. 2. ANNUAL REPORT CARD ON STATE PERFORMANCE IN PROTECTING CHILDREN.

(a) IN GENERAL.—Part E of title IV of the Social Security Act (42 U.S.C. 670 et seq.) is amended by adding at the end the following:

''SEC. 479A. ANNUAL REPORT CARD.

''(a) IN GENERAL.—The Secretary shall issue an annual report card containing ratings of the performance of each State in protecting children who are placed for adoption, in foster care, or with a guardian, in the State. The report card shall include ratings on outcome measures for categories related to the family conditions of the children.

''(b) OUTCOME MEASURES.—

''(1) IN GENERAL.—The Secretary shall develop, after consulting with child advocacy organizations, a set of outcome measures to be used in preparing the report card.

''(2) CATEGORIES.—In developing the outcome measures, the Secretary shall develop measures for categories relating to—

''(A) the number of placements for adoption, in foster care, or with a guardian;

''(B) the number of children who leave foster care at the age of majority without having been adopted or placed with a guardian;

''(C) the median and mean length of stay in foster care;

''(D) the median and mean length of time between the availability of a child for adoption and the adoption of the child;

''(E) the median and mean length of time between the beginning of foster care for a child and the finalization of a placement plan for the child by the agency involved;

''(F) the number of children in foster care, specifying, in the case of a child in foster care who is a child with special needs, each factor or condition that makes the child a child with special needs (including the age and ethnicity of the child), as determined by the State in accordance with section 473(c);

''(G) the average annual costs for a child in foster care, and costs for any alternative living arrangements for a child who would otherwise be in foster care and how there costs are allocated;

''(H) the median and average length of time required to terminate parental rights for a child after the child enters foster care;

''(I) the number of parents whose parental rights have been terminated;

''(J) the number of children that are affected due to the termination of parental rights;

''(K) the median and average length of time required to place a child for adoption once parental rights are terminated for the child;

''(L) the average number of times a child is placed in foster care before the child is permanently adopted and the number of placements the child experiences; and

''(M) the number of deaths of children in foster care, and substantiated cases of abuse or neglect among children in foster care.

''(3) MEASURES.—In developing the outcome measures, the Secretary shall use measures from the Adoption and Foster Care Analysis and Reporting System established under section 479 to the maximum extent possible.

''(c) RATING SYSTEM.—The Secretary shall develop a system (including using State census data and poverty rates) to rate the performance of each State based on the outcome measures.

''(d) INFORMATION.—In order to receive funds under this part, a State shall annually provide to the Secretary such adoption, foster care, and guardianship information as the Secretary may determine to be necessary to issue the report card for the State.

''(e) PREPARATION AND ISSUANCE.—On October 1, 1998, and annually thereafter, the Secretary shall prepare, submit to Congress, and issue to the States the report card described in subsection (a). Each report card shall rate the performance of a State on each outcome measure developed under subsection (b), include an explanation of the rating system developed under subsection (c) and the way in which scores are determined under the rating system, analyze high and low performances for the State, and make recommendations to the State for improvement.''.

(b) CONFORMING AMENDMENTS.—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is amended—

(1) by striking ''and'' at the end of paragraph (17);

(2) by striking the period at the end of paragraph (18) (as added by section 1808(a) of the Small Business Job Protection Act of 1996 (Public Law 104–188; 110 Stat. 1903)) and inserting ''; and'';

(3) by redesignating paragraph (18) (as added by section 505(3) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2278)) as paragraph (19); and

(4) by adding at the end the following:

''(20) provides that the State shall annually provide to the Secretary the information required under section 479A.''.

By Mr. COVERDELL (for himself, Mr. DODD and Mr. DEWINE):

S. 921. A bill to immunize donations made in the form of charitable gift annuities and charitable remainder trusts from the anti-trust laws and State laws similar to the antitrust laws; to the Committee on Banking, Housing, and Urban Affairs.

THE CHARITABLE DONATION ANTITRUST IMMUNITY ACT

Mr. COVERDELL. Mr. President, today I rise to introduce legislation that is critical to our Nation's charities, the Charitable Donation Antitrust Immunity Act of 1997. This legislation is designed to make minor modifications to a bill that was passed by Congress in 1995 with unprecedented bipartisan support. The House passed the bill on a rollcall vote of 427 to 0, and the Senate immediately passed the measure by unanimous consent. I am hopeful that we can move this bill as quickly.

The Charitable Gift Annuity Antitrust Relief Act of 1995 was enacted in response to a lawsuit that threatened, and still threatens, the financial well being of thousands of charities. The 1995 act exempts charities from the antitrust laws which use the same annuity rate for the purpose of issuing charitable gift annuities. For more than 100 years, the issuance of gift annuities by thousands of charities across the country has played a major role in raising billions of dollars for our nation's charities. The 1995 act ensures that the billions of dollars donated to charities is spent serving their constituencies, not on defending lawsuits.

The legislation I am introducing today amends the Charitable Gift Annuity Antitrust Relief Act of 1995 to address technical issues raised by the Fifth Circuit Court of Appeals. The court recently ruled that charities are not protected by the act if lawyers or other for-profit entities administer or assist with the charities' gift annuities. This legislation clarifies the 1995 act by replacing the current antitrust exemption for charities issuing gift annuities with antitrust immunity for charitable gift annuities. Charities have spent more than $20 million defending themselves from a single lawsuit. This clarification is critical in order to protect our Nation's charities from spending millions of dollars more on litigation instead of charitable purposes.

Mr. President, the antitrust laws are intended to protect investors, not to frustrate gifts to charities. Faced with a continuing expensive lawsuit against Americans charities, and the threat of many more lawsuits to follow, Congress must make this technical change in the 1995 law to fulfill its original intent. Without this legislation, charitable organizations will lose a much needed and useful tool for raising funds precisely at a time when we must encourage this type of gift giving.

I urge my colleagues to support this legislation.

Mr. DODD. Mr. President, I rise to join with Senator COVERDELL in introducing the Charitable Donation Antitrust Immunity Act. The bill would strengthen the Charitable Gift Annuity Antitrust Relief Act, which enjoyed broad bipartisan support when it passed the Congress in 1995.

Every day across this country, charitable organizations help build better lives for millions of Americans. They are on the front lines in the effort to provide food, clothing, shelter, medicine, and educational support to less fortunate individuals. Their efforts help prevent our social fabric from fraying.

Over the years, charities have used gift annuities as a means of making it easier for people to donate money. Generally, these transactions work as follows: a person donates money or some other asset to a charity and receives a tax deduction. The charity then invests the money and makes fixed, periodic payments to the donor. When the donor dies, the remainder of the gift goes to the charity. These arrangements help both donors and charities, and it was never the intent of Congress to unduly restrict their use.

Regrettably, the benevolent endeavors of charities have been jeopardized by a lawsuit, Ozee and Richie versus The American Council on Gift Annuities. The lawsuit alleges that the use of annuity rates published by the Council constitutes price fixing, and thus a violation of the antitrust laws. The suit also alleges violations of securities and insurance laws. The plaintiffs ask that money donated to charities through charitable gift annuities be returned, along with additional damages. I have heard from a broad spectrum of charitable organizations in Connecticut and across the country who say that this lawsuit is undermining their ability to raise funds and continue their work.

In order to save our Nation's charities millions of dollars in legal fees, and to preserve a critically important fundraising tool for charities, I joined with Senator HUTCHISON and introduced the Charitable Gift Annuity Antitrust Relief Act of 1995. With the help of many of my colleagues in both the House and Senate, we passed that measure quickly. The intent of the legislation was to exempt the use of charitable gift annuities from antitrust laws. Regrettably, the U.S. Court of Appeals for the Fifth Circuit did not interpret the legislation in this manner and the lawsuit continues.

Consequently, we now need to make a few technical changes to clarify the intent of the law. Although these changes would put an end to the litigation and ensure that charities can continue to do their good work, they will not make it easier for charities to commit fraud. The legislation would not change the antifraud provisions in Federal securities law or affect Federal tax laws relating to fraud. People could still bring appropriate lawsuits against cheats or swindlers attempting to disguise themselves as charities, or charities acting fraudulently.

Mr. President, charitable organizations work hard every day to help fill some of the gaps in the American safety net. We must support their efforts. The Charitable Donation Antitrust Immunity Act will help. I applaud Senator COVERDELL's work on this legislation, and I urge all of my Senate colleagues to help move it forward expeditiously.

By Mr. LAUTENBERG:

S. 922. A bill to require the Secretary of the Treasury, acting through the Director of the Bureau of Alcohol, Tobacco and Firearms, to issue minimum safety and security standards for dealers of firearms; to the Committee on the Judiciary.

GUN SHOP SAFETY ACT OF 1997

Mr. LAUTENBERG. Mr. President, today I am introducing legislation, the Gun Shop Safety Act of 1997, to require the Bureau of Alcohol, Tobacco and Firearms to issue minimum safety and security standards for federally licensed firearms dealers.

Mr. President, incredible as it may seem, there are no Federal minimum standards for security of premises and merchandise at gun shops. In fact, a gun dealer must meet only minimal qualifications to obtain a gun dealers' license. An applicant need only be 21 years of age, not be prohibited by law from possessing or transporting firearms, and maintain a business premises in compliance with any State law. Once a dealer gets a license, the only Federal requirements are that dealers keep accurate records of purchases and sales, and have the books available for yearly inspection by the ATF. Basically, that is it. No safety or security requirements, no safety inspections.

This is simply not good enough. Guns are being stolen from licensed gun dealers at an alarming rate. These guns pose an increasingly significant public safety problem. Clearly, by definition stolen guns are available to criminals. In fact, studies have found that between 10 and 32 percent of guns used in the commission of a crime are obtained as a direct result of theft, while an approximately equal number of guns used during a criminal act were stolen before being used in a crime.

Mr. President, stolen guns from gun shops are a significant source of guns used in violent street crimes. For example, everywhere we see the growing problem of the so-called ''smash and grab'' burglaries from retail gun outlets, where thieves either drive through or otherwise smash the windows of gun shops and steal large quantities of firearms in a matter of minutes.

During the 1992 Los Angeles riots, 19 gun stores were looted and robbed of about 4,000 guns. One pawnshop lost 970 guns, while another outlet was robbed of 1,150 guns. An ATF report reveals that these guns continue to be recovered on the street.

Mr. President, guns are not stolen from licensed gun dealers only during a riot. Recently, it has been reported that thieves stole 75 firearms from a store in Washington State after killing the owner, and then sold about 40 of the stolen guns on the streets of Seattle that night.

In my own State of New Jersey, we also recently witnessed a sickening

murder committed with a gun stolen from a gun shop. This past April, 24-year-old Jeremy Giordano and 24-year-old Georgio Gallara of Sussex County, NJ were shot down in cold blood by two young thugs. No robbery was involved, no motive discovered, just murder for the sake of murder. And these killings were only possible because the murderers were able to steal two high-powered handguns from a local shop. They simply smashed the store's front window and smashed the locked glass display case where the guns were stored overnight. The theft was over in a few brief minutes, the criminals long gone by the time the police arrived at the gun shop.

Mr. President, there must be a better way. It is time that our laws recognize that guns are not ordinary merchandise—they are deadly weapons. It is just common sense that criminals should be denied easy access to an arsenal of weapons.

Mr. President, this country is already awash in a sea of gun violence. Every 2 minutes, someone in the United States is shot. Every 14 minutes, someone dies from a gunshot wound. In 1994 alone, over 15,000 people in our country were killed by handguns. Compare that to countries like Canada, where 90 people were killed by handguns that year, or Great Britain, which had 68 handgun fatalities.

Mr. President, the Federal Centers for Disease Control and Prevention estimate that by the year 2003, gunfire will have surpassed auto accidents as the leading cause of injury-related deaths in the United States. In fact, this is already the case in seven States.

Mr. President, given the severity of our Nation's gun violence problem, we need to find new ways to reduce the number of guns on our streets. Although we cannot totally end gun theft, there is much we can and should do. We can prevent predators from getting guns so freely and frequently through theft.

So, Mr. President, this bill will require the ATF to use its expertise to craft reasonable and needed regulations to ensure that gun shops better secure the weapons and ammunition they sell from theft.

I hope this proposal will receive strong, bipartisan support, even from those hostile to any gun-related legislation. This bill will help keep guns out of the hands of criminals. This is a goal I believe all of us share. And this legislation is the least we can do.

I hope my colleagues will support the bill, and ask unanimous consent that a copy of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 922

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Gun Shop Safety Act of 1997''.

SEC. 2. FINDINGS.

Congress finds that—

(1) crimes committed with firearms threaten the peace and domestic tranquility of the United States and reduce the security and general welfare of the Nation and its people;

(2) crimes committed with firearms impose a substantial burden on interstate commerce and lead to a reduction in productivity and profitability for business around the Nation whose workers, suppliers, and customers are adversely affected by gun violence;

(3) all stolen firearms are available to criminals by definition;

(4) licensed gun dealers have reported nearly 30,000 firearms stolen from their shops since 1994, when a Federal law was enacted requiring the reporting of such thefts;

(5) between 10 and 32 percent of firearms used in the commission of a crime are obtained directly through theft, while an approximately equal number of firearms used in the commission of a crime have been stolen at some point before ultimately being used in the commission a crime; and

(6) all Americans have a right to be protected from crime and violence from stolen firearms, regardless of their State of residence.

SEC. 3. MINIMUM SAFETY AND SECURITY STANDARDS FOR GUN SHOPS.

(a) IN GENERAL.—Section 923 of title 18, United States Code, is amended by adding at the end the following:

''(m) SAFETY AND SECURITY STANDARDS FOR GUN SHOPS.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Gun Shop Safety Act of 1997, the Secretary of the Treasury, acting through the Director of the Bureau of Alcohol, Tobacco, and Firearms, shall issue final regulations that establish minimum firearm safety and security standards that shall apply to dealers who are issued a license under this section.

''(2) MINIMUM STANDARDS.—The regulations issued under this subsection shall include minimum safety and security standards for—

''(A) a place of business in which a dealer covered by the regulations conducts business or stores firearms;

''(B) windows, the front door, storage rooms, containers, alarms, and other items of a place of business referred to in subparagraph (A) that the Secretary of the Treasury, acting through the Director of the Bureau of Alcohol, Tobacco and Firearms, determines to be appropriate; and

''(C) the storage and handling of the firearms contained in a place of business referred to in subparagraph (A).''.

(b) INSPECTIONS.—Section 923(g)(1) of title 18, United States Code, is amended—

(1) in subparagraph (A)—

(A) in clause (i), by striking '', and'' and inserting a semicolon;

(B) in clause (ii), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(iii) with respect the place of business of a licensed dealer, the safety and security measures taken by the dealer to ensure compliance with the regulations issued under subsection (m).''; and

(2) in subparagraph (B)—

(A) in the matter preceding clause (i), by inserting ''and the place of business of a licensed dealer'' after ''licensed dealer'';

(B) in clause (ii), by striking ''or'' at the end;

(C) in clause (iii), by striking the period at the end and inserting ''; or''; and

(D) by adding at the end the following:

''(iv) not more than once during any 12-month period, for ensuring compliance by a licensed dealer with the regulations issued under subsection (m).''.

(c) PENALTIES.—Section 924(a)(1) of title 18, United States Code, is amended—

(1) in subparagraph (C), by striking ''or'' at the end;

(2) by redesignating subparagraph (D) as subparagraph (E); and

(3) by inserting after subparagraph (C) the following:

''(D) being a licensed dealer, knowingly fails to comply with any applicable regulation issued under section 923(m); and''.

By Mr. SPECTER:

S. 923. A bill to deny veterans benefits to persons convicted of Federal capital offenses; to the Committee on Veterans' Affairs.

VETERANS' BENEFITS DENIAL LEGISLATION

Mr. SPECTER. Mr. President, in the Veterans' Affairs Committee, which I chair, we have been considering the situation of Mr. Timothy McVeigh, who has certain entitlements as a veteran. Curiously, the committee has concluded that a conviction for murder in the first degree does not significantly affect Mr. McVeigh's entitlements or benefits as a veteran.

Veterans who are convicted of certain criminal offenses forfeit their benefits. Those offenses, however, are limited to convictions for mutiny and aiding the enemy; spying; certain national security crimes, such as treason, sabotage, disclosing classified or defense information, interfering with the Armed Forces during a time of war, communications of classified information by a Government employee to an agent of a foreign government; and certain nuclear material crimes, such as the unauthorized possession or transfer of nuclear material or receipt and communication of restricted data.

Surprisingly, my staff on the Veterans' Affairs Committee has concluded that Mr. Timothy McVeigh would be entitled to veterans benefits, notwithstanding his conviction on 11 counts including the murder of some 168 people in the Oklahoma City bombing of the Federal building. He remains eligible for such benefits, including burial benefits, since he was not convicted of any of the crimes I just listed.

Because of that, I now introduce legislation which would deny veteran benefits to any person who is convicted of a State or Federal capital offense. The specific provision would be:

Notwithstanding any other provision of law, a person who is convicted of a Federal or State capital offense is ineligible for benefits provided to veterans of the Armed Forces of the United States pursuant to title 38, United States Code.

This bill would prevent Mr. McVeigh from having any veterans benefits in light of his conviction on 11 counts, including murder in the first degree. I send this bill to the desk and ask that it be filed with the appropriate authority.

By Mr. THURMOND:

S. 924. An original bill to authorize appropriations for fiscal year 1998 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; from the Committee on Armed Services; placed on the calendar.

THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998

Mr. THURMOND. Mr. President, I am pleased to report out from the Committee on Armed Services an original bill, the national defense authorization bill for fiscal year 1998.

The members of the Committee on Armed Services have put a great deal of work into this bill, which continues the long bipartisan tradition of the Senate in dealing with the vital issues of the Nation's security.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 924

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Defense Authorization Act for Fiscal Year 1998''.

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into three divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees defined.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense-wide activities.
Sec. 105. Reserve components.
Sec. 106. Defense Inspector General.
Sec. 107. Chemical Demilitarization Program.
Sec. 108. Defense health programs.
Sec. 109. Defense Export Loan Guarantee Program.

Subtitle B—Army Programs

Sec. 111. Army helicopter modernization plan.
Sec. 112. Multiyear procurement authority for AH–64D Longbow Apache fire control radar.

Subtitle C—Navy Programs

Sec. 121. New attack submarine program.
Sec. 122. Nuclear aircraft carrier program.
Sec. 123. Exception to cost limitation for Seawolf submarine program.
Sec. 124. Airborne self-protection jammer program.

Subtitle D—Air Force Programs

Sec. 131. B–2 bomber aircraft program.

Subtitle E—Other Matters

Sec. 141. Prohibition on use of funds for acquisition or alteration of private drydocks.
Sec. 142. Replacement of engines on aircraft derived from Boeing 707 aircraft.
Sec. 143. Exception to requirement for a particular determination for sales of manufactured articles or services of Army industrial facilities outside the United States.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Joint Strike Fighter program.
Sec. 212. F–22 aircraft program.
Sec. 213. High Altitude Endurance Unmanned Vehicle program.
Sec. 214. Advanced Anti-Radiation Guided Missile program.
Sec. 215. Federally funded research and development centers.
Sec. 216. Goal for dual-use science and technology projects.
Sec. 217. Transfers of authorizations for counterproliferation support program.
Sec. 218. Kinetic Energy Tactical Anti-Satellite Technology program.
Sec. 219. Clementine 2 Micro-Satellite development program.

Subtitle C—Ballistic Missile Defense Programs

Sec. 221. National Missile Defense program.
Sec. 222. Reversal of decision to transfer procurement funds from the Ballistic Missile Defense Organization.

Subtitle D—Other Matters

Sec. 231. Manufacturing Technology program.
Sec. 232. Use of major range and test facility installations by commercial entities.
Sec. 233. Eligibility for the Defense Experimental Program to Stimulate Competitive Research.
Sec. 234. Restructuring of National Oceanographic Partnership Program organizations.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.
Sec. 302. Working-capital funds.
Sec. 303. Armed Forces Retirement Home.
Sec. 304. Transfer from National Defense Stockpile Transaction Fund.
Sec. 305. Fisher House Trust Funds.

Subtitle B—Depot-Level Activities

Sec. 311. Definition of depot-level maintenance and repair.
Sec. 312. Restrictions on contracts for performance of depot-level maintenance and repair at certain facilities.
Sec. 313. Core logistics functions of Department of Defense.
Sec. 314. Percentage limitation on performance of depot-level maintenance of materiel.
Sec. 315. Centers of Industrial and Technical Excellence.
Sec. 316. Clarification of prohibition on management of depot employees by constraints on personnel levels.
Sec. 317. Annual report on depot-level maintenance and repair.
Sec. 318. Report on allocation of core logistics activities among Department of Defense facilities and private sector facilities.
Sec. 319. Review of use of temporary duty assignments for ship repair and maintenance.
Sec. 320. Repeal of a conditional repeal of certain depot-level maintenance and repair laws and a related reporting requirement.
Sec. 321. Extension of authority for naval shipyards and aviation depots to engage in defense-related production and services.

Subtitle C—Environmental Provisions

Sec. 331. Clarification of authority relating to storage and disposal of nondefense toxic and hazardous materials on Department of Defense property.
Sec. 332. Annual report on payments and activities in response to fines and penalties assessed under environmental laws.
Sec. 333. Annual report on environmental activities of the Department of Defense overseas.
Sec. 334. Membership terms for Strategic Environmental Research and Development Program Scientific Advisory Board.
Sec. 335. Additional information on agreements for agency services in support of environmental technology certification.
Sec. 336. Risk assessments under the Defense Environmental Restoration Program.
Sec. 337. Recovery and sharing of costs of environmental restoration at Department of Defense sites.
Sec. 338. Pilot program for the sale of air pollution emission reduction incentives.
Sec. 339. Tagging system for identification of hydrocarbon fuels used by the Department of Defense.

Subtitle D—Commissaries and Nonappropriated Fund Instrumentalities

Sec. 351. Funding sources for construction and improvement of commissary store facilities.
Sec. 352. Integration of military exchange services.

Subtitle E—Other Matters

Sec. 361. Advance billings for working-capital funds.
Sec. 362. Center for Excellence in Disaster Management and Humanitarian Assistance.
Sec. 363. Administrative actions adversely affecting military training or other readiness activities.
Sec. 364. Financial assistance to support additional duties assigned to Army National Guard.
Sec. 365. Sale of excess, obsolete, or unserviceable ammunition and ammunition components.
Sec. 366. Inventory management.
Sec. 367. Warranty claims recovery pilot program.
Sec. 368. Adjustment and diversification assistance to enhance increased performance of military family support services by private sector sources.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.
Sec. 402. Permanent end strength levels to support two major regional contingencies.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the reserves.

Subtitle C—Authorization of Appropriations

Sec. 421. Authorization of appropriations for military personnel.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Personnel Management

Sec. 501. Officers excluded from consideration by promotion board.
Sec. 502. Increase in the maximum number of officers allowed to be frocked to the grade of O–6.
Sec. 503. Availability of Navy chaplains on retired list or of retirement age to serve as Chief or Deputy Chief of Chaplains of the Navy.
Sec. 504. Period of recall service of certain retirees.

Subtitle B—Matters Relating to Reserve Components

Sec. 511. Termination of Ready Reserve Mobilization Income Insurance Program.
Sec. 512. Discharge or retirement of reserve officers in an inactive status.
Sec. 513. Retention of military technicians in grade of Brigadier General after mandatory separation date.
Sec. 514. Federal status of service by National Guard members as honor guards at funerals of veterans.

Subtitle C—Education and Training Programs

Sec. 521. Service academies foreign exchange study program.
Sec. 522. Programs of higher education of the Community College of the Air Force.
Sec. 523. Preservation of entitlement to educational assistance of members of the Selected Reserve serving on active duty in support of a contingency operation.
Sec. 524. Repeal of certain staffing and safety requirements for the Army Ranger Training Brigade.

Subtitle D—Decorations and Awards

Sec. 531. Clarification of eligibility of members of Ready Reserve for award of service Medal for Heroism.
Sec. 532. Waiver of time limitations for award of certain decorations to specified persons.
Sec. 533. One-year extension of period for receipt of recommendations for decorations and awards for certain military intelligence personnel.
Sec. 534. Eligibility of certain World War II military organizations for award of unit decorations.

Subtitle E—Military Personnel Voting Rights

Sec. 541. Short title.
Sec. 542. Guarantee of residency.
Sec. 543. State responsibility to guarantee military voting rights.

Subtitle F—Other Matters

Sec. 551. Sense of Congress regarding study of matters relating to gender equity in the Armed Forces.
Sec. 552. Commission on Gender Integration in the Military.
Sec. 553. Sexual harassment investigations and reports.
Sec. 554. Requirement for exemplary conduct by commanding officers and other authorities.
Sec. 555. Participation of Department of Defense personnel in management of non-federal entities.
Sec. 556. Technical correction to cross reference in ROPMA provision relating to position vacancy promotion.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay

Sec. 601. Military pay raise for fiscal year 1998.

Subtitle B—Subsistence, Housing, and Other Allowances

PART I—REFORM OF BASIC ALLOWANCE FOR SUBSISTENCE

Sec. 611. Revised entitlement and rates.
Sec. 612. Transitional basic allowance for subsistence.
Sec. 613. Effective date and termination of transitional authority.

PART II—REFORM OF HOUSING AND RELATED ALLOWANCES

Sec. 616. Entitlement to basic allowance for housing.
Sec. 617. Rates of basic allowance for housing.
Sec. 618. Dislocation allowance.
Sec. 619. Family separation and station allowances.
Sec. 620. Other conforming amendments.
Sec. 621. Clerical amendment.
Sec. 622. Effective date.

PART III—OTHER AMENDMENTS RELATING TO ALLOWANCES

Sec. 626. Revision of authority to adjust compensation necessitated by reform of subsistence and housing allowances.
Sec. 627. Deadline for payment of Ready Reserve muster duty allowance.

Subtitle C—Bonuses and Special and Incentive Pays

Sec. 631. One-year extension of certain bonuses and special pay authorities for reserve forces.
Sec. 632. One-year extension of certain bonuses and special pay authorities for nurse officer candidates, registered nurses, and nurse anesthetists.
Sec. 633. One-year extension of authorities relating to payment of other bonuses and special pays.
Sec. 634. Increased amounts for aviation career incentive pay.
Sec. 635. Aviation continuation pay.
Sec. 636. Eligibility of dental officers for the multiyear retention bonus provided for medical officers.
Sec. 637. Increased special pay for dental officers.
Sec. 638. Modification of Selected Reserve reenlistment bonus authority.
Sec. 639. Modification of authority to pay bonuses for enlistments by prior service personnel in critical skills in the Selected Reserve.
Sec. 640. Increased special pay and bonuses for nuclear qualified officers.
Sec. 641. Authority to pay bonuses in lieu of special pay for enlisted members extending duty at designated locations overseas.

Subtitle D—Retired Pay, Survivor Benefits, and Related Matters

Sec. 651. One-year opportunity to discontinue participation in Survivor Benefit Plan.
Sec. 652. Time for changing survivor benefit coverage from former spouse to spouse.
Sec. 653. Paid-up coverage under Survivor Benefit Plan.
Sec. 654. Annuities for certain military surviving spouses.

Subtitle E—Other Matters

Sec. 661. Eligibility of Reserves for benefits for illness, injury, or death incurred or aggravated in line of duty.
Sec. 662. Travel and transportation allowances for dependents before approval of a member's court-martial sentence.
Sec. 663. Eligibility of members of the uniformed services for reimbursement of adoption expenses.

TITLE VII—HEALTH CARE PROVISIONS

Sec. 701. Waiver of deductibles, copayments, and annual fees for members assigned to certain duty locations far from sources of care.
Sec. 702. Payment for emergency health care overseas for military and civilian personnel of the On-Site Inspection Agency.
Sec. 703. Disclosures of cautionary information on prescription medications.
Sec. 704. Health care services for certain Reserves who served in Southwest Asia during the Persian Gulf War.
Sec. 705. Collection of dental insurance premiums.
Sec. 706. Dental insurance plan coverage for retirees of uniformed service in the Public Health Service and NOAA.
Sec. 707. Prosthetic devices for dependents.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Amendments to General Contracting Authorities, Procedures, and Limitations

Sec. 801. Streamlined approval requirements for contracts under international agreements.
Sec. 802. Restriction on undefinitized contract actions.
Sec. 803. Expansion of authority to cross fiscal years to all severable service contracts not exceeding a year.
Sec. 804. Limitation on allowability of compensation for certain contractor personnel.
Sec. 805. Increased price limitation on purchases of right-hand drive vehicles.
Sec. 806. Conversion of defense capability preservation authority to Navy shipbuilding capability preservation authority.
Sec. 807. Elimination of certification requirement for grants.
Sec. 808. Repeal of limitation on adjustment of shipbuilding contracts.

Subtitle B—Contract Provisions

Sec. 811. Contractor guarantees of major systems.
Sec. 812. Vesting of title in the United States under contracts paid under progress payment arrangements or similar arrangements.

Subtitle C—Acquisition Assistance Programs

Sec. 821. Procurement technical assistance programs.
Sec. 822. One-year extension of Pilot Mentor-Protege Program.
Sec. 823. Test program for negotiation of comprehensive subcontracting plans.
Sec. 824. Price preference for small and disadvantaged businesses.

Subtitle D—Administrative Provisions

Sec. 831. Retention of expired funds during the pendency of contract litigation.
Sec. 832. Protection of certain information from disclosure.
Sec. 833. Content of limited selected acquisition reports.

Sec. 834. Unit cost reports.
Sec. 835. Central Department of Defense point of contact for contracting information.

Subtitle E—Other Matters

Sec. 841. Defense business combinations.
Sec. 842. Lease of nonexcess property of Defense Agencies.
Sec. 843. Promotion rate for officers in an Acquisition Corps.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Sec. 901. Principal duty of Assistant Secretary of Defense for Special Operations and Low Intensity Conflict.
Sec. 902. Professional military education schools.
Sec. 903. Use of CINC Initiative Fund for force protection.
Sec. 904. Transfer of TIARA programs.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

Sec. 1001. Transfer authority.
Sec. 1002. Authority for obligation of certain unauthorized fiscal year 1997 defense appropriations.
Sec. 1003. Authorization of prior emergency supplemental appropriations for fiscal year 1997.
Sec. 1004. Increased transfer authority for fiscal year 1996 authorizations.
Sec. 1005. Biennial financial management strategic plan.
Sec. 1006. Revision of authority for Fisher House Trust Funds.
Sec. 1007. Availability of certain fiscal year 1991 funds for payment of contract claim.
Sec. 1008. Estimates and requests for procurement and military construction for the reserve components.

Subtitle B—Naval Vessels and Shipyards

Sec. 1011. Long-term charter of vessel for surveillance towed array sensor program.
Sec. 1012. Procedures for sale of vessels stricken from the Naval Vessel Register.
Sec. 1013. Transfers of naval vessels to certain foreign countries.

Subtitle C—Counter-Drug Activities

Sec. 1021. Authority to provide additional support for counter-drug activities of Mexico.
Sec. 1022. Authority to provide additional support for counter-drug activities of Peru and Colombia.

Subtitle D—Reports and Studies

Sec. 1031. Repeal of reporting requirements.
Sec. 1032. Common measurement of operations and personnel tempo.
Sec. 1033. Report on overseas deployment.
Sec. 1034. Report on military readiness requirements of the Armed Forces.
Sec. 1035. Assessment of cyclical readiness posture of the Armed Forces.
Sec. 1036. Overseas infrastructure requirements.
Sec. 1037. Report on aircraft inventory.
Sec. 1038. Disposal of excess materials.
Sec. 1039. Review of former spouse protections.
Sec. 1040. Completion of GAO reports for Congress.

Subtitle E—Other Matters

Sec. 1051. Psychotherapist-patient privilege in the Military Rules of Evidence.
Sec. 1052. National Guard Civilian Youth Opportunities Pilot Program.
Sec. 1053. Protection of Armed Forces personnel during peace operations.
Sec. 1054. Limitation on retirement or dismantlement of strategic nuclear delivery systems.
Sec. 1055. Acceptance and use of landing fees for use of overseas military airfields by civil aircraft.
Sec. 1056. One-year extension of international nonproliferation initiative.
Sec. 1057. Arms control implementation and assistance for facilities subject to inspection under the Chemical Weapons Convention.
Sec. 1058. Sense of Senate regarding the relationship between environmental laws and United States' obligations under the Chemical Weapons Convention.
Sec. 1059. Sense of Congress regarding funding for reserve component modernization not requested in the annual budget request.
Sec. 1060. Authority of Secretary of Defense to settle claims relating to pay, allowances, and other benefits
Sec. 1061. Coordination of access of commanders and deployed units to intelligence collected and analyzed by the intelligence community.
Sec. 1062. Protection of imagery, imagery intelligence, and geospatial information and data.
Sec. 1063. Protection of air safety information voluntarily provided by a charter air carrier.
Sec. 1064. Sustainment and operation of Global Positioning System.
Sec. 1065. Law enforcement authority for special agents of the Defense Criminal Investigative Service.
Sec. 1066. Repeal of requirement for continued operation of the Naval Academy dairy farm.
Sec. 1067. POW/MIA intelligence analysis cell.
Sec. 1068. Protection of employees from retaliation for certain disclosures of classified information.
Sec. 1069. Applicability of certain pay authorities to members of the Commission on Servicemembers and Veterans Transition Assistance.
Sec. 1070. Transfer of B–17 aircraft to museum.
Sec. 1071. Five-year extension of aviation insurance program.
Sec. 1072. Treatment of military flight operations.
Sec. 1073. Naturalization of foreign nationals who served honorably in the Armed Forces of the United States.
Sec. 1074. Designation of Bob Hope as honorary veteran.

TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL

Sec. 1101. Use of prohibited constraints to manage Department of Defense personnel.
Sec. 1102. Employment of civilian faculty at the Marine Corps University.
Sec. 1103. Extension and revision of voluntary separation incentive pay authority.
Sec. 1104. Repeal of deadline for placement consideration of involuntarily separated military reserve technicians.
Sec. 1105. Rate of pay of Department of Defense overseas teacher upon transfer to General Schedule position.
Sec. 1106. Naturalization of employees of the George C. Marshall European Center for Security Studies.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

Sec. 2001. Short title.

TITLE XXI—ARMY

Sec. 2101. Authorized Army construction and land acquisition projects.
Sec. 2102. Family housing.
Sec. 2103. Improvements to military family housing units.
Sec. 2104. Authorization of appropriations, Army.
Sec. 2105. Authority to use certain prior year funds to construct a heliport at Fort Irwin, California.

TITLE XXII—NAVY

Sec. 2201. Authorized Navy construction and land acquisition projects.
Sec. 2202. Family housing.
Sec. 2203. Improvements to military family housing units.
Sec. 2204. Authorization of appropriations, Navy.
Sec. 2205. Authorization of military construction project at Pascagoula Naval Station, Mississippi, for which funds have been appropriated.

TITLE XXIII—AIR FORCE

Sec. 2301. Authorized Air Force construction and land acquisition projects.
Sec. 2302. Family housing.
Sec. 2303. Improvements to military family housing units.
Sec. 2304. Authorization of appropriations, Air Force.
Sec. 2305. Authorization of military construction project at McConnell Air Force Base, Kansas, for which funds have been appropriated.

TITLE XXIV—DEFENSE AGENCIES

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
Sec. 2402. Military housing planning and design.
Sec. 2403. Improvements to military family housing units.
Sec. 2404. Energy conservation projects.
Sec. 2405. Authorization of appropriations, Defense Agencies.
Sec. 2406. Clarification of authority relating to fiscal year 1997 project at Naval Station, Pearl Harbor, Hawaii.
Sec. 2407. Authority to use prior year funds to carry out certain Defense Agency military construction projects.
Sec. 2408. Modification of authority to carry out fiscal year 1995 projects.
Sec. 2409. Availability of funds for fiscal year 1995 project relating to relocatable over-the-horizon radar, Naval Station Roosevelt Roads, Puerto Rico.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

Sec. 2501. Authorized NATO construction and land acquisition projects.
Sec. 2502. Authorization of appropriations, NATO.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Sec. 2601. Authorized Guard and Reserve construction and land acquisition projects.
Sec. 2602. Authorization of Army National Guard construction project, aviation support facility, Hilo, Hawaii, for which funds have been appropriated.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS
Sec. 2701. Expiration of authorizations and amounts required to be specified by law.
Sec. 2702. Extension of authorizations of certain fiscal year 1995 projects.
Sec. 2703. Extension of authorizations of certain fiscal year 1994 projects.
Sec. 2704. Extension of authorization of fiscal year 1993 project.
Sec. 2705. Extension of authorizations of certain fiscal year 1992 projects.
Sec. 2706. Effective date.
TITLE XXVIII—GENERAL PROVISIONS
Subtitle A—Military Construction Program and Military Family Housing Changes
Sec. 2801. Increase in ceiling for minor land acquisition projects.
Sec. 2802. Sale of utility systems of the military departments.
Sec. 2803. Administrative expenses for certain real property transactions.
Sec. 2804. Use of financial incentives for energy savings and water cost savings.
Subtitle B—Land Conveyances
Sec. 2811. Modification of authority for disposal of certain real property, Fort Belvoir, Virginia.
Sec. 2812. Correction of land conveyance authority, Army Reserve Center, Anderson, South Carolina.
Sec. 2813. Land conveyance, Hawthorne Army Ammunition Depot, Mineral County, Nevada.
Sec. 2814. Long-term lease of property, Naples, Italy.
Sec. 2815. Land conveyance, Topsham Annex, Naval Air Station, Brunswick, Maine.
Sec. 2816. Land conveyance, Naval Weapons Industrial Reserve Plant No. 464, Oyster Bay, New York.
Sec. 2817. Land conveyance, Charleston Family Housing Complex, Bangor, Maine.
Sec. 2818. Land conveyance, Ellsworth Air Force Base, South Dakota.
Subtitle C—Other Matters
Sec. 2831. Disposition of proceeds of sale of Air Force Plant No. 78, Brigham City, Utah.
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.
Sec. 3102. Environmental restoration and waste management.
Sec. 3103. Other defense activities.
Sec. 3104. Defense environmental management privatization.
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Subtitle B—Recurring General Provisions
Sec. 3121. Reprogramming.
Sec. 3122. Limits on general plant projects.
Sec. 3123. Limits on construction projects.
Sec. 3124. Fund transfer authority.
Sec. 3125. Authority for conceptual and construction design.
Sec. 3126. Authority for emergency planning, design, and construction activities.
Sec. 3127. Funds available for all national security programs of the Department of Energy.
Sec. 3128. Availability of funds.
Subtitle C—Program Authorizations, Restrictions, and Limitations
Sec. 3131. Defense environmental management privatization projects.
Sec. 3132. International cooperative stockpile stewardship programs.
Sec. 3133. Modernization of enduring nuclear weapons complex.
Sec. 3134. Tritium production.
Sec. 3135. Processing, treatment, and disposition of spent nuclear fuel rods and other legacy nuclear materials at the Savannah River Site.
Sec. 3136. Limitations on use of funds for laboratory directed research and development purposes.
Sec. 3137. Permanent authority for transfers of defense environmental management funds.
Sec. 3138. Prohibition on recovery of certain additional costs for environmental response actions associated with the Formerly Utilized Site Remedial Action Project program.
Subtitle D—Other Matters
Sec. 3151. Administration of certain Department of Energy activities.
Sec. 3152. Modification and extension of authority relating to appointment of certain scientific, engineering, and technical personnel.
Sec. 3153. Annual report on plan and program for stewardship, management, and certification of warheads in the nuclear weapons stockpile.
Sec. 3154. Submittal of biennial waste management reports.
Sec. 3155. Repeal of obsolete reporting requirements.
Sec. 3156. Commission on safeguarding and security of nuclear weapons and materials at Department of Energy facilities.
Sec. 3157. Modification of authority on commission on maintaining United States nuclear weapons expertise.
Sec. 3158. Land transfer, Bandelier National Monument.
TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD
Sec. 3201. Authorization.
TITLE XXXIII—NATIONAL DEFENSE STOCKPILE
Sec. 3301. Definitions.
Sec. 3302. Authorized uses of stockpile funds.
Sec. 3303. Authority to dispose of certain materials in National Defense Stockpile.
Sec. 3304. Return of surplus platinum from the Department of the Treasury.
TITLE XXXIV—NAVAL PETROLEUM RESERVES
Sec. 3401. Authorization of appropriations.
Sec. 3402. Leasing of certain oil shale reserves.
Sec. 3403. Repeal of requirement to assign Navy officers to Office of Naval Petroleum and Oil Shale Reserves.
TITLE XXXV—PANAMA CANAL COMMISSION
Subtitle A—Authorization of Expenditures From Revolving Fund
Sec. 3501. Short title.
Sec. 3502. Authorization of expenditures.
Sec. 3503. Purchase of vehicles.
Sec. 3504. Expenditures only in accordance with treaties.
Subtitle B—Facilitation of Panama Canal Transition
Sec. 3511. Short title; references.
Sec. 3512. Definitions relating to Canal transition.
PART I—TRANSITION MATTERS RELATING TO COMMISSION OFFICERS AND EMPLOYEES
Sec. 3521. Authority for the Administrator of the Commission to accept appointment as the Administrator of the Panama Canal Authority.
Sec. 3522. Post-Canal transfer personnel authorities.
Sec. 3523. Enhanced authority of Commission to establish compensation of Commission officers and employees.
Sec. 3524. Travel, transportation, and subsistence expenses for Commission personnel no longer subject to Federal Travel Regulation.
Sec. 3525. Enhanced recruitment and retention authorities.
Sec. 3526. Transition separation incentive payments.
Sec. 3527. Labor-management relations.
Sec. 3528. Availability of Panama Canal Revolving Fund for severance pay for certain employees separated by Panama Canal Authority after Canal Transfer Date.
PART II—TRANSITION MATTERS RELATING TO OPERATION AND ADMINISTRATION OF CANAL
Sec. 3541. Establishment of procurement system and board of contract appeals.
Sec. 3542. Transactions with the Panama Canal Authority.
Sec. 3543. Time limitations on filing of claims for damages.
Sec. 3544. Tolls for small vessels.
Sec. 3545. Date of actuarial evaluation of FECA liability.
Sec. 3546. Notaries public.
Sec. 3547. Commercial services.
Sec. 3548. Transfer from President to Commission of certain regulatory functions relating to employment classification appeals.
Sec. 3549. Enhanced printing authority.
Sec. 3550. Technical and conforming amendments.

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.

For purposes of this Act, the term ''congressional defense committees'' means—

(1) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

(2) the Committee on National Security and the Committee on Appropriations of the House of Representatives.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 1998 for procurement for the Army as follows:

(1) For aircraft, $1,394,459,000.

(2) For missiles, $1,223,851,000.

(3) For weapons and tracked combat vehicles, $1,179,107,000.

(4) For ammunition, $1,043,202,000.

(5) For other procurement, $2,918,730,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 1998 for procurement for the Navy as follows:

(1) For aircraft, $6,482,265,000.

(2) For weapons, including missiles and torpedoes, $1,200,393,000.

(3) For shipbuilding and conversion, $8,593,358,000.

(4) For ammunition for the Navy and Marine Corps, $369,797,000.

(5) For other procurement, $3,177,700,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 1998 for procurement for the Marine Corps in the amount of $554,806,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 1998 for procurement for the Air Force as follows:

(1) For aircraft, $6,048,915,000.

(2) For missiles, $2,411,241,000.

(3) For ammunition, $420,784,000.

(4) For other procurement, $6,798,453,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 1998 for Defense-wide procurement in the amount of $1,749,285,000.

SEC. 105. RESERVE COMPONENTS.

Funds are hereby authorized to be appropriated for fiscal year 1998 for procurement of aircraft, vehicles, communications equipment, and other equipment for the reserve components of the Armed Forces as follows:

(1) For the Army National Guard, $100,000,000.

(2) For the Air National Guard, $186,300,000.

(3) For the Army Reserve, $40,000,000.

(4) For the Naval Reserve, $40,000,000.

(5) For the Air Force Reserve, $246,700,000.

(6) For the Marine Corps Reserve, $40,000,000.

SEC. 106. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for fiscal year 1998 for procurement for the Inspector General of the Department of Defense in the amount of $1,800,000.

SEC. 107. CHEMICAL DEMILITARIZATION PROGRAM.

There is are hereby authorized to be appropriated for fiscal year 1998 the amount of $614,700,000 for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SEC. 108. DEFENSE HEALTH PROGRAMS.

Funds are hereby authorized to be appropriated for fiscal year 1998 for the Department of Defense for procurement for carrying out health care programs, projects, and activities of the Department of Defense in the total amount of $274,068,000.

SEC. 109. DEFENSE EXPORT LOAN GUARANTEE PROGRAM.

Funds are hereby authorized to be appropriated for fiscal year 1998 for the Department of Defense for carrying out the Defense Export Loan Guarantee Program established under section 2540 of title 10, United States Code, in the total amount of $1,231,000.

Subtitle B—Army Programs

SEC. 111. ARMY HELICOPTER MODERNIZATION PLAN.

(a) LIMITATION.—Not more than 25 percent of the amounts authorized to be appropriated pursuant to section 101(1), 105(1), or 105(3) for modifications or upgrades of helicopters may be obligated before the date that is 30 days after the Secretary of the Army submits to the congressional defense committees a comprehensive plan for the modernization of the Army's helicopter fleet.

(b) CONTENT OF PLAN.—The plan required by subsection (a) shall, at a minimum, contain the following:

(1) A detailed assessment of the Army's present and future helicopter requirements and present and future helicopter inventory, including number of aircraft, age of aircraft, availability of spare parts, flight hour costs, roles and functions assigned to the fleet as a whole and to its individual types of aircraft, and the mix of active component aircraft and reserve component aircraft in the fleet.

(2) Estimates and analysis of requirements and funding proposed for procurement of new aircraft.

(3) An analysis of the requirements for and funding proposed for extended service plans or service life extension plans for fleet aircraft.

(4) A plan for retiring aircraft no longer required or capable of performing assigned functions, including a discussion of opportunities to eliminate older aircraft models and to focus future funding on current or future generation aircraft.

(5) The implications of the plan for the defense industrial base.

(c) FUNDING IN FUTURE-YEARS DEFENSE PROGRAM.—The Secretary of the Army shall include in the plan required by subsection (a) a certification that the plan is to be funded in the future-years defense program submitted to Congress in 1998 pursuant to section 221(a) of title 10, United States Code.

SEC. 112. MULTIYEAR PROCUREMENT AUTHORITY FOR AH–64D LONGBOW APACHE FIRE CONTROL RADAR.

Beginning with the fiscal year 1998 program year, the Secretary of the Army may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear procurement contract for the procurement of the AH–64D Longbow Apache fire control radar.

Subtitle C—Navy Programs

SEC. 121. NEW ATTACK SUBMARINE PROGRAM.

(a) AMOUNTS AUTHORIZED FROM SCN ACCOUNT.—Of the amounts authorized to be appropriated by section 102(a)(3) for fiscal year 1998, $2,599,800,000 is available for the New Attack Submarine Program.

(b) CONTRACT AUTHORITY.—(1) The Secretary of the Navy may enter into a contract for the procurement of four submarines under the New Attack Submarine program.

(2) Any contract entered into under paragraph (1)—

(A) shall, notwithstanding section 2304(k) of title 10, United States Code, be awarded to one of the two eligible shipbuilders as the prime contractor on the condition that the prime contractor enter into one or more subcontracts (under such prime contract) with the other of the two eligible shipbuilders as contemplated in the New Attack Submarine Team Agreement; and

(B) shall provide for—

(i) construction of the first submarine in fiscal year 1998; and

(ii) advance construction and advance procurement of materiel for the second, third, and fourth submarines in fiscal year 1998.

(3) The following shipbuilders are eligible for a contract under this subsection:

(A) The Electric Boat Corporation.

(B) The Newport News Shipbuilding and Drydock Company.

(4) In paragraph (2)(A), the term "New Attack Submarine Team Agreement" means the agreement known as the Team Agreement between Electric Boat Corporation and Newport News Shipbuilding and Drydock Company, dated February 25, 1997, that was submitted to Congress by the Secretary of the Navy on March 31, 1997.

(c) LIMITATION OF LIABILITY.—If a contract entered into under this section is terminated, the United States shall not be liable for termination costs in excess of the total amount appropriated for the New Attack Submarine program.

(d) REPEALS OF SUPERSEDED PROVISIONS OF PREVIOUS DEFENSE AUTHORIZATION LAWS.—(1) Section 131 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 206) is amended—

(A) in subsection (a)(1)(B)—

(i) in clause (i), by striking out ", which shall be built by Electric Boat Division"; and

(ii) in clause (ii), by striking out ", which shall be built by Newport News Shipbuilding"; and

(B) in subsection (b), by striking out paragraph (1).

(2) Section 121 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2441) is amended—

(A) in subsection (a)—

(i) in paragraph (1)(B), by striking out "to be built by Electric Boat Division"; and

(ii) in paragraph (1)(C), by striking out "to be built by Newport News Shipbuilding";

(B) in subsection (d), by striking out paragraph (2);

(C) in subsection (e), by striking out paragraph (1); and

(D) in subsection (g), by striking out "the committees specified in subsection (e)(1)" in paragraphs (3) and(4) and inserting in lieu thereof "the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives".

(e) INAPPLICABILITY OF SUPERSEDED ASPECTS OF ATTACK SUBMARINE DEVELOPMENT PLAN.—The Secretary of Defense and the Secretary of the Navy are not required to carry out the portions of the program plan submitted under subsection (c) of section 131 of the National Defense Authorization Act for Fiscal Year 1996 that are included in the plan pursuant to subparagraphs (A), (B), and (E) of paragraph (2) of such subsection.

SEC. 122. NUCLEAR AIRCRAFT CARRIER PROGRAM.

(a) AMOUNTS AUTHORIZED FROM SCN ACCOUNT.—Of the amounts authorized to be appropriated by section 102(a)(3) for fiscal year 1998, $345,000,000 is available for the procurement and construction of nuclear and nonnuclear components for the CVN–77 nuclear aircraft carrier program. The Secretary of the Navy is authorized to enter into a contract or contracts with the shipbuilder for the procurement and construction of such components.

(b) AMOUNTS AUTHORIZED FROM RDT&E ACCOUNT.—Of the amounts authorized to be appropriated by section 201(2) for fiscal year 1998, $35,000,000 is available for research, development, test, and evaluation of technologies that have potential for use in the CVN–77 nuclear aircraft carrier program.

SEC. 123. EXCEPTION TO COST LIMITATION FOR SEAWOLF SUBMARINE PROGRAM.

In the application of the limitation in section 133(a) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 211), there shall not be taken into account $745,700,000 of the amounts that were obligated or expended for procurement of Seawolf class submarines before the date of the enactment of this Act (that amount being the total of amounts of funds appropriated for fiscal years 1990, 1991, and 1992 for the procurement of Seawolf class submarines that have been obligated or expended for procurement under the SSN–23, SSN–24, and SSN–25 Seawolf class submarine programs, which have been canceled since the limitation took effect).

SEC. 124. AIRBORNE SELF-PROTECTION JAMMER PROGRAM.

(a) LIMITATION ON RESUMPTION OF SERIAL PRODUCTION.—Serial production of the airborne self-protection jammer may not be resumed until the Director of Operational Test and Evaluation of the Department of Defense has certified in writing to Congress that—

(1) the capabilities of the airborne self-protection jammer exceed the capabilities of the integrated defensive electronics countermeasure system that is under development for use in F/A–18E/F aircraft;

(2) the units of the airborne self-protection jammer to be produced are to be used in F/A–18E/F aircraft; and

(3) the deficiencies in the airborne self-protection jammer noted by the Director before the date of the enactment of this Act have been eliminated.

(b) LIMITATION ON OBLIGATION OF FUNDS.—No funds authorized to be appropriated by this or any other Act may be obligated for serial production of the airborne self-protection jammer until the Secretary of Defense has certified in writing to Congress that funding is programmed for serial production of the airborne self-protection jammer in the future-years defense program.

Subtitle D—Air Force Programs

SEC. 131. B–2 BOMBER AIRCRAFT PROGRAM.

(a) PROHIBITION.—None of the funds authorized to be appropriated in this or any other Act may be used—

(1) to procure any additional B–2 bomber aircraft; or

(2) to maintain any part of the bomber industrial base solely for the purpose of preserving the option to procure additional B–2 bomber aircraft in the future.

(b) EXCEPTIONS.—The prohibition in subsection (a) does not apply to—

(1) any B–2 bomber aircraft that is covered by a contract for the production of that aircraft as of the date of the enactment of this Act; or

(2) any part of the bomber industrial base that is necessary for producing all B–2 bomber aircraft referred to in paragraph (1), but only for so long as is necessary to complete the production of such aircraft.

Subtitle E—Other Matters

SEC. 141. PROHIBITION ON USE OF FUNDS FOR ACQUISITION OR ALTERATION OF PRIVATE DRYDOCKS.

None of the funds authorized to be appropriated by this or any other Act may be used, directly or indirectly, to purchase, lease, upgrade, or modify privately-owned drydocks.

SEC. 142. REPLACEMENT OF ENGINES ON AIRCRAFT DERIVED FROM BOEING 707 AIRCRAFT.

(a) ANALYSIS REQUIRED.—The Under Secretary of Defense for Acquisition and Technology shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives an analysis of the requirements of the Department of Defense for replacing engines on the aircraft of the department that are derived from the Boeing 707 aircraft and the costs of meeting the requirements.

(b) CONTENT.—The analysis shall include the following:

(1) The number of aircraft described in subsection (a) that are in the inventory of the Department of Defense and the number of such aircraft that are projected to be in the inventory of the department in 5 years, in 10 years, and in 15 years.

(2) For each type of such aircraft, the estimated cost of operating the aircraft for each fiscal year after fiscal year 1997 and before fiscal year 2015, taking into account historical patterns of usage and projected support costs.

(3) For each type of such aircraft, the estimated costs and the benefits of replacing the engines on the aircraft, analyzed on the basis of the experience under the limited program for replacing the engines on RC–135 aircraft that was undertaken during fiscal years 1995, 1996, and 1997.

(4) The estimated total cost of replacing the engines pursuant to a program that provides for replacement of the engines on all of the aircraft of one type before undertaking the replacement of the engines on the aircraft of another type, with a higher priority being given in turn to each type of aircraft in which the replacement of the engines is expected to yield the anticipated benefits of replacement faster.

(5) Various plans for replacement of engines that the Under Secretary considers best on the basis of costs and benefits.

(c) SUBMISSION DEADLINE.—The Under Secretary shall submit the report under this section not later than March 1, 1998.

SEC. 143. EXCEPTION TO REQUIREMENT FOR A PARTICULAR DETERMINATION FOR SALES OF MANUFACTURED ARTICLES OR SERVICES OF ARMY INDUSTRIAL FACILITIES OUTSIDE THE UNITED STATES.

Section 4543 of title 10, United States Code, is amended—

(1) in subsection (a)(5), by inserting ", except in the case of a sale described in subsection (b)," after "the Secretary of the Army determines";

(2) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively; and

(3) by inserting after subsection (a) the following new subsection (b):

"(b) EXCEPTION TO REQUIREMENT FOR A PARTICULAR DETERMINATION.—A determination described in subsection (a)(5) is not necessary under the regulations in the case of—

"(1) a sale of articles to be incorporated into a weapon system being procured by the Department of Defense; or

"(2) a sale of services to be used in the manufacture of a weapon system being procured by the Department of Defense.".

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 1998 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $4,750,462,000.

(2) For the Navy, $7,812,972,000.

(3) For the Air Force, $14,302,264,000.

(4) For Defense-wide activities, $10,072,347,000, of which—

(A) $268,183,000 is authorized for the activities of the Director, Test and Evaluation; and

(B) $31,384,000 is authorized for the Director of Operational Test and Evaluation.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. JOINT STRIKE FIGHTER PROGRAM.

(a) REPORT.—Not later than February 15, 1998, the Secretary of Defense shall submit to the congressional defense committees a report on the options for the sequence in which the variants of the joint strike fighter are to be produced and fielded.

(b) CONTENT OF REPORT.—The report shall contain the following:

(1) A review of the plan for production under the Joint Strike Fighter program that was used by the Department of Defense for developing the funding estimates for the fiscal year 1999 budget request for the Department of Defense.

(2) An estimate of the costs, and an analysis of the costs and benefits, of producing the joint strike fighter variants in a sequence that provides for fielding of the naval variant of the aircraft first.

(3) A comparison of the costs and benefits of the various options for the sequence for fielding the variants of the joint strike fighter that the Secretary of Defense considers likely to be the options from among which a sequence for fielding is selected, including a discussion of the effects that selection of each such option would have on the costs and rates of production of the units of F/A–18E/F and F–22 aircraft that are in production when the Joint Strike Fighter Program proceeds into production.

(c) LIMITATION ON USE OF FUNDS PENDING SUBMISSION OF REPORT.—Not more than 90 percent of the total amount authorized to be appropriated under this Act for the Joint Strike Fighter Program may be obligated until the date that is 30 days after the date on which the congressional defense committees receive the report required under this section.

(d) FISCAL YEAR 1998 BUDGET DEFINED.—In this section, the term "fiscal year 1999 budget request for the Department of Defense" means the budget estimates for the Department of Defense for fiscal year 1999 that were submitted to Congress by the Secretary of Defense in connection with the submission of the budget for fiscal year 1998 to Congress under section 1105 of title 31, United States Code.

SEC. 212. F–22 AIRCRAFT PROGRAM.

(a) LIMITATION ON TOTAL COST OF ENGINEERING AND MANUFACTURING DEVELOPMENT.—The total amount obligated or expended for engineering and manufacturing development under the F–22 aircraft program may not exceed $18,688,000,000.

(b) LIMITATION ON OBLIGATION OF FUNDS.—Of the total amount authorized to be appropriated for the F–22 aircraft program for a fiscal year, not more than 90 percent of the amount may be obligated until the Comptroller General submits to Congress—

(1) the report required to be submitted in that fiscal year under subsection (c); and

(2) a certification that the Comptroller General has had access to sufficient information to make informed judgments on the matters covered by the report.

(c) ANNUAL GAO REVIEW.—(1) Not later than December 1 of each year, the Comptroller General shall review the F–22 aircraft program and submit to Congress a report on the results of the review. The Comptroller General shall also submit to Congress for each report a certification regarding whether the Comptroller General has had access to sufficient information to make informed judgments on the matters covered by the report.

(2) The report submitted on the program each year shall include the following:

(A) The extent to which engineering and manufacturing development under the program is meeting the goals established for engineering and manufacturing development under the program.

(B) The status of costs, testing, and modifications.

(C) The plan for engineering and manufacturing development (leading to production) under the program for the fiscal year that begins in the following year.

(D) A conclusion regarding whether the plan referred to in subparagraph (C) can be successfully carried out consistent with the limitation in subsection (a).

(E) A conclusion regarding whether engineering and manufacturing development (leading to production) under the program is likely to be completed at a total cost not in excess of the amount specified in subsection (a).

(3) The Comptroller General shall submit the first report under this subsection not later than December 1, 1997. No report is required under this subsection after engineering and manufacturing development under the program has been completed.

(d) REQUIREMENT TO SUPPORT ANNUAL GAO REVIEW.—The Secretary of the Air Force and the prime contractor under the F–22 aircraft program shall provide the Comptroller General with such information on the program as the Comptroller considers necessary to carry out the responsibilities under subsection (c).

SEC. 213. HIGH ALTITUDE ENDURANCE UNMANNED VEHICLE PROGRAM.

(a) LIMITATION ON TOTAL COST OF ADVANCED CONCEPT TECHNOLOGY DEMONSTRATION.—(1) The total amount obligated or expended for advanced concept technology demonstration under the High Altitude Endurance Unmanned Vehicle Program through fiscal year 2003 may not exceed $476,826,000.

(2) The total amount obligated or expended in fiscal year 1999, 2000, 2001, or 2002 for advanced concept technology demonstration under the High Altitude Endurance Unmanned Vehicle Program may not exceed the amount specified for that fiscal year, as follows:

(A) In fiscal year 1999, not more than $167,864,000.

(B) In fiscal year 2000, not more than $31,374,000.

(C) In fiscal year 2001, not more than $19,106,000.

(D) In fiscal year 2002, not more than $20,866,000.

(b) LIMITATION ON ACQUISITION.—No high altitude endurance unmanned vehicle may be acquired after the date of the enactment of this Act until 50 percent of the testing programmed in the test and evaluation master plan (as of such date) for the high altitude endurance unmanned vehicle has been completed.

(c) LIMITATION ON PROCEEDING.—The High Altitude Endurance Unmanned Vehicle Program may not proceed beyond advanced concept technology demonstration until the Comptroller General has certified to Congress that the high altitude endurance unmanned vehicles can be produced under the program at an average unit cost that does not exceed $10,000,000 (the so-called fly away price) in fiscal year 1994 constant dollars.

(d) GAO REVIEW.—(1) The Comptroller General shall review the High Altitude Endurance Unmanned Vehicle Program for purposes of making the certification under subsection (c).

(2) The Secretary of Defense and the prime contractors under the High Altitude Endurance Unmanned Vehicle Program shall provide the Comptroller General with such information on the program as the Comptroller considers necessary to make the determinations required for the certification under subsection (c).

SEC. 214. ADVANCED ANTI-RADIATION GUIDED MISSILE PROGRAM.

To the extent provided in appropriations Acts, the Secretary of the Navy may use not more than $25,000,000 of the amount appropriated for the Navy for fiscal year 1997 for research, development, test, evaluation for the Advanced Anti-Radiation Guided Missile Program in order to fund fiscal year 1998 research, development, test, and evaluation programs of the Navy that have a higher priority than such program.

SEC. 215. FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS.

(a) LIMITATION ON STAFF YEARS FUNDED.—Not more than 6,006 staff years of technical effort (staff years) may be funded for federally funded research and development centers out of the funds authorized to be appropriated for the Department of Defense for fiscal year 1998.

(b) ALLOCATIONS AMONG CENTERS.—(1) Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that specifies the number of staff years of technical effort that is to be allocated (for funding as described in subsection (a)) to each defense federally funded research and development center for fiscal year 1998.

(2) After the submission of the report on allocation of staff years of technical effort under paragraph (1), the Secretary of Defense may not reallocate more than 5 percent of the staff years of technical effort allocated to a federally funded research and development center for fiscal year 1998 from that center to other federally funded research and development centers until 30 days after the date on which the Secretary has submitted a justification for the reallocation to the congressional defense committees.

(c) FISCAL YEAR 1999 ALLOCATION.—(1) The Secretary of Defense shall submit to the congressional defense committees a report that specifies the number of staff years of technical effort that is to be allocated to each federally funded research and development center for fiscal year 1999 for funding out of the funds authorized to be appropriated for the Department of Defense for that fiscal year.

(2) The report shall be submitted at the same time that the President submits the budget for fiscal year 1999 to Congress under section 1105 of title 31, United States Code.

(c) STAFF YEAR DEFINED.—In this section, the term ''staff year of technical effort'' means 1,810 hours of paid effort by direct and consultant labor performing professional-level technical work primarily in the fields of studies and analysis, system engineering and integration, systems planning, program and policy planning and analyses, and basic and applied research.

SEC. 216. GOAL FOR DUAL-USE SCIENCE AND TECHNOLOGY PROJECTS.

(a) GOALS.—(1) Subject to paragraph (3), it shall be the objective of the Secretary of each military department to obligate for dual-use projects in each fiscal year referred to in paragraph (2), out of the total amount authorized to be appropriated for such fiscal year for new projects initiated under the applied research programs of the military department, the percent of such amount that is specified for that fiscal year in paragraph (2).

(2) The objectives for fiscal years under paragraph (1) are as follows:

(A) For fiscal year 1998, 5 percent.

(B) For fiscal year 1999, 7 percent.

(C) For fiscal year 2000, 10 percent.

(3) The Secretary of Defense may establish for a military department for a fiscal year an objective different from the objective set forth in paragraph (2) if the Secretary—

(A) determines that compelling national security considerations require the establishment of the different objective; and

(2) notifies Congress of the determination and the reasons for the determination.

(b) DESIGNATION OF OFFICIAL FOR DUAL-USE PROGRAMS.—(1) The Secretary of Defense shall designate a senior official in the Office of the Secretary of Defense to carry out responsibilities for dual-use programs under this subsection. The designated official shall report directly to the Under Secretary of Defense for Acquisition and Technology.

(2) The primary responsibilities of the designated official shall include developing policy and overseeing the establishment of, and adherence to, procedures for ensuring that dual-use programs are initiated and administered effectively and that applicable commercial technologies are integrated into current and future military systems.

(3) In carrying out the responsibilities, the designated official shall ensure that—

(A) dual-use projects are consistent with the joint warfighting science and technology plan referred to in section 270 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 10 U.S.C. 2501 note); and

(B) the dual-use projects of the military departments and defense agencies of the Department of Defense are coordinated and avoid unnecessary duplication.

(c) FINANCIAL COMMITMENT OF NON-FEDERAL GOVERNMENT PARTICIPANTS.—The total amount of funds provided by a military department for a dual-use project entered into by the Secretary of that department shall not exceed 50 percent of the total cost of the project. The Secretary may consider in-kind contributions by non-Federal participants for dual-use projects for the purpose of calculating the share of project costs that has been or is being undertaken by such participants only to the extent provided in regulations issued pursuant to section 2511(c)(2) of title 10, United States Code.

(d) USE OF COMPETITIVE PROCEDURES.—Funds obligated for a dual-use project may be counted toward meeting an objective under subsection (a) only if the funds are obligated for a contract, grant, cooperative agreement, or other transaction that was entered into through the use of competitive procedures.

(e) REPORT.—(1) Not later than January 31 of each of 1998, 1999, and 2000, the Secretary of Defense shall submit a report to the congressional defense committees on the progress made by the Department of Defense in meeting the objectives set forth in subsection (a) during the preceding fiscal year.

(2) The report for a fiscal year shall contain, at a minimum, the following:

(A) The aggregate value of all contracts, grants, cooperative agreements, or other transactions entered into during the fiscal year for which funding is counted toward meeting an objective under this section, expressed in relationship to the total amount appropriated for the applied research programs in the Department of Defense for that fiscal year.

(B) For each military department, the value of all contracts, grants, cooperative agreements, or other transactions entered into during the fiscal year for which funding is counted toward meeting an objective under this section, expressed in relationship to the total amount appropriated for the applied research program of the military department for that fiscal year.

(C) A summary of the cost-sharing arrangements in dual-use projects that were initiated during the fiscal year and are counted toward reaching an objective under this section.

(D) A description of the regulations, directives, or other procedures that have been issued by the Secretary of Defense or the Secretary of a military department to increase the percentage of the total value of the dual-use projects undertaken to meet or exceed an objective under this section.

(E) Any recommended legislation to facilitate achievement of objectives under this section.

(f) REPEAL OF SUPERSEDED AUTHORITY.—Section 203 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2451) is repealed.

(g) DEFINITIONS.—In this section:

(1) The term ''applied research program'' means a program of a military department which is funded under the 6.2 Research, Development, Test and Evaluation account of that department.

(2) The term ''dual-use project'' means a project under a program of a military department or a defense agency under which research or development of a dual-use technology is carried out and the costs of which are shared by the Department of Defense and non-Government entities.

SEC. 217. TRANSFERS OF AUTHORIZATIONS FOR COUNTERPROLIFERATION SUPPORT PROGRAM.

(a) IN GENERAL.—In addition to the transfer authority provided in section 1001, upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to

the Department of Defense in this division for fiscal year 1998 to counterproliferation programs, projects, and activities identified as areas for progress by the Counterproliferation Program Review Committee established by section 1605 of the National Defense Authorization Act for Fiscal Year 1994 (22 U.S.C. 2751 note). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(b) LIMITATIONS.—(1) The total amount of authorizations transferred under the authority of this section may not exceed $50,000,000.

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

(A) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

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

(c) EFFECT OF TRANSFERS ON ACCOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) CONGRESSIONAL NOTIFICATION.—The Secretary of Defense shall promptly notify Congress of transfers made under the authority of this section.

SEC. 218. KINETIC ENERGY TACTICAL ANTI-SATELLITE TECHNOLOGY PROGRAM.

(a) FUNDING.—Of the funds authorized to be appropriated under section 201(4), $80,000,000 shall be available for the kinetic energy tactical anti-satellite technology program.

(b) LIMITATION.—None of the funds authorized to be appropriated to the Department of Defense for fiscal year 1998 for program element 65104D, relating to technical studies and analyses, may be obligated or expended until the funds specified in subsection (a) have been released to the program manager of the tactical kinetic energy anti-satellite technology program for implementation of that program.

SEC. 219. CLEMENTINE 2 MICRO-SATELLITE DEVELOPMENT PROGRAM.

(a) FUNDING.—Of the amount authorized to be appropriated under section 201(3), $50,000,000 shall be available for the Clementine 2 micro-satellite near-earth asteroid interception mission.

(b) LIMITATION.—Of the funds authorized to be appropriated pursuant to this Act in program element 64480F for the Global Positioning System Block IIF satellite system, not more than $35,000,000 may be obligated until the Secretary of Defense certifies to Congress that the Secretary has made available for obligation the funds appropriated pursuant to subsection (a) for the purpose specified in that subsection.

Subtitle C—Ballistic Missile Defense Programs

SEC. 221. NATIONAL MISSILE DEFENSE PROGRAM.

(a) PROGRAM STRUCTURE.—To preserve the option of achieving an initial operational capability in fiscal year 2003, the Secretary of Defense shall ensure that the National Missile Defense Program is structured and programmed for funding so as to support a test, in fiscal year 1999, of an integrated national missile defense system that is representative of the national missile defense system architecture that could achieve initial operational capability in fiscal year 2003.

(b) ELEMENTS OF NMD SYSTEM.—The national missile defense system architecture specified in subsection (a) shall consist of the following elements:

(1) An interceptor system that optimizes defensive coverage of the continental United States, Alaska, and Hawaii against limited ballistic missile attack (whether accidental, unauthorized, or deliberate).

(2) Ground-based radars.

(3) Space-based sensors.

(4) Battle management, command, control, and communications (BM/C3).

(c) PLAN FOR NMD SYSTEM DEVELOPMENT AND DEPLOYMENT.—Not later than February 15, 1998, the Secretary of Defense shall submit to the congressional defense committees a plan for the development and deployment of a national missile defense system that could achieve initial operational capability in fiscal year 2003. The plan shall include the following matters:

(1) A detailed description of the system architecture selected for development.

(2) A discussion of the justification for the selection of that particular architecture.

(3) The Secretary's estimate of the amounts of the appropriations that would be necessary for research, development, test, evaluation, and for procurement for each of fiscal years 1999 through 2003 in order to achieve an initial operational capability of the system architecture in fiscal year 2003.

(4) For each activity necessary for the development and deployment of the national missile defense system architecture selected by the Secretary that would at some point conflict with the terms of the ABM Treaty, if any—

(A) a description of the activity;

(B) a description of the point at which the activity would conflict with the terms of the ABM Treaty;

(C) the legal analysis justifying the Secretary's determination regarding the point at which the activity would conflict with the terms of the ABM Treaty; and

(D) an estimate of the time at which such point would be reached in order to achieve a test of an integrated missile defense system in fiscal year 1999 and initial operational capability of such a system in fiscal year 2003.

(d) FUNDING FOR FISCAL YEAR 1998.—Of the funds authorized to be appropriated under section 201(4), $978,091,000 shall be available for the national missile defense program.

(e) ABM TREATY DEFINED.—In this section, the term ''ABM Treaty'' means the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems, signed at Moscow on May 26, 1972, and includes the Protocol to that treaty, signed at Moscow on July 3, 1974.

SEC. 222. REVERSAL OF DECISION TO TRANSFER PROCUREMENT FUNDS FROM THE BALLISTIC MISSILE DEFENSE ORGANIZATION.

(a) TRANSFERS REQUIRED.—The Secretary of Defense shall—

(1) transfer to appropriations available to the Ballistic Missile Defense Organization for procurement for fiscal year 1998 the amounts that were transferred to accounts of the Army, Navy, Air Force, and Marine Corps pursuant to Program Budget Decision 224C3, signed by the Under Secretary of Defense (Comptroller) on December 23, 1996; and

(2) ensure that, in the future-years defense program, the procurement funding covered by that program budget decision is programmed for appropriations accounts of the Ballistic Missile Defense Organization rather than appropriations accounts of the Armed Forces.

(b) RELATIONSHIP TO OTHER TRANSFER AUTHORITY.—The transfer authority provided in subsection (a) is in addition to the transfer authority provided in section 1001.

Subtitle D—Other Matters

SEC. 231. MANUFACTURING TECHNOLOGY PROGRAM.

Section 2525(c)(2) of title 10, United States Code, is amended to read as follows:

''(2) In order to promote increased dissemination and use of manufacturing technology throughout the national defense technology and industrial base, the Secretary shall seek, to the maximum extent practicable, the participation of manufacturers of manufacturing equipment in the projects under the program.''.

SEC. 232. USE OF MAJOR RANGE AND TEST FACILITY INSTALLATIONS BY COMMERCIAL ENTITIES.

(a) EXTENSION OF AUTHORITY.—Subsection (g) of section 2681 of title 10, United States Code, is amended by striking out ''1998'' and inserting in lieu thereof ''2001''.

(b) ADDITIONAL REPORTING REQUIREMENT.—Subsection (h) of such section is amended—

(1) by striking out ''REPORT.—'' and inserting in lieu thereof ''REPORTS.—(1)''; and

(2) by adding at the end the following:

''(2) Not later than February 15, 1998, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report identifying existing and proposed procedures to ensure that the use of Major Range and Test Facility Installations by commercial entities does not compete with private sector test and evaluation services.''.

(c) REPEAL OF REPORTING REQUIREMENTS WHEN EXECUTED.—Effective on October 1, 1998, subsection (h) of such section is repealed.

SEC. 233. ELIGIBILITY FOR THE DEFENSE EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RESEARCH.

Section 257 of the National Defense Authorization Act for Fiscal Year 1995 (10 U.S.C. 2358 note) is amended by adding at the end the following:

''(f) STATE DEFINED.—In this section, the term 'State' means a State of the United States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands of the United States, American Samoa, and the Commonwealth of the Northern Mariana Islands.''.

SEC. 234. RESTRUCTURING OF NATIONAL OCEANOGRAPHIC PARTNERSHIP PROGRAM ORGANIZATIONS.

(a) NATIONAL OCEAN RESEARCH LEADERSHIP COUNCIL.—Section 7902 of title 10, United States Code, is amended—

(1) in subsection (b)—

(A) by striking out paragraphs (11), (14), (15), (16) and (17); and

(B) by redesignating paragraphs (12) and (13) as paragraphs (11) and (12), respectively;

(2) by striking out subsection (d); and

(3) by redesignating subsections (e), (f), (g), (h), and (i) as subsections (d), (e), (f), (g), and (h), respectively.

(b) OCEAN RESEARCH ADVISORY PANEL.—(1) Section 7903(a) of such title is amended by striking out ''government, academia, and industry'' and inserting in lieu thereof ''State governments, academia, and ocean industries''.

(2) Section 282(c) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2473) is amended by striking out ''January 1, 1997'' and inserting in lieu thereof ''January 1, 1998''.

(c) CONFORMING AMENDMENTS.—Section 282 of the National Defense Authorization Act for Fiscal Year 1997 is amended—

(1) by striking out subsection (b); and

(2) by redesignating subsections (c), (d), (e), and (f) as subsections (b), (c), (d), and (e), respectively.

(d) EFFECTIVE DATE.—The amendments made by subsection (a) and (b) shall be effective as of September 23, 1996, as if included in section 282 of Public Law 104–201.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 1998 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $17,194,284,000.

(2) For the Navy, $21,681,330,000.

(3) For the Marine Corps, $2,379,445,000.

(4) For the Air Force, $18,861,685,000.

(5) For Defense-wide activities, $10,280,838,0000.

(6) For the Army Reserve, $1,212,891,000.

(7) For the Naval Reserve, $834,711,000.

(8) For the Marine Corps Reserve, $110,366,000.

(9) For the Air Force Reserve, $1,624,420,000.

(10) For the Army National Guard, $2,288,932,000.

(11) For the Air National Guard, $2,991,219,000.

(12) For the Defense Inspector General, $136,580,000.

(13) For the United States Court of Appeals for the Armed Forces, $6,952,000.

(14) For Environmental Restoration, Army, $350,337,000.

(15) For Environmental Restoration, Navy, $257,500,000.

(16) For Environmental Restoration, Air Force, $351,900,000.

(17) For Environmental Restoration, Defense-Wide, $25,900,000.

(18) For Environmental Restoration, Formerly Used Defense Sites, $188,300,000.

(19) For Overseas Contingency Operations, $1,467,500,000.

(20) For Drug Interdiction and Counterdrug Activities, Defense-wide, $660,882,000.

(21) For Medical Programs, Defense, $9,954,782,000.

(22) For Former Soviet Union Threat Reduction programs, $322,000,000.

(23) For Overseas Humanitarian Demining and CINC Initiative activities, $40,130,000.

(24) For the Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Trust Fund, $10,000,000.

SEC. 302. WORKING-CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 1998 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working-capital and revolving funds in amounts as follows:

(1) For the Defense Working-Capital Fund, $33,400,000.

(2) For the National Defense Sealift Fund, $516,126,000.

(3) For the Military Commissary Fund, $938,552,000.

SEC. 303. ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 1998 from the Armed Forces Retirement Home Trust Fund the sum of $79,977,000 for the operation of the Armed Forces Retirement Home, including the United States Soldiers' and Airmen's Home and the Naval Home.

SEC. 304. TRANSFER FROM NATIONAL DEFENSE STOCKPILE TRANSACTION FUND.

(a) TRANSFER AUTHORITY.—To the extent provided in appropriations Acts, not more than $150,000,000 is authorized to be transferred from the National Defense Stockpile Transaction Fund to operation and maintenance accounts for fiscal year 1998 in amounts as follows:

(1) For the Army, $50,000,000.

(2) For the Navy, $50,000,000.

(3) For the Air Force, $50,000,000.

(b) TREATMENT OF TRANSFERS.—Amounts transferred under this section—

(1) shall be merged with, and be available for the same purposes and the same period as, the amounts in the accounts to which transferred; and

(2) may not be expended for an item that has been denied authorization of appropriations by Congress.

(c) RELATIONSHIP TO OTHER TRANSFER AUTHORITY.—The transfer authority provided in this section is in addition to the transfer authority provided in section 1001.

SEC. 305. FISHER HOUSE TRUST FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 1998, out of funds in Fisher House Trust Funds not otherwise appropriated, for the operation and maintenance of Fisher houses described in section 2221(d) of title 10, United States Code, as follows:

(1) The Fisher House Trust Fund, Department of the Army, $150,000 for Fisher houses that are located in proximity to medical treatment facilities of the Army.

(2) The Fisher House Trust Fund, Department of the Navy, $150,000 for Fisher houses that are located in proximity to medical treatment facilities of the Navy.

Subtitle B—Depot-Level Activities

SEC. 311. DEFINITION OF DEPOT-LEVEL MAINTENANCE AND REPAIR.

(a) DEPOT-LEVEL MAINTENANCE AND REPAIR DEFINED.—Chapter 146 of title 10, United States Code, is amended by inserting before section 2461 the following new section:

"§ 2460. Definition of depot-level maintenance and repair

"(a) IN GENERAL.—In this chapter, the term 'depot-level maintenance and repair' means materiel maintenance or repair requiring the overhaul or rebuilding of parts, assemblies, or subassemblies, and the testing and reclamation of equipment as necessary, regardless of the source of funds for the maintenance or repair. The term includes all aspects of software maintenance and such portions of interim contractor support, contractor logistics support, or any similar contractor support for the performance of services that are described in the preceding sentence.

"(b) EXCEPTION.—The term does not include the following:

"(1) Ship modernization activities that were not considered to be depot-level maintenance and repair activities under regulations of the Department of Defense in effect on March 30, 1997.

"(2) A procurement of a modification or upgrade of a major weapon system."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting before the item relating to section 2461 the following new item:

"2460. Definition of depot-level maintenance and repair.".

SEC. 312. RESTRICTIONS ON CONTRACTS FOR PERFORMANCE OF DEPOT-LEVEL MAINTENANCE AND REPAIR AT CERTAIN FACILITIES.

Section 2469 of title 10, United States Code, is amended—

(1) in subsections (a) and (b), by striking out "or repair" and inserting in lieu thereof "and repair"; and

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

"(d) RESTRICTION ON CONTRACTS AT CERTAIN FACILITIES.—

"(1) RESTRICTION.—The Secretary of Defense may not enter into any contract for the performance of depot-level maintenance and repair of weapon systems or other military equipment of the Department of Defense, or for the performance of management functions related to depot-level maintenance and repair of such systems or equipment, at any military installation of the Air Force where a depot-level maintenance and repair facility was approved in 1995 for closure or realignment under 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). In the preceding sentence, the term 'military installation of the Air Force' includes a former military installation closed or realigned under the Act that was a military installation of the Air Force when it was approved for closure or realignment under the Act.

"(2) EXCEPTION.—Paragraph (1) shall not apply with respect to an installation or former installation described in such paragraph if the Secretary of Defense certifies to Congress, not later than 45 days before entering into a contract for performance of depot-level maintenance and repair at the installation or former installation, that—

"(A) not less than 75 percent of the capacity at each of the depot-level maintenance and repair activities of the Air Force is being utilized on an ongoing basis to perform industrial operations in support of the depot-level maintenance and repair of weapon systems and other military equipment of the Department of Defense;

"(B) the Secretary has determined, on the basis of a detailed analysis (which the Secretary shall submit to Congress with the certification), that the total amount of the costs of the proposed contract to the Government, both recurring and nonrecurring and including any costs associated with planning for and executing the proposed contract, would be less than the costs that would otherwise be incurred if the depot-level maintenance and repair to be performed under the contract were performed using equipment and facilities of the Department of Defense;

"(C) all of the information upon which the Secretary determined that the total costs to the Government would be less under the contract is available for examination; and

"(D) none of the depot-level maintenance and repair to be performed under the contract was considered, before July 1, 1995, to be a core logistics capability of the Air Force pursuant to section 2464 of this title.

"(3) CAPACITY OF DEPOT-LEVEL ACTIVITIES.—For purposes of paragraph (2)(A), the capacity of depot-level maintenance and repair activities shall be considered to be the same as the maximum potential capacity identified by the Defense Base Closure and Realignment Commission for purposes of the selection in 1995 of military installations for closure or realignment under the Defense Base Closure and Realignment Act of 1990, without regard to any limitation on the maximum number of Federal employees (expressed as full time equivalent employees or otherwise) in effect after 1995, Federal employment levels after 1995, or the actual availability of equipment to support depot-level maintenance and repair after 1995.

"(4) GAO REVIEW.—At the same time that the Secretary submits the certification and analysis to Congress under paragraph (2), the Secretary shall submit a copy of the certification and analysis to the Comptroller General. The Comptroller General shall review the analysis and the information referred to in subparagraph (C) of paragraph (2) and, not later than 30 days after Congress receives the certification, submit to Congress a report containing a statement regarding whether the Comptroller General concurs with the determination of the Secretary included in the certification pursuant to subparagraph (B) of that paragraph.

"(5) APPLICATION.—This subsection shall apply with respect to any contract described

in paragraph (1) that is entered into, or proposed to be entered into, after January 1, 1997.''.

SEC. 313. CORE LOGISTICS FUNCTIONS OF DEPARTMENT OF DEFENSE.

Section 2464(a) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking out ''a logistics capability (including personnel, equipment, and facilities)'' and inserting in lieu thereof ''a core logistics capability that is Government-owned and Government-operated (including Federal Government personnel and Government-owned and Government-operated equipment and facilities)'';

(2) in paragraph (2)—

(A) by inserting ''core'' before ''logistics''; and

(B) by adding at the end the following: ''Each year, the Secretary of Defense shall submit to Congress a report describing each logistics capability that the Secretary identifies as a core logistics capability.''; and

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

''(3) Those core logistics activities identified under paragraphs (1) and (2) shall include the capability, facilities, and equipment to maintain and repair the types of weapon systems and other military equipment (except systems and equipment under special access programs and aircraft carriers) that are identified by the Secretary, in consultation with the Joint Chiefs of Staff, as necessary to enable the armed forces to fulfill the contingency plans prepared under the responsibility of the Chairman of the Joint Chiefs of Staff set forth in section 153(a)(3) of this title.

''(4) The Secretary of Defense shall require the performance of core logistics functions identified under paragraphs (1), (2), and (3) at Government-owned, Government-operated facilities of the Department of Defense (including Government-owned, Government-operated facilities of a military department) and shall assign such facilities the minimum workloads necessary to ensure cost efficiency and technical proficiency in peacetime while preserving the surge capacity and reconstitution capabilities necessary to support fully the contingency plans referred to in paragraph (3).''.

SEC. 314. PERCENTAGE LIMITATION ON PERFORMANCE OF DEPOT-LEVEL MAINTENANCE OF MATERIEL.

(a) PERFORMANCE IN NON-GOVERNMENT FACILITIES.—Subsection (a) of section 2466 of title 10, United States Code, is amended to read as follows:

''(a) PERCENTAGE LIMITATION.—(1) Except as provided in paragraph (2), not more than 50 percent of the funds made available in a fiscal year to a military department or a Defense Agency for depot-level maintenance and repair workload may be used to contract for the performance of such workload in facilities other than Government-owned, Government-operated facilities.

''(2) In the administration of paragraph (1) for fiscal years ending before October 1, 1998, the percentage specified in that paragraph shall be deemed to be 40 percent.''.

(b) TREATMENT OF PERFORMANCE BY PUBLIC-PRIVATE PARTNERSHIP.—Such section is further amended by inserting after subsection (a), as amended by subsection (a), the following:

''(b) TREATMENT OF PERFORMANCE BY PUBLIC-PRIVATE PARTNERSHIP.—For the purposes of subsection (a), any performance of a depot-level maintenance and repair workload by a public-private partnership formed under section 2474(b) of this title shall be treated as performance of the workload in a Government-owned, Government-operated facility.''.

SEC. 315. CENTERS OF INDUSTRIAL AND TECHNICAL EXCELLENCE.

(a) DESIGNATION AND PURPOSE.—(1) Chapter 146 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2474. Centers of Industrial and Technical Excellence: designation; public-private partnerships

''(a) DESIGNATION.—(1) The Secretary of Defense shall designate each depot-level activity of the military departments and the Defense Agencies (other than facilities recommended for closure or major realignment under 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)) as a Center of Industrial and Technical Excellence in the recognized core competencies of the activity.

''(2) The Secretary shall establish a policy to encourage the Secretary of each military department and the head of each Defense Agency to reengineer industrial processes and adopt best-business practices at their depot-level activities in connection with their core competency requirements, so as to serve as recognized leaders in their core competencies throughout the Department of Defense and in the national technology and industrial base (as defined in section 2491(1) of this title).

''(b) PUBLIC-PRIVATE PARTNERSHIPS.—The Secretary of Defense shall enable Centers of Industrial and Technical Excellence to form public-private partnerships for the performance of depot-level maintenance and repair at such centers and shall encourage the use of such partnerships to maximize the utilization of the capacity at such Centers.

''(c) ADDITIONAL WORK.—The policy required under subsection (a) shall include measures to enable a private sector entity that enters into a partnership arrangement under subsection (b) or leases excess equipment and facilities at a Center of Industrial and Technical Excellence pursuant to section 2471 of this title to perform additional work at the Center, subject to the limitations outlined in subsection (b) of such section, outside of the types of work normally assigned to the Center.''.

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

''2474. Centers of Industrial and Technical Excellence: designation; public-private partnerships.''.

(b) REPORTING REQUIREMENT.—Not later than March 1, 1998, the Secretary of Defense shall submit to Congress a report describing the policies established by the Secretary pursuant to section 2474 of title 10, United States Code (as added by subsection (a)), to carry out that section.

SEC. 316. CLARIFICATION OF PROHIBITION ON MANAGEMENT OF DEPOT EMPLOYEES BY CONSTRAINTS ON PERSONNEL LEVELS.

Section 2472(a) of title 10, United States Code, is amended by striking out the first sentence and inserting in lieu thereof the following: ''The civilian employees of the Department of Defense, including the civilian employees of the military departments and the Defense Agencies, who perform, or are involved in the performance of, depot-level maintenance and repair workloads may not be managed on the basis of any constraint or limitation in terms of man years, end strength, full-time equivalent positions, or maximum number of employees.''.

SEC. 317. ANNUAL REPORT ON DEPOT-LEVEL MAINTENANCE AND REPAIR.

Subsection (e) of section 2466 of title 10, United States Code, is amended to read as follows:

''(e) REPORT.—(1) Not later than February 1 of each year, the Secretary of Defense shall submit to Congress a report identifying, for each military department and Defense Agency—

''(A) the percentage of the funds referred to in subsection (a) that were used during the preceding fiscal year for performance of depot-level maintenance and repair workloads in Government-owned, Government-operated facilities; and

''(B) the percentage of the funds referred to in subsection (a) that were used during the preceding fiscal year to contract for the performance of depot-level maintenance and repair workloads in facilities that are not owned and operated by the Federal Government.

''(2) Not later than 90 days after the date on which the Secretary submits the annual report under paragraph (1), the Comptroller General shall submit to the Committees on Armed Services and on Appropriations of the Senate and the Committees on National Security and on Appropriations of the House of Representatives the Comptroller's views on whether the Department of Defense has complied with the requirements of subsection (a) for the fiscal year covered by the report.''.

SEC. 318. REPORT ON ALLOCATION OF CORE LOGISTICS ACTIVITIES AMONG DEPARTMENT OF DEFENSE FACILITIES AND PRIVATE SECTOR FACILITIES.

(a) REPORT.—Not later than May 31, 1998, the Secretary of Defense shall submit to Congress a report on the allocation among facilities of the Department of Defense and facilities in the private sector of the logistics activities that are necessary to maintain and repair the weapon systems and other military equipment identified by the Secretary, in consultation with the Joint Chiefs of Staff, as being necessary to enable the Armed Forces to conduct a strategic or major theater war.

(b) ELEMENTS.—The report under subsection (a) shall set forth the following:

(1) The systems or equipment identified under subsection (a) that must be maintained and repaired in Government-owned, Government-operated facilities, using personnel and equipment of the Department, as a result of the Secretary's determination that—

(A) the work involves unique or valuable workforce skills that should be maintained in the public sector in the national interest;

(B) the base of private sector sources having the capability to perform the workloads includes industry sectors that are vulnerable to work stoppages;

(C) the private sector sources having the capability to perform the workloads have insufficient workforce levels or skills to perform the depot-level maintenance and repair workloads—

(i) in the quantity necessary, or as rapidly as the Secretary considers necessary, to enable the armed forces to fulfill the national military strategy; or

(ii) without a significant disruption or delay in the maintenance and repair of equipment;

(D) the need for performance of workloads is too infrequent, cyclical, or variable to sustain a reliable base of private sector sources having the workforce levels or skills to perform the workloads;

(E) the market conditions or workloads are insufficient to ensure that the price of private sector performance of the workloads can be controlled through competition or other means;

(F) private sector sources are not adequately responsive to the requirements of the Department for rapid, cost-effective, and flexible response to surge requirements or other contingency situations, including

changes in the mix or priority of previously scheduled workloads and reassignment of employees to different workloads without the requirement for additional contractual negotiations;

(G) private sector sources are less willing to assume responsibility for performing the workload as a result of the possibility of direct military or terrorist attack; or

(H) private sector sources cannot maintain continuity of workforce expertise as a result of high rates of employee turnover.

(2) The systems or equipment identified under subsection (a) that must be maintained and repaired in Government-owned facilities, whether Government operated or contractor-operated, as a result of the Secretary's determination that—

(A) the work involves facilities, technologies, or equipment that are unique and sufficiently valuable that the facilities, technologies, or equipment must be maintained in the public sector in the national interest;

(B) the private sector sources having the capability to perform the workloads have insufficient facilities, technology, or equipment to perform the depot-level maintenance and repair workloads—

(i) in the quantity necessary, or as rapidly as the Secretary considers necessary, to enable the armed forces to fulfill the national military strategy; or

(ii) without a significant disruption or delay in the maintenance and repair of equipment; or

(C) the need for performance of workloads is too infrequent, cyclical, or variable to sustain a reliable base of private sector sources having the facilities, technology, or equipment to perform the workloads.

(3) The systems or equipment identified under subsection (a) that may be maintained and repaired in private sector facilities.

(4) The approximate percentage of the total maintenance and repair workload of the Department of Defense necessary for the systems and equipment identified under subsection (a) that would be performed at Department of Defense facilities, and at private sector facilities, as a result of the determinations made for purposes of paragraphs (1), (2), and (3).

SEC. 319. REVIEW OF USE OF TEMPORARY DUTY ASSIGNMENTS FOR SHIP REPAIR AND MAINTENANCE.

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

(1) In order to reduce the time that the crew of a naval vessel is away from the homeport of the vessel, the Navy seeks to perform ship repair and maintenance of the vessel at the homeport of the vessel whenever it takes six months or less to accomplish the work involved.

(2) At the same time, the Navy seeks to distribute ship repair and maintenance work among the Navy shipyards (known as to ''level load'') in order to more fully utilize personnel resources.

(3) During periods when a Navy shipyard is not utilized to its capacity, the Navy sometimes sends workers at the shipyard, on a temporary duty basis, to perform ship repairs and maintenance at a homeport not having a Navy shipyard.

(4) This practice is a more efficient use of civilian employees who might otherwise not be fully employed on work assigned to Navy shipyards.

(b) GAO REVIEW AND REPORT.—(1) The Comptroller General of the United States shall review the Navy's practice of using temporary duty assignments of personnel to perform ship maintenance and repair work at homeports not having Navy shipyards. The review shall include the following:

(A) An assessment of the rationale, conditions, and factors supporting the Navy's practice.

(B) A determination of whether the practice is cost-effective.

(C) The factors affecting future requirements for, and the adherence to, the practice, together with an assessment of the factors.

(2) Not later than May 1, 1998, the Comptroller General shall submit a report on the review to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives.

SEC. 320. REPEAL OF A CONDITIONAL REPEAL OF CERTAIN DEPOT-LEVEL MAINTENANCE AND REPAIR LAWS AND A RELATED REPORTING REQUIREMENT.

Section 311 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 247; 10 U.S.C. 2464 note) is amended by striking out subsections (f) and (g).

SEC. 321. EXTENSION OF AUTHORITY FOR NAVAL SHIPYARDS AND AVIATION DEPOTS TO ENGAGE IN DEFENSE-RELATED PRODUCTION AND SERVICES.

Section 1425(e) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1684) is amended by striking out ''September 30, 1997'' and inserting in lieu thereof ''September 30, 1998''.

Subtitle C—Environmental Provisions

SEC. 331. CLARIFICATION OF AUTHORITY RELATING TO STORAGE AND DISPOSAL OF NONDEFENSE TOXIC AND HAZARDOUS MATERIALS ON DEPARTMENT OF DEFENSE PROPERTY.

(a) MATERIALS OF MEMBERS AND DEPENDENTS.—Subsection (a)(1) of section 2692 of title 10, United States Code, is amended by inserting ''or by a member of the armed forces (or a dependent of a member) living on the installation'' before the period at the end.

(b) STORAGE OF MATERIALS CONNECTED WITH COMPATIBLE USE.—Subsection (b)(8) of such section is amended—

(1) by striking out ''by a private person'';

(2) by striking out ''by that private person of an industrial-type'' and inserting in lieu thereof ''of a''; and

(3) by striking out ''; and'' and inserting in lieu thereof '', including a space launch facility located on a Department of Defense installation or other land controlled by the United States and a Department of Defense facility for testing materiel or training personnel;''.

(c) TREATMENT AND DISPOSAL OF MATERIALS CONNECTED WITH COMPATIBLE USE.—Subsection (b)(9) of such section is amended—

(1) by striking out ''by a private person'';

(2) by striking out ''commercial use by that person of an industrial-type'' and inserting in lieu thereof ''use of a'';

(3) by striking out ''with that person'' and inserting in lieu thereof ''with the prospective user''; and

(4) in subparagraph (B), by striking out ''for that person's'' and inserting in lieu thereof ''for the prospective user's''.

(d) ADDITIONAL AUTHORITY.—Subsection (b) of such section is further amended—

(1) by striking out the period at the end of paragraph (9) and inserting in lieu thereof ''; and''; and

(2) by adding at the end the following:

''(10) the storage of materials that will be used in connection with an activity of the Department of Defense or in connection with a service performed for the benefit of the Department of Defense or the disposal of materials that have been used in such connection.''.

SEC. 332. ANNUAL REPORT ON PAYMENTS AND ACTIVITIES IN RESPONSE TO FINES AND PENALTIES ASSESSED UNDER ENVIRONMENTAL LAWS.

(a) ANNUAL REPORTS.—Section 2706(b)(2) of title 10, United States Code, is amended by adding at the end the following:

''(H) A statement of the fines and penalties imposed or assessed against the Department of Defense under Federal, State, or local environmental law during the fiscal year preceding the fiscal year in which the report is submitted, which statement sets forth—

''(i) each Federal environmental statute under which a fine or penalty was imposed or assessed during the fiscal year;

''(ii) with respect to each such statute—

''(I) the aggregate amount of fines and penalties imposed or assessed during the fiscal year;

''(II) the aggregate amount of fines and penalties paid during the fiscal year;

''(III) the total amount required to meet commitments to environmental enforcement authorities under agreements entered into by the Department of Defense during the fiscal year for supplemental environmental projects agreed to in lieu of the payment of fines or penalties; and

''(IV) the number of fines and penalties imposed or assessed during the fiscal year that were—

''(aa) $10,000 or less;

''(bb) more than $10,000, but not more than $50,000;

''(cc) more than $50,000, but not more than $100,000; and

''(dd) more than $100,000; and

''(iii) with respect to each fine or penalty set forth under clause (ii)(IV)(dd)—

''(I) the installation or facility to which the fine or penalty applies; and

''(II) the agency that imposed or assessed the fine or penalty.''.

(b) REPORT IN FISCAL YEAR 1998.—The statement submitted by the Secretary of Defense under subparagraph (H) of section 2706(b)(2) of title 10, United States Code, as added by subsection (a), in 1998 shall, to the maximum extent practicable, include the information required by that subparagraph for each of fiscal years 1994 through 1997.

SEC. 333. ANNUAL REPORT ON ENVIRONMENTAL ACTIVITIES OF THE DEPARTMENT OF DEFENSE OVERSEAS.

Section 2706 of title 10, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection (d):

''(d) REPORT ON ENVIRONMENTAL ACTIVITIES OVERSEAS.—(1) The Secretary of Defense shall submit to Congress each year, not later than 30 days after the date on which the President submits to Congress the budget for a fiscal year, a report on the environmental activities of the Department of Defense overseas.

''(2) Each such report shall include the following:

''(A) A statement of the funding levels and full-time personnel required for the Department of Defense to comply during such fiscal year with each requirement under a treaty, law, contract, or other agreement for environmental restoration or compliance activities.

''(B) A statement of the funds to be expended by the Department of Defense during such fiscal year in carrying out other activities relating to the environment overseas, including conferences, meetings, and studies for pilot programs and travel related to such activities.''.

SEC. 334. MEMBERSHIP TERMS FOR STRATEGIC ENVIRONMENTAL RESEARCH AND DEVELOPMENT PROGRAM SCIENTIFIC ADVISORY BOARD.

(a) TERMS.—Section 2904(b)(4) of title 10, United States Code, is amended by striking out ''three'' and inserting in lieu thereof ''not less than two or more than four''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply to appointments to the Strategic Environmental Research and Development Program Scientific Advisory Board made before, on, or after the date of enactment of this Act.

SEC. 335. ADDITIONAL INFORMATION ON AGREEMENTS FOR AGENCY SERVICES IN SUPPORT OF ENVIRONMENTAL TECHNOLOGY CERTIFICATION.

(a) ADDITIONAL INFORMATION.—Subsection (d) of section 327 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2483; 10 U.S.C. 2702 note) is amended by adding at the end the following:

''(5) A statement of the funding that will be required to meet commitments made to State and local governments under agreements entered into during the fiscal year preceding the fiscal year in which the report is submitted.

''(6) A description of any cost-sharing arrangement under any cooperative agreement entered into under this section.''.

(b) GUIDELINES FOR REIMBURSEMENT AND COST-SHARING.—Not later than 90 days after the date of enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth the guidelines established by the Secretary for reimbursement of State and local governments, and for cost-sharing between the Department of Defense, such governments, and vendors, under agreements entered into under such section 327.

SEC. 336. RISK ASSESSMENTS UNDER THE DEFENSE ENVIRONMENTAL RESTORATION PROGRAM.

(a) IN GENERAL.—In carrying out risk assessments as part of the evaluation of facilities of the Department of Defense for purposes of allocating funds and establishing priorities for environmental restoration projects at such facilities under the Defense Environmental Restoration Program, the Secretary of Defense shall—

(1) utilize a risk assessment method that meets the requirements in subsection (b); and

(2) ensure the uniform and consistent utilization of the risk assessment method in all evaluations of facilities under the program.

(b) RISK ASSESSMENT METHOD.—The risk assessment method utilized under subsection (a) shall—

(1) take into account as a separate factor of risk—

(A) the extent to which the contamination level of a particular contaminant exceeds the permissible contamination level for the contaminant;

(B) the existence and extent of any population (including human populations and natural populations) potentially affected by the contaminant; and

(C) the existence and nature of any mechanism that would cause the population to be affected by the contaminant; and

(2) provide appropriately for the significance of any such factor in the final determination of risk.

(c) DEFENSE ENVIRONMENTAL RESTORATION PROGRAM DEFINED.—In this section, the term ''Defense Environmental Restoration Program'' means the program of environmental restoration carried out under chapter 160 of title 10, United States Code.

SEC. 337. RECOVERY AND SHARING OF COSTS OF ENVIRONMENTAL RESTORATION AT DEPARTMENT OF DEFENSE SITES.

(a) GUIDELINES.—

(1) IN GENERAL.—The Secretary of Defense shall prescribe in regulations guidelines concerning the cost-recovery and cost-sharing activities of the military departments and defense agencies.

(2) COVERED MATTERS.—The guidelines prescribed under paragraph (1) shall—

(A) establish uniform requirements relating to cost-recovery and cost-sharing activities for the military departments and defense agencies;

(B) require the Secretaries of the military departments and the heads of the defense agencies to obtain all appropriate data regarding activities of contractors of the Department or other private parties responsible for environmental contamination at Department sites that is relevant for purposes of cost-recovery and cost-sharing activities;

(C) require the Secretaries of the military departments and the heads of the defense agencies to use consistent methods in estimating the costs of environmental restoration at sites under the jurisdiction of such departments and agencies for purposes of reports to Congress on such costs;

(D) require the Secretaries of the military departments to reduce the amounts requested for environmental restoration activities of such departments for a fiscal year by the amounts anticipated to be recovered in the preceding fiscal year as a result of cost-recovery and cost-sharing activities; and

(E) resolve any unresolved issues regarding the crediting of amounts recovered as a result of such activities under section 2703(d) of title 10, United States Code.

(b) IMPLEMENTATION OF GUIDELINES.—The Secretary shall take appropriate actions to ensure the implementation of the guidelines prescribed under subsection (a), including appropriate requirements to—

(1) identify contractors of the Department and other private parties responsible for environmental contamination at Department sites;

(2) review the activities of contractors of the Department and other private parties in order to identify negligence or other misconduct in such activities that would preclude Department indemnification for the costs of environmental restoration relating to such contamination or justify the recovery or sharing of costs associated with such restoration;

(3) obtain data as provided for under subsection (a)(2)(B); and

(4) pursue cost-recovery and cost-sharing activities where appropriate.

(c) DEFINITION.—In this section, the term ''cost-recovery and-cost sharing activities'' means activities concerning—

(1) the recovery of the costs of environmental restoration at Department sites from contractors of the Department and other private parties that contribute to environmental contamination at such sites; and

(2) the sharing of the costs of such restoration with such contractors and parties.

SEC. 338. PILOT PROGRAM FOR THE SALE OF AIR POLLUTION EMISSION REDUCTION INCENTIVES.

(a) AUTHORITY.—(1) The Secretary of Defense may, in consultation with the Administrator of General Services, carry out a pilot program to assess the feasibility and advisability of the sale of economic incentives for the reduction of emission of air pollutants attributable to a facility of a military department.

(2) The Secretary may carry out the pilot program during the period beginning on October 1, 1997, and ending on September 30, 1999.

(b) INCENTIVES AVAILABLE FOR SALE.—(1) Under the pilot program, the Secretary may sell economic incentives for the reduction of emission of air pollutants attributable to a facility of a military department only if such incentives are not otherwise required for the activities or operations of the military department.

(2) The Secretary may not, under the pilot program, sell economic incentives attributable to the closure or realignment of a military installation under a base closure law.

(3) If the Secretary determines that additional sales of economic incentives are likely to result in amounts available for allocation under subsection (c)(2) in a fiscal year in excess of the limitation set forth in subparagraph (B) of that subsection, the Secretary shall not carry out such additional sales in that fiscal year.

(c) USE OF PROCEEDS.—(1) The proceeds of sale of economic incentives attributable to a facility of a military department shall be credited to the funds available to the facility for the costs of identifying, quantifying, or valuing economic incentives for the reduction of emission of air pollutants. The amount credited shall be equal to the cost incurred in identifying, quantifying, or valuing the economic incentives sold.

(2)(A)(i) If after crediting under paragraph (1) a balance remains, the amount of such balance shall be available to the Department of Defense for allocation by the Secretary to the military departments for programs, projects, and activities necessary for compliance with Federal environmental laws, including the purchase of economic incentives for the reduction of emission of air pollutants.

(ii) To the extent practicable, amounts allocated to the military departments under this subparagraph shall be made available to the facilities that generated the economic incentives providing the basis for the amounts.

(B) The total amount allocated under this paragraph in a fiscal year from sales of economic incentives may not equal or exceed $500,000.

(3) If after crediting under paragraph (1) a balance remains in excess of an amount equal to the limitation set forth in paragraph (2)(B), the amount of the excess shall be covered over into the Treasury as miscellaneous receipts.

(4) Funds credited under paragraph (1) or allocated under paragraph (2) shall be merged with the funds to which credited or allocated, as the case may be, and shall be available for the same purposes and for the same period as the funds with which merged.

(d) DEFINITIONS.—In this section:

(1) The term ''base closure law'' means the following:

(A) Section 2687 of title 10, United States Code.

(B) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).

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

(2) The term ''economic incentives for the reduction of emission of air pollutants'' means any transferable economic incentives (including marketable permits and emission rights) necessary or appropriate to meet air quality requirements under the Clean Air Act (42 U.S.C. 7401 et seq.).

SEC. 339. TAGGING SYSTEM FOR IDENTIFICATION OF HYDROCARBON FUELS USED BY THE DEPARTMENT OF DEFENSE.

(a) AUTHORITY TO CONDUCT PILOT PROGRAM.—The Secretary of Defense may conduct a pilot program using existing technology to determine—

(1) the feasibility of tagging hydrocarbon fuels used by the Department of Defense for

the purposes of analyzing and identifying such fuels;

(2) the deterrent effect of such tagging on the theft and misuse of fuels purchased by the Department; and

(3) the extent to which such tagging assists in determining the source of surface and underground pollution in locations having separate fuel storage facilities of the Department and of civilian companies.

(b) SYSTEM ELEMENTS.—The tagging system under the pilot program shall have the following characteristics:

(1) The tagging system does not harm the environment.

(2) Each chemical used in the tagging system is—

(A) approved for use under the Toxic Substances Control Act (15 U.S.C. 2601 et seq.); and

(B) substantially similar to the fuel to which added, as determined in accordance with criteria established by the Environmental Protection Agency for the introduction of additives into hydrocarbon fuels.

(3) The tagging system permits a determination if a tag is present and a determination if the concentration of a tag has changed in order to facilitate identification of tagged fuels and detection of dilution of tagged fuels.

(4) The tagging system does not impair or degrade the suitability of tagged fuels for their intended use.

(c) REPORT.—Not later than 30 days after the completion of the pilot program, the Secretary shall submit to Congress a report setting forth the results of the pilot program and including any recommendations for legislation relating to the tagging of hydrocarbon fuels by the Department that the Secretary considers appropriate.

(d) FUNDING.—Of the amounts authorized to be appropriated under section 301(5) for operation and maintenance for defense-wide activities, not more than $5,000,000 shall be available for the pilot program.

Subtitle D—Commissaries and Nonappropriated Fund Instrumentalities

SEC. 351. FUNDING SOURCES FOR CONSTRUCTION AND IMPROVEMENT OF COMMISSARY STORE FACILITIES.

(a) ADDITIONAL FUNDING SOURCES.—Section 2685 of title 10, United States Code, is amended—

(1) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

''(b) FUNDS FOR CONSTRUCTION AND IMPROVEMENTS.—Revenues received by the Department of Defense from the following sources or activities of commissary store facilities shall be available for the purposes set forth in subsections (c), (d), and (e):

''(1) Adjustments or surcharges authorized by subsection (a).

''(2) Sale of recyclable materials.

''(3) Sale of excess property.

''(4) License fees.

''(5) Royalties.

''(6) Fees paid by sources of products in order to obtain favorable display of the products for resale, known as business related management fees.

''(7) Products offered for sale in commissaries under consignment with exchanges, as designated by the Secretary of Defense.''.

SEC. 352. INTEGRATION OF MILITARY EXCHANGE SERVICES.

(a) INTEGRATION REQUIRED.—The Secretaries of the military departments shall integrate the military exchange services, including the managing organizations of the military exchange services, not later than September 30, 2000.

(b) SUBMISSION OF PLAN TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretaries of the military departments shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives the plan for achieving the integration required by subsection (a).

Subtitle E—Other Matters

SEC. 361. ADVANCE BILLINGS FOR WORKING-CAPITAL FUNDS.

(a) RESTRICTION.—Section 2208 of title 10, United States Code, is amended—

(1) by redesignating subsection (k) as subsection (l); and

(2) by inserting after subsection (j) the following new subsection (k):

''(k)(1) An advance billing of a customer for a working-capital fund is prohibited except as provided in paragraph (2).

''(2) An advance billing of a customer for a working-capital fund is authorized if—

''(A) the Secretary of Defense has submitted to the Committees on Armed Services and on Appropriations of the Senate and the Committees on National Security and on Appropriations of the House of Representatives a notification of the advance billing; and

''(B) in the case of an advance billing in an amount that exceeds $50,000,000, thirty days have elapsed since the date of the notification.

''(3) A notification of an advance billing of a customer for a working-capital fund that is submitted under paragraph (2) shall include the following:

''(A) The reasons for the advance billing.

''(B) An analysis of the effects of the advance billing on military readiness.

''(C) An analysis of the effects of the advance billing on the customer.

''(4) The Secretary of Defense may waive the applicability of this subsection—

''(A) during a period war or national emergency; or

''(B) to the extent that the Secretary determines necessary to support a contingency operation.

''(5) The Secretary of Defense shall submit to the committees referred to in paragraph (2) a report on advance billings for all working-capital funds whenever the aggregate amount of the advance billings for all working-capital funds not covered by a notification under that paragraph or a report previously submitted under this paragraph exceeds $50,000,000. The report shall be submitted not later than 30 days after the end of the month in which the aggregate amount first reaches $50,000,000. The report shall include, for each customer covered by the report, a discussion of the matters described in paragraph (3).

''(6) In this subsection:

''(A) The term 'advance billing', with respect to a working-capital fund, means a billing of a customer by the fund, or a requirement for a customer to reimburse or otherwise credit the fund, for the cost of goods or services provided (or for other expenses incurred) on behalf of the customer that is rendered or imposed before the customer receives the goods or before the services have been performed.

''(B) The term 'customer' means a requisitioning component or agency.''.

(b) REPORTS ON ADVANCE BILLINGS FOR THE DBOF.—Section 2216a(d)(3) of title 10, United States Code, is amended—

(1) in subparagraph (B)(ii), by striking out ''$100,000,000'' and inserting in lieu thereof ''$50,000,000''; and

(2) by adding at the end the following:

''(D) A report required under subparagraph (B)(ii) shall be submitted not later than 30 days after the end of the month in which the aggregate amount referred to in that subparagraph reaches the amount specified in that subparagraph.''.

(c) FISCAL YEAR 1998 LIMITATION.—(1) The total amount of advance billings for Department of Defense working-capital funds and the Defense Business Operations Fund for fiscal year 1998 may not exceed $1,000,000,000.

(2) In paragraph (1), the term ''advance billing'', with respect to the working-capital funds of the Department of Defense and the Defense Business Operations Fund, has the same meaning as is provided with respect to working-capital funds in section 2208(k)(6) of title 10, United States Code (as amended by subsection (a)).

SEC. 362. CENTER FOR EXCELLENCE IN DISASTER MANAGEMENT AND HUMANITARIAN ASSISTANCE.

(a) ESTABLISHMENT.—The Secretary of Defense may operate a Center for Excellence in Disaster Management and Humanitarian Assistance at Tripler Army Medical Center, Hawaii.

(b) MISSIONS.—The Secretary of Defense shall specify the missions of the Center. The missions shall include the following:

(1) To provide and facilitate education, training, and research in civil-military operations, particularly operations that require international disaster management and humanitarian assistance and operations that require interagency coordination.

(2) To make available high-quality disaster management and humanitarian assistance in response to disasters.

(3) To provide and facilitate education, training, interagency coordination, and research on the following additional matters:

(A) Management of the consequences of nuclear, biological, and chemical events.

(B) Management of the consequences of terrorism.

(C) Appropriate roles for the reserve components in the management of such consequences and in disaster management and humanitarian assistance in response to natural disasters.

(D) Meeting requirements for information in connection with regional and global disasters, including use of advanced communications technology as a virtual library.

(E) Tropical medicine, particularly in relation to the medical readiness requirements of the Department of Defense.

(4) To develop a repository of disaster risk indicators for the Asia-Pacific region.

(c) JOINT OPERATION WITH EDUCATIONAL INSTITUTION AUTHORIZED.—The Secretary may enter into an agreement with appropriate officials of an institution of higher education to provide for joint operation of the Center. Any such agreement shall provide for the institution to furnish necessary administrative services for the Center, including administration and allocation of funds.

(d) ACCEPTANCE OF FUNDS.—(1) Except as provided in paragraph (2), the Secretary of Defense may, on behalf of the Center, accept funds for use to defray the costs of the Center or to enhance the operation of the Center from any agency of the Federal Government, any State or local government, any foreign government, any foundation or other charitable organization (including any that is organized or operates under the laws of a foreign country), or any other private source in the United States or a foreign country.

(2)(A) The Secretary may not accept a gift or donation under paragraph (1) if the acceptance of the gift or donation, as the case may be, would compromise or appear to compromise—

(i) the ability of the Department of Defense, or any employee of the Department, to carry out any responsibility or duty of the Department in a fair and objective manner; or

(ii) the integrity of any program of the Department of Defense or of any official involved in such a program.

(B) The Secretary shall prescribe written guidance setting forth the criteria to be used in determining whether or not the acceptance of a foreign gift or donation would have a result described in subparagraph (A).

(3) Funds accepted by the Secretary under paragraph (1) shall be credited to appropriations available to the Department of Defense for the Center. Funds so credited shall be merged with the appropriations to which credited and shall be available for the Center for the same purposes and the same period as the appropriations with which merged.

(e) FUNDING FOR FISCAL YEAR 1998.—Of the funds authorized to be appropriated under section 301, $5,000,000 shall be available for the Center for Excellence in Disaster Management and Humanitarian Assistance.

SEC. 363. ADMINISTRATIVE ACTIONS ADVERSELY AFFECTING MILITARY TRAINING OR OTHER READINESS ACTIVITIES.

(a) CONGRESSIONAL NOTIFICATION.—Chapter 101 of title 10, United States Code, is amended by adding at the end the following:

"§ 2014. Administrative actions adversely affecting military training or other readiness activities

"(a) CONGRESSIONAL NOTIFICATION.—Whenever an official of an Executive agency takes or proposes to take an administrative action that, as determined by the Secretary of Defense in consultation with the Chairman of the Joint Chiefs of Staff, affects training or any other readiness activity in a manner that has or would have a significant adverse effect on the military readiness of any of the armed forces or a critical component thereof, the Secretary shall submit a written notification of the action and each significant adverse effect to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives and, at the same time, shall transmit a copy of the notification to the President and to the head of the Executive agency taking or proposing to take the administrative action.

"(b) NOTIFICATION TO BE PROMPT.—(1) Subject to paragraph (2), the Secretary shall submit a written notification of an administrative action or proposed administrative action required by subsection (a) as soon as the Secretary becomes aware of the action or proposed action.

"(2) The Secretary shall prescribe policies and procedures to ensure that the Secretary receives information on an administrative action or proposed administrative action described in subsection (a) promptly after Department of Defense personnel receive notice of such an action or proposed action.

"(c) EFFECT OF NOTIFICATION ON ADMINISTRATIVE ACTION.—Upon the submission of a notification to committees of Congress under subsection (a), the administrative action covered by the notification shall, notwithstanding any other provision of law, cease to be effective or not become effective, as the case may be, with respect to the Department of Defense until the date that is 30 days after the date of the notification, except that the President may direct that the administrative action take effect with respect to the Department of Defense earlier than that date. The President may not delegate the authority provided in the preceding sentence.

"(d) DEFINITIONS.—In this section, the term 'Executive agency' has the meaning given such term in section 105 of title 5 other than the General Accounting Office.".

(b) CLERICAL AMENDMENT.—The table of sections of the beginning of such chapter is amended by adding at the end the following:

"2014. Administrative actions adversely affecting military training or other readiness activities.".

SEC. 364. FINANCIAL ASSISTANCE TO SUPPORT ADDITIONAL DUTIES ASSIGNED TO ARMY NATIONAL GUARD.

(a) AUTHORITY.—Chapter 1 of title 32, United States Code, is amended by adding at the end the following:

"§ 113. Federal financial assistance for support of additional duties assigned to the Army National Guard

"(a) AUTHORITY.—The Secretary of the Army may provide financial assistance to a State to support activities carried out by the Army National Guard of the State in the performance of duties that the Secretary has assigned, with the consent of the Chief of the National Guard Bureau, to the Army National Guard of the State. The Secretary shall determine the amount of the assistance that is appropriate for the purpose.

"(b) COVERED ACTIVITIES.—Activities supported under this section may include only those activities that are carried out by the Army National Guard in the performance of responsibilities of the Secretary under paragraphs (6), (10), and (11) of section 3013(b) of title 10.

"(c) DISBURSEMENT THROUGH NATIONAL GUARD BUREAU.—The Secretary shall disburse any contribution under this section through the Chief of the National Guard Bureau.

"(d) AVAILABILITY OF FUNDS.—Funds appropriated for the Army for a fiscal year are available for providing financial assistance under this section in support of activities carried out by the Army National Guard during that fiscal year.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

"113. Federal financial assistance for support of additional duties assigned to the Army National Guard.".

SEC. 365. SALE OF EXCESS, OBSOLETE, OR UNSERVICEABLE AMMUNITION AND AMMUNITION COMPONENTS.

(a) AUTHORITY.—Chapter 443 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 4687. Sale of excess, obsolete, or unserviceable ammunition and ammunition components

"(a) AUTHORITY TO SELL OUTSIDE DOD.—The Secretary of the Army may sell ammunition or ammunition components that are excess, obsolete, or unserviceable and have not been demilitarized to a person eligible under subsection (c) if—

"(1) the purchaser enters into an agreement, in advance, with the Secretary—

"(A) to demilitarize the ammunition or components; and

"(B) to reclaim, recycle, or reuse the component parts or materials; or

"(2) the Secretary, or an official of the Department of the Army designated by the Secretary, approves the use of the ammunition or components proposed by the purchaser as being consistent with the public interest.

"(b) METHOD OF SALE.—The Secretary shall use competitive procedures to sell ammunition and ammunition components under this section, except that the Secretary may negotiate a sale in any case in which the Secretary determines that there is only one potential buyer of the items being offered for sale.

"(c) ELIGIBLE PURCHASERS.—A purchaser of excess, obsolete, or unserviceable ammunition or ammunition components under this section shall be a licensed manufacturer (as defined in section 921(10) of title 18) that, as determined by the Secretary, has a capability to modify, reclaim, transport, and either store or sell the ammunition or ammunition components purchased.

"(d) HOLD HARMLESS AGREEMENT.—The Secretary shall require a purchaser of ammunition or ammunition components under this section to agree to hold harmless and indemnify the United States from any claim for damages for death, injury, or other loss resulting from a use of the ammunition or ammunition components, except in a case of willful misconduct or gross negligence of a representative of the United States.

"(e) VERIFICATION OF DEMILITARIZATION.—The Secretary shall establish procedures for ensuring that a purchaser of ammunition or ammunition components under this section demilitarizes the ammunition or ammunition components in accordance with any agreement to do so under subsection (a)(1). The procedures shall include on-site verification of demilitarization activities.

"(f) CONSIDERATION.—The Secretary may accept ammunition, ammunition components, or ammunition demilitarization services as consideration for ammunition or ammunition components sold under this section. The fair market value of any such consideration shall be equal to or exceed the fair market value or, if higher, the sale price of the ammunition or ammunition components sold.

"(g) DISPOSITION OF FUNDS.—Amounts received as proceeds of sale of ammunition or ammunition components under this section in any fiscal year shall—

"(1) be credited to an appropriation available for such fiscal year for the acquisition of ammunition or ammunition components or to an appropriation available for such fiscal year for the demilitarization of excess, obsolete, or unserviceable ammunition or ammunition components; and

"(2) shall be available for the same period and for the same purposes as the appropriation to which credited.

"(h) RELATIONSHIP TO ARMS EXPORT CONTROL ACT.—Nothing in this section shall be construed to affect the applicability of section 38 of the Arms Export Control Act (22 U.S.C. 2778) to sales of ammunition or ammunition components on the United States Munitions List.

"(i) DEFINITIONS.—In this section:

"(1) The term 'excess, obsolete, or unserviceable', with respect to ammunition or ammunition components, means that the ammunition or ammunition components are no longer necessary for war reserves or for support of training of the Army or production of ammunition or ammunition components.

"(2) The term 'demilitarize', with respect to ammunition or ammunition components—

"(A) means to destroy the military offensive or defensive advantages inherent in the ammunition or ammunition components; and

"(B) includes any mutilation, scrapping, melting, burning, or alteration that prevents the use of the ammunition or ammunition components for the military purposes for which the ammunition or ammunition components was designed or for a lethal purpose.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"4687. Sale of excess, obsolete, or unserviceable ammunition and ammunition components.".

SEC. 366. INVENTORY MANAGEMENT.

(a) SCHEDULE FOR IMPLEMENTATION OF BEST INVENTORY PRACTICES AT DEFENSE LOGISTICS AGENCY.—(1) The Director of the Defense Logistics Agency shall develop and submit to Congress a schedule for implementing within

the agency, for the supplies and equipment described in paragraph (2), inventory practices identified by the Director as being the best commercial inventory practices for such supplies and equipment consistent with military requirements. The schedule shall provide for the implementation of such practices to be completed not later than three years after date of the enactment of this Act.

(2) The inventory practices shall apply to the acquisition and distribution of medical supplies, subsistence supplies, clothing and textiles, commercially available electronics, construction supplies, and industrial supplies.

(b) TIME FOR SUBMISSION OF SCHEDULE TO CONGRESS.—The schedule required by this section shall be submitted not later than 180 days after the date of the enactment of this Act.

SEC. 367. WARRANTY CLAIMS RECOVERY PILOT PROGRAM.

(a) PILOT PROGRAM REQUIRED.—The Secretary of Defense may carry out a pilot program to use commercial sources of services to improve the collection of Department of Defense claims under aircraft engine warranties.

(b) CONTRACTS.—Exercising authority provided in section 3718 of title 31, United States Code, the Secretary of Defense may enter into contracts under the pilot program to provide for the following services:

(1) Collection services.

(2) Determination of amounts owed the Department of Defense for repair of aircraft engines for conditions covered by warranties.

(3) Identification and location of the sources of information that are relevant to collection of Department of Defense claims under aircraft engine warranties, including electronic data bases and document filing systems maintained by the Department of Defense or by the manufacturers and suppliers of the aircraft engines.

(4) Services to define the elements necessary for an effective training program to enhance and improve the performance of Department of Defense personnel in collecting and organizing documents and other information that are necessary for efficient filing, processing, and collection of Department of Defense claims under aircraft engine warranties.

(c) CONTRACTOR FEE.—Under authority provided in section 3718(d) of title 31, United States Code, a contract entered into under the pilot program shall provide for the contractor to be paid, out of the amount recovered by the contractor under program, such percentages of the amount recovered as the Secretary of Defense determines appropriate.

(d) RETENTION OF RECOVERED FUNDS.—Subject to any obligation to pay a fee under subsection (c), any amount collected for the Department of Defense under the pilot program for a repair of an aircraft engine for a condition covered by a warranty shall be credited to an appropriation available for repair of aircraft engines for the fiscal year in which collected and shall be available for the same purposes and same period as the appropriation to which credited.

(e) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section.

(f) TERMINATION OF AUTHORITY.—The pilot program shall terminate at the end of September 30, 1999, and contracts entered into under this section shall terminate not later than that date.

(g) REPORT.—Not later than January 1, 2000, the Secretary of Defense shall submit to Congress a report on the pilot program. The report shall include the following:

(1) The number of contracts entered into under the program.

(2) The extent to which the services provided under the contracts resulted in financial benefits for the Federal Government.

(3) Any additional comments and recommendations that the Secretary considers appropriate regarding use of commercial sources of services for collection of Department of Defense claims under aircraft engine warranties.

SEC. 368. ADJUSTMENT AND DIVERSIFICATION ASSISTANCE TO ENHANCE INCREASED PERFORMANCE OF MILITARY FAMILY SUPPORT SERVICES BY PRIVATE SECTOR SOURCES.

Section 2391(b)(5) of title 10, United States Code, is amended by adding at the end the following:

''(C) The Secretary of Defense may also make grants, conclude cooperative agreements, and supplement other Federal funds in order to assist a State or local government to enhance that government's capabilities to support efforts of the Department of Defense to privatize, contract for, or diversify the performance of military family support services in cases in which the capability of the department to provide such services is adversely affected by an action described in paragraph (1).''.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 1998, as follows:

(1) The Army, 485,000, of whom not more than 80,300 shall be officers.

(2) The Navy, 390,802, of whom not more than 55,695 shall be officers.

(3) The Marine Corps, 174,000, of whom not more than 17,978 shall be officers.

(4) The Air Force, 371,577, of whom not more than 72,732 shall be officers.

SEC. 402. PERMANENT END STRENGTH LEVELS TO SUPPORT TWO MAJOR REGIONAL CONTINGENCIES.

(a) REPEAL.—Section 691 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 39 of such title is amended by striking out the item relating to section 691.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) FISCAL YEAR 1998.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 1998, as follows:

(1) The Army National Guard of the United States, 361,516.

(2) The Army Reserve, 208,000.

(3) The Naval Reserve, 94,294.

(4) The Marine Corps Reserve, 42,000.

(5) The Air National Guard of the United States, 107,377.

(6) The Air Force Reserve, 73,431.

(7) The Coast Guard Reserve, 8,000.

(b) ADJUSTMENTS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component for a fiscal year shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year, and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 1998, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 22,310.

(2) The Army Reserve, 11,500.

(3) The Naval Reserve, 16,136.

(4) The Marine Corps Reserve, 2,559.

(5) The Air National Guard of the United States, 10,616.

(6) The Air Force Reserve, 963.

Subtitle C—Authorization of Appropriations

SEC. 421. AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 1998 a total of $69,264,962,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 1998.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Personnel Management

SEC. 501. OFFICERS EXCLUDED FROM CONSIDERATION BY PROMOTION BOARD.

(a) ACTIVE COMPONENT OFFICERS.—Section 619(d) of title 10, United States Code, is amended by striking out paragraph (1) and inserting in lieu thereof the following:

''(1) an officer whose name is on—

''(A) a promotion list for that grade as a result of his selection for promotion to that grade by an earlier selection board convened under that section; or

''(B) a list of names of officers recommended for promotion to that grade that is set forth in a report of such a board, while the report is pending action under section 618 of this title''.

(b) RESERVE COMPONENT OFFICERS.—Section 14301(c) of such title is amended by striking out paragraph (1) and inserting in lieu thereof the following:

''(1) an officer whose name is on—

''(A) a promotion list for that grade as a result of recommendation for promotion to that grade by an earlier selection board convened under that section or section 14502 of this title or under chapter 36 of this title; or

''(B) a list of names of officers recommended for promotion to that grade that is set forth in a report of such a board, while the report is pending action under section 618, 14110, or 14111 of this title;''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply with respect to each selection board that is convened under section 611(a), 14101(a), or 14502 of title 10, United States Code, on or after such date.

SEC. 502. INCREASE IN THE MAXIMUM NUMBER OF OFFICERS ALLOWED TO BE FROCKED TO THE GRADE OF O–6.

Paragraph (2) of section 777(d) of title 10, United States Code, is amended to read as follows:

''(2) The number of officers of an armed force on the active-duty list who are authorized as described in subsection (a) to wear the insignia for a grade to which a limitation

on total number applies under section 523(a) of this title for a fiscal year may not exceed—

''(A) in the case of the grade of major, lieutenant colonel, lieutenant commander, or commander, 1 percent of the total number provided for the officers in that grade in that armed force in the administration of the limitation under that section for that fiscal year; and

''(B) in the case of the grade of colonel or captain, 2 percent of the total number provided for the officers in that grade in that armed force in the administration of the limitation under that section for that fiscal year.''.

SEC. 503. AVAILABILITY OF NAVY CHAPLAINS ON RETIRED LIST OR OF RETIREMENT AGE TO SERVE AS CHIEF OR DEPUTY CHIEF OF CHAPLAINS OF THE NAVY.

(a) ELIGIBILITY OF OFFICERS ON RETIRED LIST.—(1) Section 5142(b) of title 10, United States Code, is amended by striking out '', who are not on the retired list,'' in the second sentence.

(2) Section 5142a of such title is amended by striking out '', who is not on the retired list,''.

(b) AUTHORITY TO DEFER RETIREMENT.—(1) Chapter 573 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 6411. Chief and Deputy Chief of Chaplains: deferment of retirement for age

''The Secretary of the Navy may defer the retirement under section 1251(a) of this title of an officer of the Chaplain Corps if during the period of the deferment the officer will be serving as the Chief of Chaplains or the Deputy Chief of Chaplains. A deferment under this subsection may not extend beyond the first day of the month following the month in which the officer becomes 68 years of age.''.

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

''6411. Chief and Deputy Chief of Chaplains: deferment of retirement for age.''.

SEC. 504. PERIOD OF RECALL SERVICE OF CERTAIN RETIREES.

(a) INAPPLICABILITY OF LIMITATION TO CERTAIN OFFICERS.—Section 688(e) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' after ''(e)''; and

(2) by adding at the end the following:

''(2) In the administration of paragraph (1), the following officers shall not be counted:

''(A) A chaplain who is assigned to duty as a chaplain for the period of active duty to which ordered.

''(B) A health care professional (as characterized by the Secretary concerned) who is assigned to duty as a health care professional for the period of the active duty to which ordered.

''(C) Any officer assigned to duty with the American Battle Monuments Commission for the period of active duty to which ordered.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on September 30, 1997, immediately after the amendment made by section 521(a) of Public Law 104–201 (110 Stat. 2515) takes effect.

Subtitle B—Matters Relating to Reserve Components

SEC. 511. TERMINATION OF READY RESERVE MOBILIZATION INCOME INSURANCE PROGRAM.

(a) TERMINATION.—(1) Chapter 1214 of title 10, United States Code, is amended by adding at the end the following;

''§ 12533. Termination of program authority

''(a) BENEFITS NOT TO ACCRUE.—No benefits accrue under the insurance program for active duty performed on or after the program termination date.

''(b) SERVICE NOT INSURED.—The insurance program does not apply with respect to any order of a member of the Ready Reserve into covered service that becomes effective on or after the program termination date.

''(c) CESSATION OF ACTIVITIES.—No person may be enrolled, and no premium may be collected, under the insurance program on or after the program termination date.

''(d) PROGRAM TERMINATION DATE.—For the purposes of this section, the term 'program termination date' is the date of the enactment of the National Defense Authorization Act for Fiscal Year 1998.''.

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

''12533. Termination of program authority.''.

(b) PAYMENT OF BENEFITS.—The Secretary of Defense shall pay in full all benefits that have accrued to members of the Armed Forces under the Ready Reserve Mobilization Income Insurance Program before the date of the enactment of this Act. A refund of premiums to a beneficiary under subsection (c) may not reduce the benefits payable to the beneficiary under this subsection.

(c) REFUND OF PREMIUMS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall refund premiums paid under the Ready Reserve Mobilization Income Insurance Program to the persons who paid the premiums, as follows:

(1) In the case of a person for whom no payment of benefits has accrued under the program, all premiums.

(2) In the case of a person who has accrued benefits under the program, the premiums (including any portion of a premium) that the person has paid for periods (including any portion of a period) for which no benefits accrued to the person under the program.

(d) STUDY AND REPORT.—Not later than June 1, 1998, the Secretary of Defense shall—

(1) carry out a study to determine—

(A) the reasons for the fiscal deficiencies in the Ready Reserve Mobilization Income Insurance Program that make it necessary to appropriate $72,000,000 or more to pay benefits (including benefits in arrears) and other program costs; and

(B) whether there is a need for such a program; and

(2) submit to Congress a report containing—

(A) the Secretary's determinations; and

(B) if the Secretary determines that there is a need for a Ready Reserve mobilization income insurance program, the Secretary's recommendations for improving the program under chapter 1214 of title 10, United States Code.

SEC. 512. DISCHARGE OR RETIREMENT OF RESERVE OFFICERS IN AN INACTIVE STATUS.

Section 12683(b)(1) of title 10, United States Code, is amended to read as follows:

''(1) to—

''(A) a separation under section 12684, 14901, or 14907 of this title; or

''(B) a separation of a reserve officer in an inactive status in the Standby Reserve who is not qualified for transfer to the Retired Reserve or, if qualified, does not apply for transfer to the Retired Reserve;''.

SEC. 513. RETENTION OF MILITARY TECHNICIANS IN GRADE OF BRIGADIER GENERAL AFTER MANDATORY SEPARATION DATE.

(a) RETENTION TO AGE 60.—Section 14702(a) of title 10, United States Code, is amended—

(1) by striking out ''section 14506 or 14507'' and inserting in lie thereof ''section 14506, 14507, or 14508(a)''; and

(2) by striking out ''or colonel'' and inserting in lieu thereof ''colonel, or brigadier general''.

(b) RELATIONSHIP TO OTHER RETENTION AUTHORITY.—Section 14508(c) of such title is amended by adding at the end the following: ''For the purposes of the preceding sentence, a retention of a reserve officer under section 14702 of this title shall not be construed as being a retention of that officer under this subsection.''.

SEC. 514. FEDERAL STATUS OF SERVICE BY NATIONAL GUARD MEMBERS AS HONOR GUARDS AT FUNERALS OF VETERANS.

(a) IN GENERAL.—(1) Chapter 1 of title 32, United States Code, as amended by section 364, is further amended by adding at the end the following new section:

''§ 114. Honor guard functions at funerals for veterans

''Subject to such restrictions as may be prescribed by the Secretary concerned, the performance of honor guard functions by members of the National Guard at funerals for veterans of the armed forces may be treated by the Secretary concerned as a Federal function for which appropriated funds may be used. Any such performance of honor guard functions at funerals may not be considered to be a period of drill or training otherwise required.''.

(2) The table of sections at the beginning of such chapter, as amended by section 364, is further amended by adding at the end the following new item:

''114. Honor guard functions at funerals for veterans.''.

(b) FUNDING FOR FISCAL YEAR 1997.—Section 114 of title 32, United States Code, as added by subsection (a), does not authorize additional appropriations for fiscal year 1997. Any expenses of the National Guard that are incurred by reason of such section during fiscal year 1997 may be paid from existing appropriations available for the National Guard.

Subtitle C—Education and Training Programs

SEC. 521. SERVICE ACADEMIES FOREIGN EXCHANGE STUDY PROGRAM.

(a) UNITED STATES MILITARY ACADEMY.—(1) Chapter 403 of title 10, United States Code, is amended by inserting after section 4344 the following new section:

''§ 4345. Exchange program with foreign military academies

''(a) AGREEMENT AUTHORIZED.—The Secretary of the Army may enter into an agreement with an official of a foreign government authorized to act for that foreign government to carry out a military academy foreign exchange study program.

''(b) TERMS OF AGREEMENT.—(1) An agreement with a foreign government under this section shall provide for the following:

''(A) That, on an exchange basis, the Secretary provide students of military academies of the foreign government with instruction at the Academy and the foreign government provide cadets of the Academy with instruction at military academies of the foreign government.

''(B) That the number of cadets of the Academy provided instruction under the exchange program and the number of students of military academies of the foreign government provided instruction at the Academy under the exchange program during an academic year be equal.

''(C) That the duration of the period of exchange study for each student not exceed one academic semester (or an equivalent academic period of a host foreign military academy).

''(2) An agreement with a foreign government under this section may provide for the

Secretary to provide a student of a military academy of the foreign government with quarters, subsistence, transportation, clothing, health care, and other services during the period of the student's exchange study at the Academy to the same extent that the foreign government provides comparable support and services to cadets of the Academy during the period of the cadets' exchange study at a military academy of the foreign government.

''(c) MAXIMUM NUMBER.—Under the exchange program not more than a total of 24 cadets of the Academy may be receiving instruction at military academies of foreign governments under the program at any time, and not more than a total of 24 students of military academies of foreign governments may be receiving instruction at the Academy at any time.

''(d) FOREIGN STUDENTS NOT TO RECEIVE PAY AND ALLOWANCES.—A student of a foreign military academy provided instruction at the Academy under the exchange program is not, by virtue of participation in the exchange program, entitled to the pay, allowances, and emoluments of a cadet appointed from the United States.

''(e) SPECIAL RULES FOR FOREIGN MILITARY ACADEMY STUDENTS.—(1) Foreign military academy students receiving instruction at the Academy under the exchange program are in addition to—

''(A) the number of persons from foreign countries who are receiving instruction at the Academy under section 4344 of this title; and

''(B) the authorized strength of the cadets of the Academy under section 4342 of this title.

''(2) Subsections (c) and (d) of section 9344 of this title apply to students of military academies of foreign governments while the students are participating in the exchange program under this section.

''(f) REGULATIONS.—The Secretary shall prescribe regulations to carry out the military academy foreign exchange study program under this section. The regulations may, subject to subsection (e)(2), include eligibility criteria and methods for selection of students to participate in the exchange program.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 4344 the following new item:

''4345. Exchange program with foreign military academies.''.

(b) UNITED STATES NAVAL ACADEMY.—(1) Chapter 603 of title 10, United States Code, is amended by inserting after section 6957 the following new section:

''§ 6957a. Exchange program with foreign military academies

''(a) AGREEMENT AUTHORIZED.—The Secretary of the Navy may enter into an agreement with an official of a foreign government authorized to act for that foreign government to carry out a military academy foreign exchange study program.

''(b) TERMS OF AGREEMENT.—(1) An agreement with a foreign government under this section shall provide for the following:

''(A) That, on an exchange basis, the Secretary provide students of military academies of the foreign government with instruction at the Naval Academy and the foreign government provide midshipmen of the Academy with instruction at military academies of the foreign government.

''(B) That the number of midshipmen of the Naval Academy provided instruction under the exchange program and the number of students of military academies of the foreign government provided instruction at the Naval Academy under the exchange program during an academic year be equal.

''(C) That the duration of the period of exchange study for each student not exceed one academic semester (or an equivalent academic period of a host foreign military academy).

''(2) An agreement with a foreign government under this section may provide for the Secretary to provide a student of a military academy of the foreign government with quarters, subsistence, transportation, clothing, health care, and other services during the period of the student's exchange study at the Naval Academy to the same extent that the foreign government provides comparable support and services to midshipmen of the Naval Academy during the period of the cadets' exchange study at a military academy of the foreign government.

''(c) MAXIMUM NUMBER.—Under the exchange program not more than a total of 24 midshipmen of the Naval Academy may be receiving instruction at military academies of foreign governments under the program at any time, and not more than a total of 24 students of military academies of foreign governments may be receiving instruction at the Naval Academy at any time.

''(d) FOREIGN STUDENTS NOT TO RECEIVE PAY AND ALLOWANCES.—A student of a foreign military academy provided instruction at the Naval Academy under the exchange program is not, by virtue of participation in the exchange program, entitled to the pay, allowances, and emoluments of a midshipman appointed from the United States.

''(e) SPECIAL RULES FOR FOREIGN MILITARY ACADEMY STUDENTS.—(1) Foreign military academy students receiving instruction at the Naval Academy under the exchange program are in addition to—

''(A) the number of persons from foreign countries who are receiving instruction at the Naval Academy under section 6957 of this title; and

''(B) the authorized strength of the midshipmen under section 6954 of this title.

''(2) Section 6957(c) of this title applies to students of military academies of foreign governments while the students are participating in the exchange program under this section.

''(f) REGULATIONS.—The Secretary shall prescribe regulations to carry out the military academy foreign exchange study program under this section. The regulations may, subject to subsection (e)(2), include eligibility criteria and methods for selection of students to participate in the exchange program.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 6957 the following new item:

''6957a. Exchange program with foreign military academies.''.

(c) UNITED STATES AIR FORCE ACADEMY.—(1) Chapter 903 of title 10, United States Code, is amended by inserting after section 9344 the following new section:

''§ 9345. Exchange program with foreign military academies

''(a) AGREEMENT AUTHORIZED.—The Secretary of the Air Force may enter into an agreement with an official of a foreign government authorized to act for that foreign government to carry out a military academy foreign exchange study program.

''(b) TERMS OF AGREEMENT.—(1) An agreement with a foreign government under this section shall provide for the following:

''(A) That, on an exchange basis, the Secretary provide students of military academies of the foreign government with instruction at the Air Force Academy and the foreign government provide Air Force Cadets of the Academy with instruction at military academies of the foreign government.

''(B) That the number of Air Force Cadets of the Academy provided instruction under the exchange program and the number of students of military academies of the foreign government provided instruction at the Academy under the exchange program during an academic year be equal.

''(C) That the duration of the period of exchange study for each student not exceed one academic semester (or an equivalent academic period of a host foreign military academy).

''(2) An agreement with a foreign government under this section may provide for the Secretary to provide a student of a military academy of the foreign government with quarters, subsistence, transportation, clothing, health care, and other services during the period of the student's exchange study at the Academy to the same extent that the foreign government provides comparable support and services to Air Force Cadets of the Academy during the period of the cadets' exchange study at a military academy of the foreign government.

''(c) MAXIMUM NUMBER.—Under the exchange program not more than a total of 24 Air Force Cadets of the Academy may be receiving instruction at military academies of foreign governments under the program at any time, and not more than a total of 24 students of military academies of foreign governments may be receiving instruction at the Academy at any time.

''(d) FOREIGN STUDENTS NOT TO RECEIVE PAY AND ALLOWANCES.—A student of a foreign military academy provided instruction at the Academy under the exchange program is not, by virtue of participation in the exchange program, entitled to the pay, allowances, and emoluments of a cadet appointed from the United States.

''(e) SPECIAL RULES FOR FOREIGN MILITARY ACADEMY STUDENTS.—(1) Foreign military academy students receiving instruction at the Academy under the exchange program are in addition to—

''(A) the number of persons from foreign countries who are receiving instruction at the Academy under section 9344 of this title; and

''(B) the authorized strength of the Air Force Cadets of the Academy under section 9342 of this title.

''(2) Subsections (c) and (d) of section 9344 of this title apply to students of military academies of foreign governments while the students are participating in the exchange program under this section.

''(f) REGULATIONS.—The Secretary shall prescribe regulations to carry out the military academy foreign exchange study program under this section. The regulations may, subject to subsection (e)(2), include eligibility criteria and methods for selection of students to participate in the exchange program.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 9344 the following new item:

''9345. Exchange program with foreign military academies.''.

SEC. 522. PROGRAMS OF HIGHER EDUCATION OF THE COMMUNITY COLLEGE OF THE AIR FORCE.

(a) PROGRAMS FOR INSTRUCTORS AT AIR FORCE TRAINING SCHOOLS.—Section 9315 of title 10, United States Code, is amended—

(1) in subsection (b), by striking out ''(b) Subject to subsection (c)'' and inserting in lieu thereof ''(b) CONFERMENT OF DEGREE.—(1) Subject to paragraph (2)'';

(2) by redesignating subsection (c) as paragraph (2) and in such paragraph, as so redesignated—

(A) by striking out ''(1) the'' and inserting in lieu thereof ''(A) the''; and

(B) by striking out ''(2) the'' and inserting in lieu thereof ''(B) the'';

(3) in subsection (a)—

(A) by inserting after ''(a)'' the following: ''ESTABLISHMENT AND MISSION.—''; and

(B) in paragraph (1), by striking out ''Air Force'' and inserting in lieu thereof ''armed forces described in subsection (b)''; and

(4) by inserting after subsection (a) the following new subsection (b):

''(b) MEMBERS ELIGIBLE FOR PROGRAMS.—Subject to such other eligibility requirements as the Secretary concerned may prescribe, the following members of the armed forces are eligible to participate in programs of higher education referred to in subsection (a)(1):

''(1) An enlisted member of the Army, Navy, or Air Force who is serving as an instructor at an Air Force training school.

''(2) Any other enlisted member of the Air Force.''.

(b) RETROACTIVE APPLICABILITY.—Subsection (b) of section 9315 of such title, as added by subsection (a)(4), shall apply with respect to programs of higher education of the Community College of the Air Force as of March 31, 1996.

SEC. 523. PRESERVATION OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE OF MEMBERS OF THE SELECTED RESERVE SERVING ON ACTIVE DUTY IN SUPPORT OF A CONTINGENCY OPERATION.

(a) PRESERVATION OF EDUCATIONAL ASSISTANCE.—Section 16131(c)(3)(B)(i) of title 10, United States Code, is amended by striking out '', in connection with the Persian Gulf War,''.

(b) EXTENSION OF 10-YEAR PERIOD OF AVAILABILITY.—Section 16133(b)(4) of such title is amended—

(1) by striking out ''(A)'';

(2) by striking out '', during the Persian Gulf War,'';

(3) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively; and

(4) by striking out ''(B) For the purposes'' and all that follows through ''title 38.''.

SEC. 524. REPEAL OF CERTAIN STAFFING AND SAFETY REQUIREMENTS FOR THE ARMY RANGER TRAINING BRIGADE.

(a) IN GENERAL.—(1) Section 4303 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 401 of such title is amended by striking out the item relating to section 4303.

(b) REPEAL OF RELATED PROVISION.—Section 562 of Public Law 104–106 (110 Stat. 323) is repealed.

Subtitle D—Decorations and Awards

SEC. 531. CLARIFICATION OF ELIGIBILITY OF MEMBERS OF READY RESERVE FOR AWARD OF SERVICE MEDAL FOR HEROISM.

(a) SOLDIER'S MEDAL.—Section 3750(a) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' after ''(a)''; and

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

''(2) The authority in paragraph (1) includes authority to award the medal to a member of the Ready Reserve who was not in a duty status defined in section 101(d) of this title when the member distinguished himself by heroism.''.

(b) NAVY AND MARINE CORPS MEDAL.—Section 6246 of such title is amended—

(1) by designating the text of the section as subsection (a); and

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

''(b) The authority in subsection (a) includes authority to award the medal to a member of the Ready Reserve who was not in a duty status defined in section 101(d) of this title when the member distinguished himself by heroism.''.

(c) AIRMAN'S MEDAL.—Section 8750(a) of such title is amended—

(1) by inserting ''(1)'' after ''(a)''; and

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

''(2) The authority in paragraph (1) includes authority to award the medal to a member of the Ready Reserve who was not in a duty status defined in section 101(d) of this title when the member distinguished himself by heroism.''.

SEC. 532. WAIVER OF TIME LIMITATIONS FOR AWARD OF CERTAIN DECORATIONS TO SPECIFIED PERSONS.

(a) WAIVER OF TIME LIMITATION.—Any limitation established by law or policy for the time within which a recommendation for the award of a military decoration or award must be submitted shall not apply in the case of awards of decorations described in subsections (b), (c), and (d), the award of each such decoration having been determined by the Secretary of the military department concerned to be warranted in accordance with section 1130 of title 10, United States Code.

(b) SILVER STAR MEDAL.—Subsection (a) applies to the award of the Silver Star Medal as follows:

(1) To Joseph M. Moll, Jr. of Milford, New Jersey, for service during World War II.

(2) To Philip Yolinsky of Hollywood, Florida, for service during the Korean Conflict.

(c) NAVY AND MARINE CORPS MEDAL.—Subsection (a) applies to the award of the Navy and Marine Corps Medal to Gary A. Gruenwald of Damascus, Maryland, for service in Tunisia in October 1977.

(d) DISTINGUISHED FLYING CROSS.—Subsection (a) applies to awards of the Distinguished Flying Cross for service during World War II or Korea (including multiple awards to the same individual) in the case of each individual concerning whom the Secretary of the Navy (or an officer of the Navy acting on behalf of the Secretary) submitted to the Committee on National Security of the House of Representatives and the Committee on Armed Services of the Senate, before the date of the enactment of this Act, a notice as provided in section 1130(b) of title 10, United States Code, that the award of the Distinguished Flying Cross to that individual is warranted and that a waiver of time restrictions prescribed by law for recommendation for such award is recommended.

SEC. 533. ONE-YEAR EXTENSION OF PERIOD FOR RECEIPT OF RECOMMENDATIONS FOR DECORATIONS AND AWARDS FOR CERTAIN MILITARY INTELLIGENCE PERSONNEL.

Section 523(b)(1) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 311; 10 U.S.C. 1130 note) is amended by striking out ''during the one-year period beginning on the date of the enactment of this Act'' and inserting in lieu thereof ''after February 9, 1996, and before February 10, 1998''.

SEC. 534. ELIGIBILITY OF CERTAIN WORLD WAR II MILITARY ORGANIZATIONS FOR AWARD OF UNIT DECORATIONS.

(a) AUTHORITY.—A unit decoration may be awarded for any unit or other organization of the Armed Forces of the United States, such as the Military Intelligence Service of the Army, that (1) supported the planning or execution of combat operations during World War II primarily through unit personnel who were attached to other units of the Armed Forces or of other allied armed forces, and (2) is not otherwise eligible for award of the decoration by reason of not usually having been deployed as a unit in support of such operations.

(b) TIME FOR SUBMISSION OF RECOMMENDATION.—Any recommendation for award of a unit decoration under subsection (a) shall be submitted to the Secretary concerned (as defined in section 101(a)(9) of title 10, United States Code), or to such other official as the Secretary concerned may designate, not later than 2 years after the date of the enactment of this Act.

Subtitle E—Military Personnel Voting Rights

SEC. 541. SHORT TITLE.

This subtitle may be cited as the ''Military Voting Rights Act of 1997''.

SEC. 542. GUARANTEE OF RESIDENCY.

Article VII of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 590 et seq.) is amended by adding at the end the following:

''SEC. 704. (a) For purposes of voting for an office of the United States or of a State, a person who is absent from a State in compliance with military or naval orders shall not, solely by reason of that absence—

''(1) be deemed to have lost a residence or domicile in that State;

''(2) be deemed to have acquired a residence or domicile in any other State; or

''(3) be deemed to have become resident in or a resident of any other State.

''(b) In this section, the term 'State' includes a territory or possession of the United States, a political subdivision of a State, territory, or possession, and the District of Columbia.''.

SEC. 543. STATE RESPONSIBILITY TO GUARANTEE MILITARY VOTING RIGHTS.

(a) REGISTRATION AND BALLOTING.—Section 102 of the Uniformed and Overseas Absentee Voting Act (42 U.S.C. 1973ff–1) is amended—

(1) by inserting ''(a) ELECTIONS FOR FEDERAL OFFICES.—'' before ''Each State shall—''; and

(2) by adding at the end the following:

''(b) ELECTIONS FOR STATE AND LOCAL OFFICES.—Each State shall—

''(1) permit absent uniformed services voters to use absentee registration procedures and to vote by absentee ballot in general, special, primary, and runoff elections for State and local offices; and

''(2) accept and process, with respect to any election described in paragraph (1), any otherwise valid voter registration application from an absent uniformed services voter if the application is received by the appropriate State election official not less than 30 days before the election.''.

(b) CONFORMING AMENDMENT.—The heading for title I of such Act is amended by striking out **"FOR FEDERAL OFFICE"**.

Subtitle F—Other Matters

SEC. 551. SENSE OF CONGRESS REGARDING STUDY OF MATTERS RELATING TO GENDER EQUITY IN THE ARMED FORCES.

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

(1) In the all-volunteer force, women play an integral role in the Armed Forces.

(2) With increasing numbers of women in the Armed Forces, questions arise concerning inequalities, and perceived inequalities, between the treatment of men and women in the Armed Forces.

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

(1) conduct a study on any inequality, or perception of inequality, in the treatment of men and women in the Armed Forces that arises out of the statutes and regulations governing the Armed Forces; and

(2) submit to Congress a report on the study not later than one year after the date of enactment of this Act.

SEC. 552. COMMISSION ON GENDER INTEGRATION IN THE MILITARY.

(a) ESTABLISHMENT.—There is established a commission to be known as the Commission on Gender Integration in the Military.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The commission shall be composed of 11 members appointed from among private citizens of the United States who have appropriate and diverse experiences, expertise, and historical perspectives on training, organizational, legal, management, military, and gender integration matters.

(2) SPECIFIC QUALIFICATIONS.—Of the 11 members, at least two shall be appointed from among persons who have superior academic credentials, at least four shall be appointed from among former members and retired members of the Armed Forces, and at least two shall be appointed from among members of the reserve components of the Armed Forces.

(c) APPOINTMENTS.—

(1) AUTHORITY.—The President pro tempore of the Senate shall appoint the members in consultation with the chairman of the Committee on Armed Services, who shall recommend six persons for appointment, and the ranking member of the Committee on Armed Services, who shall recommend five persons for appointment. The appointments shall be made not later than 45 days after the date of the enactment of this Act.

(2) PERIOD OF APPOINTMENT.—Members shall be appointed for the life of the commission.

(3) VACANCIES.—A vacancy in the membership shall not affect the commission's powers, but shall be filled in the same manner as the original appointment.

(d) MEETINGS.—

(1) INITIAL MEETING.—The Commission shall hold its first meeting not later than 30 days after the date on which all members have been appointed.

(2) WHEN CALLED.—The Commission shall meet upon the call of the chairman.

(3) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number may hold meetings.

(e) CHAIRMAN AND VICE CHAIRMAN.—The Commission shall select a chairman and a vice chairman from among its members.

(f) AUTHORITY OF INDIVIDUALS TO ACT FOR COMMISSION.—Any member or agent of the Commission may, if authorized, by the Commission, take any action which the Commission is authorized to take under this title.

(g) DUTIES.—The Commission shall—

(1) review the current practices of the Armed Forces, relevant studies, and private sector training concepts pertaining to gender-integrated training;

(2) review the laws, regulations, policies, directives, and practices that govern personal relationships between men and women in the armed forces and personal relationships between members of the armed forces and non-military personnel of the opposite sex;

(3) assess the extent to which the laws, regulations, policies, and directives have been applied consistently throughout the Armed Forces without regard to the armed force, grade, or rank of the individuals involved;

(4) provide an independent assessment of the reports of the independent panel, the Department of Defense task force, and the review of existing guidance on adultery announced by the Secretary of Defense; and

(5) examine the experiences, policies, and practices of the armed forces of other industrialized nations regarding gender-integrated training.

(h) REPORTS.—

(1) INITIAL REPORT.—Not later than April 15, 1998, the Commission shall submit to the Committee on Armed Services of the Senate an initial report setting forth the activities, findings, and recommendations of the Commission. The report shall include any recommendations for congressional action and administrative action that the Commission considers appropriate.

(2) FINAL REPORT.—Not later than September 16, 1998, the Commission shall submit to the Committee on Armed Services a final report setting forth the activities, findings, and recommendations of the Commission, including any recommendations for congressional action and administrative action that the Commission considers appropriate.

(i) POWERS.—

(1) HEARINGS, ET CETERA.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out its duties.

(2) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from the Department of Defense and any other department or agency of the Federal Government such information as the Commission considers necessary to carry out its duties. Upon the request of the chairman of the Commission, the head of a department or agency shall furnish the requested information expeditiously to the Commission.

(3) POSTAL SERVICES.— The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(j) ADMINISTRATIVE SUPPORT.—The Secretary of Defense shall, upon the request of the chairman of the Commission, furnish the Commission any administrative and support services that the Commission may require.

(k) COMMISSION PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—Each member of the Commission may be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in performing the duties of the Commission.

(2) TRAVEL ON MILITARY CONVEYANCES.—Members and personnel of the Commission may travel on aircraft, vehicles, or other conveyances of the Armed Forces when travel is necessary in the performance of a duty of the Commission except when the cost of commercial transportation is less expensive.

(3) TRAVEL EXPENSES.—The members of the Commission may be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(4) STAFF.—The chairman of the Commission may, without regard to civil service laws and regulations, appoint and terminate an executive director and up to three additional staff members as necessary to enable the Commission to perform its duties. The chairman of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51, and subchapter III of chapter 53, of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay may not exceed the rate payable for level V of the executive schedule under section 5316 of such title.

(5) DETAIL OF GOVERNMENT EMPLOYEES.—Upon the request of the chairman of the Commission, the head of any department or agency of the Federal Government may detail, without reimbursement, any personnel of the department or agency to the Commission to assist in carrying out its duties. A detail of an employee shall be without interruption or loss of civil service status or privilege.

(6) TEMPORARY AND INTERMITTENT SERVICES.—The chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of such title.

(l) TERMINATION.—The Commission shall terminate 90 days after the date on which it submits the final report under subsection (h)(2).

(m) FUNDING.—

(1) FROM DEPARTMENT OF DEFENSE APPROPRIATIONS.—Upon the request of the chairman of the Commission, the Secretary of Defense shall make available to the Commission, out of funds appropriated for the Department of Defense, such amounts as the Commission may require to carry out its duties.

(2) PERIOD OF AVAILABILITY.—Funds made available to the Commission shall remain available, without fiscal year limitation, until the date on which the Commission terminates.

SEC. 553. SEXUAL HARASSMENT INVESTIGATIONS AND REPORTS.

(a) INVESTIGATIONS.—Any commanding officer or officer in charge of a unit, vessel, facility, or area who receives from a member of the command or a civilian employee under the supervision of the officer a complaint alleging sexual harassment by a member of the Armed Forces or a civilian employee of the Department of Defense shall, to the extent practicable—

(1) within 72 hours after receipt of the complaint—

(A) forward the complaint or a detailed description of the allegation to the next superior officer in the chain of command who is authorized to convene a general court-martial;

(B) commence, or cause the commencement of, an investigation of the complaint; and

(C) advise the complainant of the commencement of the investigation;

(2) ensure that the investigation of the complaint is completed not later than 14 days after the investigation is commenced; and

(3) either—

(A) submit a final report on the results of the investigation, including any action taken as a result of the investigation, to the next superior officer referred to in paragraph (1) within 20 days after the investigation is commenced; or

(B) submit a report on the progress made in completing the investigation to the next superior officer referred to in paragraph (1) within 20 days after the investigation is commenced and every 14 days thereafter until the investigation is completed and, upon completion of the investigation, then submit a final report on the results of the investigation, including any action taken as a result of the investigation, to that next superior officer.

(b) REPORTS.—(1) Not later than January 1 of each of 1998 and 1999, each officer receiving any complaint forwarded in accordance with subsection (a) during the preceding year shall submit to the Secretary of the military department concerned a report on all such complaints and the investigations of such complaints (including the results of the investigations, in cases of investigations completed during such preceding year).

(2)(A) Not later than March 1 of each of 1998 and 1999, each Secretary receiving a report under paragraph (1) for a year shall submit to the Secretary of Defense a report on all such reports so received.

(B) Not later than the April 1 following receipt of a report for a year under subparagraph (A), the Secretary of Defense shall transmit to Congress all such reports received for the year under subparagraph (A) together with the Secretary's assessment of each such report.

(c) SEXUAL HARASSMENT DEFINED.—In this section, the term 'sexual harassment' means—

(1) a form of sex discrimination that—

(A) involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when—

(i) submission to such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career;

(ii) submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person; or

(iii) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive working environment; and

(B) is so severe or pervasive that a reasonable person would perceive, and the victim does perceive, the work environment as hostile or offensive;

(2) any use or condonation, by any person in a supervisory or command position, of any form of sexual behavior to control, influence, or affect the career, pay, or job of a member of the Armed Forces or a civilian employee of the Department of Defense; and

(3) any deliberate or repeated unwelcome verbal comment, gesture, or physical contact of a sexual nature in the workplace by any member of the Armed Forces or civilian employee of the Department of Defense.

SEC. 554. REQUIREMENT FOR EXEMPLARY CONDUCT BY COMMANDING OFFICERS AND OTHER AUTHORITIES.

(a) ARMY.—(1) Chapter 345 of title 10, United States Code, is amended by adding at the end:

"§ 3583. Requirement of exemplary conduct

"All commanding officers and others in authority in the Army are required to show in themselves a good example of virtue, honor, patriotism, and subordination; to be vigilant in inspecting the conduct of all persons who are placed under their command; to guard against and suppress all dissolute and immoral practices, and to correct, according to the laws and regulations of the Army, all persons who are guilty of them; and to take all necessary and proper measures, under the laws, regulations, and customs of the Army, to promote and safeguard the morale, the physical well-being, and the general welfare of the officers and enlisted persons under their command or charge.".

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

"3583. Requirement of exemplary conduct.".

(b) AIR FORCE.—(1) Chapter 845 of title 10, United States Code, is amended by adding at the end the following:

"§ 8583. Requirement of exemplary conduct

"All commanding officers and others in authority in the Air Force are required to show in themselves a good example of virtue, honor, patriotism, and subordination; to be vigilant in inspecting the conduct of all persons who are placed under their command; to guard against and suppress all dissolute and immoral practices, and to correct, according to the laws and regulations of the Air Force, all persons who are guilty of them; and to take all necessary and proper measures, under the laws, regulations, and customs of the Air Force, to promote and safeguard the morale, the physical well-being, and the general welfare of the officers and enlisted persons under their command or charge.".

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

"8583. Requirement of exemplary conduct.".

SEC. 555. PARTICIPATION OF DEPARTMENT OF DEFENSE PERSONNEL IN MANAGEMENT OF NON-FEDERAL ENTITIES.

(a) AUTHORITY.—Chapter 53 of title 10, United States Code, is amended by inserting after section 1060a the following new section:

"§ 1060b. Participation in management of non-Federal entities: members of the armed forces; civilian employees

"(a) AUTHORITY TO PERMIT PARTICIPATION.—The Secretary concerned may authorize a member of the armed forces, a civilian officer or employee of the Department of Defense, or a civilian officer or civilian employee of the Coast Guard—

"(1) to serve as a director, officer, or trustee of a military welfare society or other entity described in subsection (c); or

"(2) to participate in any other capacity in the management of such a society or entity.

"(b) COMPENSATION PROHIBITED.—Compensation may not be accepted for service or participation authorized under subsection (a).

"(c) COVERED ENTITIES.—This section applies with respect to the following entities:

"(1) MILITARY WELFARE SOCIETIES.—The following military welfare societies:

"(A) The Army Emergency Relief.

"(B) The Air Force Aid Society.

"(C) The Navy-Marine Corps Relief Society.

"(D) The Coast Guard Mutual Assistance.

"(2) OTHER ENTITIES.—Each of the following additional entities that is not operated for profit:

"(A) Any athletic conference, or other entity, that regulates and supports the athletics programs of the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, or the United States Coast Guard Academy.

"(B) Any entity that regulates international athletic competitions.

"(C) Any regional educational accrediting agency, or other entity, that accredits the academies referred to in subparagraph (A) or accredits any other school of the armed forces.

"(D) Any health care association, professional society, or other entity that regulates and supports standards and policies applicable to the provision of health care by or for the Department of Defense.

"(d) SECRETARY OF DEFENSE AS SECRETARY CONCERNED.—In this section, the term 'Secretary concerned' includes the Secretary of Defense with respect to civilian officers and employees of the Department of Defense who are not officers or employees of a military department.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1060a the following new item:

"1060b. Participation in management of non-Federal entities: members of the armed forces; civilian employees.".

SEC. 556. TECHNICAL CORRECTION TO CROSS REFERENCE IN ROPMA PROVISION RELATING TO POSITION VACANCY PROMOTION.

Section 14317(d) of title 10, United States Code, is amended by striking out "section 14314" in the first sentence and inserting in lieu thereof "section 14315".

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay

SEC. 601. MILITARY PAY RAISE FOR FISCAL YEAR 1998.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—Any adjustment required by section 1009 of title 37, United States Code, in elements of compensation of members of the uniformed services to become effective during fiscal year 1998 shall not be made.

(b) INCREASE IN BASIC PAY.—Effective on January 1, 1998, the rates of basic pay of members of the uniformed services are increased by 2.8 percent.

Subtitle B—Subsistence, Housing, and Other Allowances

PART I—REFORM OF BASIC ALLOWANCE FOR SUBSISTENCE

SEC. 611. REVISED ENTITLEMENT AND RATES.

(a) UNIVERSAL ENTITLEMENT TO BAS EXCEPT DURING BASIC TRAINING.—

(1) IN GENERAL.—Section 402 of title 37, United States Code, is amended by striking out subsections (b) and (c).

(2) EXCEPTION.—Subsection (a) of such section is amended by adding at the end the following: "However, an enlisted member is not entitled to the basic allowance for subsistence during basic training.".

(b) RATES BASED ON FOOD COSTS.—Such section, as amended by subsection (a), is further amended by inserting after subsection (a) the following new subsection (b):

"(b) RATES OF BAS.—(1) The monthly rate of basic allowance for subsistence in effect for an enlisted member for a year (beginning on January 1 of the year) shall be the amount that is halfway between the following amounts that are determined by the Secretary of Agriculture as of October 1 of the preceding year:

"(A) The amount equal to the monthly cost of a moderate-cost food plan for a male in the United States who is between 20 and 50 years of age.

"(B) The amount equal to the monthly cost of a liberal food plan for a male in the United States who is between 20 and 50 years of age.

"(2) The monthly rate of basic allowance for subsistence in effect for an officer for a year (beginning on January 1 of the year) shall be the amount equal to the monthly rate of basic allowance for subsistence in effect for officers for the preceding year, increased by the same percentage by which the rate of basic allowance for subsistence for enlisted members for the preceding year is increased effective on such January 1.".

(c) CONTINUATION OF ADVANCE PAYMENT AUTHORITY.—Such section is further amended by inserting after subsection (b), as added by subsection (b) of this section, the following new subsection (c):

"(c) ADVANCE PAYMENT.—The allowance to an enlisted member may be paid in advance for a period of not more than three months.".

(d) FLEXIBILITY TO MANAGE DEMAND FOR DINING AND MESSING SERVICES.—Such section is further amended by striking out subsection (e) and inserting in lieu thereof the following new subsection (e):

"(e) POLICIES ON USE OF DINING AND MESSING FACILITIES.—The Secretary of Defense, in consultation with the Secretaries concerned, shall prescribe policies regarding use of dining and field messing facilities of the uniformed services.".

(e) REGULATIONS.—Such section is further amended by adding after subsection (e), as added by subsection (d) of this section, the following:

"(f) REGULATIONS.—(1) The Secretary of Defense shall prescribe regulations for the

administration of this section. Before prescribing the regulations, the Secretary shall consult with each Secretary concerned.

''(2) The regulations shall include the rates of basic allowance for subsistence.''.

(f) STYLISTIC AND CONFORMING AMENDMENTS.—

(1) SUBSECTION HEADINGS.—Such section is amended—

(A) in subsection (a), by inserting ''ENTITLEMENT.—'' after ''(a)''; and

(B) in subsection (d), by inserting ''COAST GUARD.—'' after ''(d)''.

(2) TRAVEL STATUS EXCEPTION TO ENTITLEMENT.—Section 404 of title 37, United States Code, is amended—

(A) by striking out subsection (g); and

(B) by redesignating subsections (h), (i), (j), and (k) as subsections (g), (h), (i), and (j), respectively.

SEC. 612. TRANSITIONAL BASIC ALLOWANCE FOR SUBSISTENCE.

(a) BAS TRANSITION PERIOD.—For the purposes of this section, the BAS transition period is the period beginning on the effective date of this part and ending on the date that this section ceases to be effective under section 613(b).

(b) TRANSITIONAL AUTHORITY.—Notwithstanding section 402 of title 37, United States Code (as amended by section 611), during the BAS transition period—

(1) the basic allowance for subsistence shall not be paid under that section for that period;

(2) a member of the uniformed services is entitled to the basic allowance for subsistence only as provided in subsection (c);

(3) an enlisted member of the uniformed services may be paid a partial basic allowance for subsistence as provided in subsection (d); and

(4) the rates of the basic allowance for subsistence are those determined under subsection (e).

(c) TRANSITIONAL ENTITLEMENT TO BAS.—

(1) ENLISTED MEMBERS.—

(A) TYPES OF ENTITLEMENT.—An enlisted member is entitled to the basic allowance for subsistence, on a daily basis, of one of the following types—

(i) when rations in kind are not available;

(ii) when permission to mess separately is granted; and

(iii) when assigned to duty under emergency conditions where no messing facilities of the United States are available.

(B) OTHER ENTITLEMENT CIRCUMSTANCES.—An enlisted member is entitled to the allowance while on an authorized leave of absence, while confined in a hospital, or while performing travel under orders away from the member's designated post of duty other than field duty or sea duty (as defined in regulations prescribed by the Secretary of Defense). For purposes of the preceding sentence, a member shall not be considered to be performing travel under orders away from his designated post of duty if such member—

(i) is an enlisted member serving his first tour of active duty;

(ii) has not actually reported to a permanent duty station pursuant to orders directing such assignment; and

(iii) is not actually traveling between stations pursuant to orders directing a change of station.

(C) ADVANCE PAYMENT.—The allowance to an enlisted member, when authorized, may be paid in advance for a period of not more than three months.

(2) OFFICERS.—An officer of a uniformed service who is entitled to basic pay is, at all times, entitled to the basic allowances for subsistence. An aviation cadet of the Navy, Air Force, Marine Corps, or Coast Guard is entitled to the same basic allowance for subsistence as is provided for an officer of the Navy, Air Force, Marine Corps, or Coast Guard, respectively.

(d) TRANSITIONAL AUTHORITY FOR PARTIAL BAS.—

(1) ENLISTED MEMBERS FURNISHED SUBSISTENCE IN KIND.—The Secretary of Defense may provide in regulations for an enlisted member of a uniformed service to be paid a partial basic allowance for subsistence when—

(A) rations in kind are available to the member;

(B) the member is not granted permission to mess separately; or

(C) the member is assigned to duty under emergency conditions where messing facilities of the United States are available.

(2) MONTHLY PAYMENT.—Any partial basic allowance for subsistence authorized under paragraph (1) shall be paid on a monthly basis.

(e) TRANSITIONAL RATES.—

(1) FULL BAS FOR OFFICERS.—The rate of basic allowance for subsistence that is payable to officers of the uniformed services for a year shall be the amount that is equal to 101 percent of the rate of basic allowance for subsistence that was payable to officers of the uniformed services for the preceding year.

(2) FULL BAS FOR ENLISTED MEMBERS.—The rate of basic allowance for subsistence that is payable to an enlisted member of the uniformed services for a year shall be the higher of—

(A) the amount that is equal to 101 percent of the rate of basic allowance for subsistence that was in effect for similarly situated enlisted members of the uniformed services for the preceding year; or

(B) the daily equivalent of what, except for subsection (b), would otherwise be the monthly rate of basic allowance for subsistence for enlisted members under section 402(b)(1) of title 37, United States Code (as added by section 611(b)).

(3) PARTIAL BAS FOR ENLISTED MEMBERS.—The rate of any partial basic allowance for subsistence paid under subsection (d) for a member for a year shall be equal to the lower of—

(A) the amount equal to the excess, if any, of—

(i) the amount equal to the monthly equivalent of the rate of basic allowance for subsistence that was in effect for the preceding year for enlisted members of the uniformed services above grade E–1 (when permission to mess separately is granted), increased by the same percent by which the rates of basic pay for members of the uniformed services were increased for the year over those in effect for such preceding year, over

(ii) the amount equal to 101 percent of the monthly equivalent of the rate of basic allowance for subsistence that was in effect for the previous year for enlisted members of the uniformed services above grade E–1 (when permission to mess separately is granted); or

(B) the amount equal to the excess of—

(i) the amount that, except for subsection (b), would otherwise be the monthly rate of basic allowance for subsistence for enlisted members under section 402(b)(1) of title 37, United States Code, over

(ii) the amount equal to the monthly equivalent of the value of a daily ration, as determined by the Under Secretary of Defense (Comptroller) as of October 1 of the preceding year.

SEC. 613. EFFECTIVE DATE AND TERMINATION OF TRANSITIONAL AUTHORITY.

(a) EFFECTIVE DATE.—This part and the amendments made by section 611 shall take effect on January 1, 1998.

(b) TERMINATION OF TRANSITIONAL PROVISIONS.—Section 612 shall cease to be effective on the first day of the month immediately following the first month for which the monthly equivalent of the rate of basic allowance for subsistence payable to enlisted members of the uniformed services (when permission to mess separately is granted), as determined under subsection (e)(2) of such section, equals or exceeds the amount that, except for subsection (b) of such section, would otherwise be the monthly rate of basic allowance for subsistence for enlisted members under section 402(b)(1) of title 37, United States Code.

PART II—REFORM OF HOUSING AND RELATED ALLOWANCES

SEC. 616. ENTITLEMENT TO BASIC ALLOWANCE FOR HOUSING.

(a) REDESIGNATION OF BAQ.—Section 403 of title 37, United States Code, is amended by striking out ''basic allowance for quarters'' each place it appears, except in subsections (f) and (m), and inserting in lieu thereof ''basic allowance for housing''.

(b) RATES.—Subsection (a) of such section is amended by striking out ''section 1009'' and inserting in lieu thereof ''section 403a''.

(c) TEMPORARY HOUSING ALLOWANCE WHILE IN TRAVEL OR LEAVE STATUS.—Subsection (f) of such section is amended to read as follows:

''(f) TEMPORARY HOUSING ALLOWANCE WHILE IN TRAVEL OR LEAVE STATUS.—A member of a uniformed service who is in pay grade above E–4 (four or more years of service) or above is entitled to a temporary housing allowance (at a rate determined under section 403a of this title) while the member is in a travel or leave status between permanent duty stations, including time granted as delay en route or proceed time, when the member is not assigned to quarters of the United States.''.

(d) DETERMINATIONS NECESSARY FOR ADMINISTERING AUTHORITY FOR ALL MEMBERS.—Subsection (h) of such section is amended by striking out ''enlisted'' each place it appears.

(e) ENTITLEMENT OF MEMBERS NOT ENTITLED TO PAY.—Subsection (i) of such section is amended by striking out ''enlisted''.

(f) TEMPORARY HOUSING AND ALLOWANCE FOR SURVIVORS OF ACTIVE DUTY MEMBERS.—

(1) CONTINUATION OF OCCUPANCY.—Paragraph (1) of subsection (l) of such section is amended by striking out ''in line of duty'' and inserting in lieu thereof ''on active duty''.

(2) ALLOWANCE.—Paragraph (2) of such subsection is amended to read as follows:

''(2)(A) The Secretary concerned may pay a basic allowance for housing (at the rate determined under section 403a of this title) to the dependents of a member of the uniformed services who dies while on active duty and whose dependents—

''(i) are not occupying a housing facility under the jurisdiction of a uniformed service on the date of the member's death;

''(ii) are occupying such housing on a rental basis on such date; or

''(iii) vacate such housing sooner than 180 days after the date of the member's death.

''(B) The payment of the allowance under this subsection shall terminate 180 days after the date of the member's death.''.

(g) ENTITLEMENT OF MEMBER PAYING CHILD SUPPORT.—Subsection (m) of such section is amended to read as follows:

''(m) MEMBERS PAYING CHILD SUPPORT.—(1) A member of a uniformed service with dependents may not be paid a basic allowance for housing at the with dependents rate solely by reason of the payment of child support by the member if—

''(A) the member is assigned to a housing facility under the jurisdiction of a uniformed service; or

''(B) the member is in a pay grade above E–4, is assigned to sea duty, and elects not to occupy assigned quarters for unaccompanied personnel.

''(2) A member of a uniformed service assigned to quarters of the United States or a housing facility under the jurisdiction of a uniformed service who is not otherwise authorized a basic allowance for housing and who pays child support is entitled to the basic allowance for housing differential (at the rate applicable under section 403a of this title) to the members' pay grade except for months for which the amount payable for the child support is less than the rate of the differential. Payment of a basic allowance for housing differential does not affect any entitlement of the member to a partial allowance for quarters under subsection (o).''.

(h) REPLACEMENT OF VHA BY BASIC ALLOWANCE FOR HOUSING.—

(1) MEMBERS NOT ACCOMPANIED BY DEPENDENTS OUTSIDE CONUS.—Such section is further amended by adding at the end the following:

''(n) MEMBERS NOT ACCOMPANIED BY DEPENDENTS OUTSIDE CONUS.—(1) A member of a uniformed service with dependents who is assigned to an unaccompanied tour of duty outside the continental United States is eligible for a basic allowance for housing as provided in paragraph (2).

''(2)(A) For any period during which the dependents of a member referred to in paragraph (1) reside in the United States where, if the member were residing with them, the member would be entitled to receive a basic allowance for housing, the member is entitled to a basic allowance for housing at the rate applicable under section 403a of this title to the member's pay grade and the location of the residence of the member's dependents.

''(B) A member referred to in paragraph (1) may be paid a basic allowance for housing at the rate applicable under section 403a of this title to the members's pay grade and location.

''(3) Payment of a basic allowance for housing to a member under paragraph (2)(B) shall be in addition to any allowance or per diem to which the member otherwise may be entitled under this title.''.

(2) MEMBERS NOT ACCOMPANIED BY DEPENDENTS INSIDE CONUS.—Paragraph (2) of section 403a(a) of title 37, United States Code, is transferred to the end of section 403 of such title and, as transferred, is amended—

(A) by striking out ''(2)'' and inserting in lieu thereof ''(o) MEMBERS NOT ACCOMPANIED BY DEPENDENTS INSIDE CONUS.—'';

(B) by striking out ''variable housing allowance'' each place it appears and inserting in lieu thereof ''basic allowance for housing'';

(C) by striking out ''(under regulations prescribed under subsection (e))'' in the matter following subparagraph (B) and inserting in lieu thereof ''(under regulations prescribed by the Secretary of Defense)''; and

(D) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

(3) REPEAL OF VHA ALLOWANCE.—Section 403a of title 37, United States Code, is repealed.

(i) MEMBERS WITHOUT DEPENDENTS.—Section 403 of such title, as amended by subsection (f), is further amended by adding at the end the following:

''(p) PARTIAL ALLOWANCE FOR MEMBERS WITHOUT DEPENDENTS.—A member of a uniformed service without dependents who is not entitled to receive a basic allowance for housing under subsection (b) or (c) is entitled to a partial allowance for quarters determined under section 403a of this title.''.

(j) STYLISTIC AMENDMENTS.—Section 403 of title 37, United States Code, as amended by this section, is further amended—

(1) in subsection (a), by striking out ''(a)(1)'' and inserting in lieu thereof ''(a) GENERAL ENTITLEMENT.—(1)'';

(2) in subsection (b), by striking out ''(b)(1)'' and inserting in lieu thereof ''(b) MEMBERS ASSIGNED TO QUARTERS.—(1)'';

(3) in subsection (c), by striking out ''(c)(1)'' and inserting in lieu thereof ''(c) INELIGIBILITY DURING INITIAL FIELD DUTY OR SEA DUTY.—(1)'';

(4) in subsection (d), by striking out ''(d)(1)'' and inserting in lieu thereof ''(d) PROHIBITED GROUNDS FOR DENIAL.—(1)'';

(5) in subsection (e), by inserting ''RENTAL OF PUBLIC QUARTERS.—'' after ''(e)'';

(6) in subsection (g), by inserting ''AVIATION CADETS.—'' after ''(g)'';

(7) in subsection (h), by inserting ''NECESSARY DETERMINATIONS.—'' after ''(h)'';

(8) in subsection (i), by inserting ''ENTITLEMENT OF MEMBER NOT ENTITLED TO PAY.—'' after ''(i)'';

(9) in subsection (j), by striking out ''(j)(1)'' and inserting in lieu thereof ''(j) ADMINISTRATIVE AUTHORITY.—(1)'';

(10) in subsection (k), by inserting ''PARKING FACILITIES NOT CONSIDERED QUARTERS.—'' after ''(k)''; and

(11) in subsection (l), by striking out ''(l)(1)'' and inserting in lieu thereof ''(l) DEPENDENTS OF MEMBERS DYING ON ACTIVE DUTY.—(1)''.

(k) SECTION HEADING.—The heading of section 403 of title 37, United States Code, is amended to read as follows:

''§ 403. Basic allowance for housing: eligibility''.

SEC. 617. RATES OF BASIC ALLOWANCE FOR HOUSING.

Chapter 7 of title 37, United States Code, is amended by inserting after section 403 the following new section 403a:

''§ 403a. Basic allowance for housing: rates

''(a) RATES PRESCRIBED BY SECRETARY OF DEFENSE.—The Secretary of Defense shall prescribe monthly rates of basic allowance for housing payable under section 403 of this title. The Secretary shall specify the rates, by pay grade and dependency status, for each geographic area defined in accordance with subsection (b).

''(b) GEOGRAPHIC BASIS FOR RATES.—(1) The Secretary shall define the areas within the United States and the areas outside the United States for which rates of basic allowance for housing are separately specified.

''(2) For each area within the United States that is defined under paragraph (1), the Secretary shall determine the costs of housing in that area that the Secretary considers adequate for civilians residents of that area whose relevant circumstances the Secretary considers as being comparable to those of members of the uniformed services.

''(3) For each area outside the United States defined under paragraph (1), the Secretary shall determine the costs of housing in that area that the Secretary considers adequate for members of the uniformed services.

''(c) RATES WITHIN THE UNITED STATES.—(1) Subject to paragraph (2), the monthly rate of basic allowance for housing for members of the uniformed services of a particular grade and dependency status for an area within the United States shall be the amount equal to the excess of—

''(A) the monthly cost of housing determined applicable for members of that grade and dependency status for that area under subsection (b), over

''(B) the amount equal to 15 percent of the average of the monthly costs of housing determined applicable for members of the uniformed services of that grade and dependency status for all areas of the United States under subsection (b).

''(2) The rates of basic allowance for housing determined under paragraph (1) shall be reduced as necessary to comply with subsection (g).

''(d) RATES OUTSIDE THE UNITED STATES.—The monthly rate of basic allowance for housing for members of the uniformed services of a particular grade and dependency status for an area outside the United States shall be an amount appropriate for members of the uniformed services of that grade and dependency status for that area, as determined by the Secretary on the basis of the costs of housing in that area.

''(e) ADJUSTMENTS WHEN RATES OF BASIC PAY INCREASED.—The Secretary of Defense shall periodically redetermine the housing costs for areas under subsection (b) and adjust the rates of basic allowance for housing as appropriate on the basis of the redetermination of costs. The effective date of any adjustment in rates of basic allowance for housing for an area as a result of such a redetermination shall be the same date as the effective date of the next increase in rates of basic pay for members of the uniformed services after the redetermination.

''(f) SAVINGS OF RATE.—The rate of basic allowance for housing payable to a particular member for an area within the United States may not be reduced during a continuous period of eligibility of the member to receive a basic allowance for housing for that area by reason of—

''(1) a general reduction of rates of basic allowance for housing for members of the same grade and dependency status for the area taking effect during the period; or

''(2) a promotion of the member during the period.

''(g) FISCAL YEAR LIMITATION ON TOTAL ALLOWANCES PAID FOR HOUSING INSIDE THE UNITED STATES.—(1) The total amount that may be paid for a fiscal year for the basic allowance for housing for areas within the United States authorized members of the uniformed services by section 403 of this title is the product of—

''(A) the total amount authorized to be paid for the allowance for such areas for the preceding fiscal year (as adjusted under paragraph (2)); and

''(B) the fraction—

''(i) the numerator of which is the average of the costs of housing determined by the Secretary under subsection (b)(2) for the areas of the United States for June of the preceding fiscal year; and

''(ii) the denominator of which is the average of the costs of housing determined by the Secretary under subsection (b)(2) for the areas of the United States for June of the fiscal year before the preceding fiscal year.

''(2) In making a determination under paragraph (1) for a fiscal year, the Secretary shall adjust the amount authorized to be paid for the preceding fiscal year for the basic allowance for housing to reflect changes (during the fiscal year for which the determination is made) in the number, grade distribution, and dependency status of members of the uniformed services entitled to the basic allowance for housing from the number of such members during such preceding fiscal year.

''(h) MEMBERS EN ROUTE BETWEEN PERMANENT DUTY STATIONS.—The Secretary of Defense shall prescribe in regulations the rate of the temporary housing allowance to which a member is entitled under section 403(f) of this title while the member is in a travel or leave status between permanent duty stations.

''(i) SURVIVORS OF MEMBERS DYING ON ACTIVE DUTY.— The rate of the basic allowance for housing payable to dependents of a deceased member under section 403(l)(2) of this title shall be the rate that is payable for members of the same grade and dependency status as the deceased member for the area where the dependents are residing.

''(j) MEMBERS PAYING CHILD SUPPORT.—(1) The basic allowance for housing differential

to which a member is entitled under section 403(m)(2) of this title is the amount equal to the excess of—

''(A) the rate of the basic allowance for quarters (with dependents) for the member's pay grade, as such rate was in effect on December 31, 1997, under section 403 of this title (as such section was in effect on such date), over

''(B) the rate of the basic allowance for quarters (without dependents) for the member's pay grade, as such rate was in effect on December 31, 1997, under section 403 of this title (as such section was in effect on that date).

''(2) Whenever the rates of basic pay for members of the uniformed services are increased, the monthly amount of the basic allowance for housing differential shall be increased by the average percent increase in the rates of basic pay. The effective date of the increase shall be the same date as the effective date in the increase in the rates of basic pay.

''(k) PARTIAL ALLOWANCE FOR QUARTERS.—The rate of the partial allowance for quarters to which a member without dependents is entitled under section 403(p) of this title is the partial rate of basic allowance for quarters for the member's pay grade as such partial rate was in effect on December 31, 1997, under section 1009(c)(2) of this title (as such section was in effect on such date).''.

SEC. 618. DISLOCATION ALLOWANCE.

(a) AMOUNT.—Section 407 of title 37, United States Code, is amended—

(1) in subsection (a), by striking out ''equal to the basic allowance for quarters for two and one-half months as provided for the member's pay grade and dependency status in section 403 of this title'' in the matter preceding paragraph (1) and inserting in lieu thereof ''determined under subsection (g)'';

(2) in subsection (b), by striking out ''equal to the basic allowance for quarters for two months as provided for a member's pay grade and dependency status in section 403 of this title'' and inserting in lieu thereof ''determined under subsection (g)''; and

(3) by adding at the end the following:

''(g) AMOUNT.—(1) The dislocation allowance payable to a member under subsection (a) shall be the amount equal to 160 percent of the monthly national average cost of housing determined for members of the same grade and dependency status as the member.

''(2) The dislocation allowance payable to a member under subsection (b) shall be the amount equal to 130 percent of the monthly national average cost of housing determined for members of the same grade and dependency status as the member.

''(3) In this section, the term 'monthly national average cost of housing', with respect to members of a particular grade and dependency status, means the average of the monthly costs of housing that the Secretary determines adequate for members of that grade and dependency status for all areas in the United States under section 403a(b)(2) of this title.''.

(b) STYLISTIC AMENDMENTS.—Such section is amended—

(1) in subsection (a), by inserting ''FIRST ALLOWANCE.—'' after ''(a)'';

(2) in subsection (b), by inserting ''SECOND ALLOWANCE.—'' after ''(b)'';

(3) in subsection (c), by inserting ''ONE ALLOWANCE PER FISCAL YEAR.—'' after ''(c)'';

(4) in subsection (d), by inserting ''NO ENTITLEMENT FOR FIRST AND LAST MOVES.—'' after ''(d)'';

(5) in subsection (e), by inserting ''WHEN MEMBER WITH DEPENDENTS CONSIDERED MEMBER WITHOUT DEPENDENTS.—'' after ''(e)''; and

(6) in subsection (f), by inserting ''PAYMENT IN ADVANCE.—'' after ''(f)''.

SEC. 619. FAMILY SEPARATION AND STATION ALLOWANCES.

(a) FAMILY SEPARATION ALLOWANCE.—

(1) REPEAL OF AUTHORITY FOR ALLOWANCE EQUAL TO BAQ.—Section 427 of title 37, United States Code, is amended by striking out subsection (a).

(2) CONFORMING AMENDMENTS.—Subsection (b) of such section is amended—

(A) by striking out ''(b) ADDITIONAL SEPARATION ALLOWANCE.—'';

(B) by redesignating paragraphs (1), (2), (3), (4), and (5), as subsections (a), (b), (c), (d), and (e), respectively;

(C) in subsection (a), as so redesignated—

(i) by inserting ''ENTITLEMENT.—'' after ''(a)'';

(ii) by striking out '', including subsection (a),''; and

(iii) by redesignating subparagraphs (A), (B), (C), and (D) as paragraphs (1), (2), (3), and (4), respectively;

(D) in subsection (b), as redesignated by paragraph (2)—

(i) by inserting ''EFFECTIVE DATE FOR SEPARATION DUE TO CRUISE OR TEMPORARY DUTY.—'' after ''(b)'';

(ii) by striking out ''subsection by virtue of duty described in subparagraph (B) or (C) of paragraph (1)'' and inserting in lieu thereof ''section by virtue of duty described in paragraph (2) or (3) of subsection (a)'';

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

(iv) in paragraph (2), as so redesignated—

(I) by striking out ''subsection'' and inserting in lieu thereof ''section''; and

(II) by striking out ''subparagraphs'' and inserting in lieu thereof ''paragraphs'';

(E) in subsection (c), as redesignated by paragraph (2)—

(i) by inserting ''ENTITLEMENT WHEN NO RESIDENCE OR HOUSEHOLD MAINTAINED FOR DEPENDENTS.—'' after ''(c)''; and

(ii) by striking out ''subsection'' and inserting in lieu thereof ''section'';

(F) in subsection (d), as redesignated by paragraph (2)—

(i) by inserting ''EFFECT OF ELECTION OF UNACCOMPANIED TOUR.—'' after ''(d)''; and

(ii) by striking out ''paragraph (1)(A) of this subsection'' and inserting in lieu thereof ''subsection (a)(1)''; and

(G) in subsection (e), as redesignated by paragraph (2)—

(i) by inserting ''ENTITLEMENT WHILE DEPENDENT ENTITLED TO BASIC PAY.—'' after ''(e)''; and

(ii) by striking out ''paragraph (1)(D)'' each place it appears and inserting in lieu thereof ''subsection (a)(4)''.

(b) STATION ALLOWANCE.—

(1) REPEAL OF AUTHORITY.—Section 405 of title 37, United States Code, is amended by striking out subsection (b).

(2) CONFORMING AMENDMENT.—Such section is further amended by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

SEC. 620. OTHER CONFORMING AMENDMENTS.

(a) DEFINITION OF REGULAR MILITARY COMPENSATION.—Section 101(25) of title 37, United States Code, is amended by striking out ''basic allowance for quarters (including any variable housing allowance or station allowance)'' and inserting in lieu thereof ''basic allowance for housing.''.

(b) ALLOWANCES WHILE PARTICIPATING IN INTERNATIONAL SPORTS.—Section 420(c) of such title is amended by striking out ''quarters'' and inserting in lieu thereof ''housing''.

(c) PAYMENTS TO MISSING PERSONS.—Section 551(3)(D) of such title is amended by striking out ''quarters'' and inserting in lieu thereof ''housing''.

(d) PAYMENT DATE.—Section 1014(a) of such title is amended by striking out ''basic allowance for quarters'' and inserting in lieu thereof ''basic allowance for housing''.

(e) OCCUPANCY OF SUBSTANDARD FAMILY HOUSING.—Section 2830(a) of title 10, United States Code, is amended by striking out ''basic allowance for quarters'' each place it appears and inserting in lieu thereof ''basic allowance for housing''.

SEC. 621. CLERICAL AMENDMENT.

The table of sections at the beginning of chapter 7 of title 37, United States Code, is amended by striking out the items relating to section 403 and 403a and inserting in lieu thereof the following:

''403. Basic allowance for housing: eligibility.
''403a. Basic allowance for housing: rates.''.

SEC. 622. EFFECTIVE DATE.

This part and the amendments made by this part shall take effect on January 1, 1998.

PART III—OTHER AMENDMENTS RELATING TO ALLOWANCES

SEC. 626. REVISION OF AUTHORITY TO ADJUST COMPENSATION NECESSITATED BY REFORM OF SUBSISTENCE AND HOUSING ALLOWANCES.

(a) CONFORMING REPEAL OF AUTHORITY RELATING TO BAS AND BAQ.—

(1) IN GENERAL.—Section 1009 of title 37, United States Code, is amended to read as follows:

''§ 1009. Adjustments of monthly basic pay

''(a) ADJUSTMENT REQUIRED.—Whenever the General Schedule of compensation for Federal classified employees as contained in section 5332 of title 5 is adjusted upward, the President shall immediately make an upward adjustment in the monthly basic pay authorized members of the uniformed services by section 203(a) of this title.

''(b) EFFECTIVENESS OF ADJUSTMENT.—An adjustment under this section shall—

''(1) have the force and effect of law; and

''(2) carry the same effective date as that applying to the compensation adjustments provided General Schedule employees.

''(c) EQUAL PERCENTAGE INCREASE FOR ALL MEMBERS.—Subject to subsection (d), an adjustment under this section shall provide all eligible members with an increase in the monthly basic pay which is of the same percentage as the overall average percentage increase in the General Schedule rates of basic pay for civilian employees.

''(d) ALLOCATION OF INCREASE AMONG PAY GRADES AND YEARS-OF-SERVICE.—(1) Subject to paragraph (2), whenever the President determines such action to be in the best interest of the Government, he may allocate the overall percentage increase in the monthly basic pay under subsection (a) among such pay grade and years-of-service categories as he considers appropriate.

''(2) In making any allocation of an overall percentage increase in basic pay under paragraph (1)—

''(A) the amount of the increase in basic pay for any given pay grade and years-of-service category after any allocation made under this subsection may not be less than 75 percent of the amount of the increase in the monthly basic pay that would otherwise have been effective with respect to such pay grade and years-of-service category under subsection (c); and

''(B) the percentage increase in the monthly basic pay in the case of any member of the uniformed services with four years or less service may not exceed the overall percentage increase in the General Schedule rates of basic pay for civilian employees.

''(e) NOTICE OF ALLOCATIONS.—Whenever the President plans to exercise his authority under subsection (d) with respect to any anticipated increase in the monthly basic pay of members of the uniformed services, he shall advise Congress, at the earliest practicable time prior to the effective date of

such increase, regarding the proposed allocation of such increase.

''(f) QUADRENNIAL ASSESSMENT OF ALLOCATIONS.—The allocations of increases made under this section shall be assessed in conjunction with the quadrennial review of military compensation required by section 1008(b) of this title.''.

(2) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 19 of such title is amended to read as follows:

''1009. Adjustments of monthly basic pay.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 1, 1998.

SEC. 627. DEADLINE FOR PAYMENT OF READY RESERVE MUSTER DUTY ALLOWANCE.

Section 433(c) of title 37, United States Code, is amended by striking out ''and shall'' in the first sentence and all that follows in that sentence and inserting in lieu thereof a period and the following: ''The allowance shall be paid to the member before, on, or after the date on which the muster duty is performed, but not later than 30 days after that date.''.

Subtitle C—Bonuses and Special and Incentive Pays

SEC. 631. ONE-YEAR EXTENSION OF CERTAIN BONUSES AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

(a) SPECIAL PAY FOR CRITICALLY SHORT WARTIME HEALTH SPECIALISTS.—Section 302g(f) of title 37, United States Code, is amended by striking out ''September 30, 1998'' and inserting in lieu thereof ''September 30, 1999''.

(b) SELECTED RESERVE REENLISTMENT BONUS.—Section 308b(f) of title 37, United States Code, is amended by striking out ''September 30, 1998'' and inserting in lieu thereof ''September 30, 1999''.

(c) SELECTED RESERVE ENLISTMENT BONUS.—Section 308c(e) of title 37, United States Code, is amended by striking out ''September 30, 1998'' and inserting in lieu thereof ''September 30, 1999''.

(d) SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section 308d(c) of title 37, United States Code, is amended by striking out ''September 30, 1998'' and inserting in lieu thereof ''September 30, 1999''.

(e) SELECTED RESERVE AFFILIATION BONUS.—Section 308e(e) of title 37, United States Code, is amended by striking out ''September 30, 1998'' and inserting in lieu thereof ''September 30, 1999''.

(f) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS.—Section 308h(g) of title 37, United States Code, is amended by striking out ''September 30, 1998'' and inserting in lieu thereof ''September 30, 1999''.

(g) PRIOR SERVICE ENLISTMENT BONUS.—Section 308i(i) of title 37, United States Code, is amended by striking out ''September 30, 1998'' and inserting in lieu thereof ''September 30, 1999''.

(h) REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.—Section 16302(d) of title 10, United States Code, is amended by striking out ''October 1, 1998'' and inserting in lieu thereof ''October 1, 1999''.

SEC. 632. ONE-YEAR EXTENSION OF CERTAIN BONUSES AND SPECIAL PAY AUTHORITIES FOR NURSE OFFICER CANDIDATES, REGISTERED NURSES, AND NURSE ANESTHETISTS.

(a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking out ''September 30, 1998'' and inserting in lieu thereof ''September 30, 1999''.

(b) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a)(1) of title 37, United States Code, is amended by striking out ''September 30, 1998'' and inserting in lieu thereof ''September 30, 1999''.

(c) INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a)(1) of title 37, United States Code, is amended by striking out ''September 30, 1998'' and inserting in lieu thereof ''September 30, 1999''.

SEC. 633. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER BONUSES AND SPECIAL PAYS.

(a) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of title 37, United States Code, is amended by striking out ''September 30, 1998'' and inserting in lieu thereof ''September 30, 1999''.

(b) ENLISTMENT BONUSES FOR CRITICAL SKILLS.—Sections 308a(c) and 308f(c) of title 37, United States Code, are each amended by striking out ''September 30, 1998'' and inserting in lieu thereof ''September 30, 1999''.

(c) SPECIAL PAY FOR NUCLEAR QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312(e) of title 37, United States Code, is amended by striking out ''September 30, 1998'' and inserting in lieu thereof ''September 30, 1999''.

(d) NUCLEAR CAREER ACCESSION BONUS.—Section 312b(c) of title 37, United States Code, is amended by striking out ''September 30, 1998'' and inserting in lieu thereof ''September 30, 1999''.

(e) NUCLEAR CAREER ANNUAL INCENTIVE BONUS.—Section 312c(d) of title 37, United States Code, is amended by striking out ''October 1, 1998'' and inserting in lieu thereof ''October 1, 1999''.

SEC. 634. INCREASED AMOUNTS FOR AVIATION CAREER INCENTIVE PAY.

(a) AMOUNTS.—The table in subsection (b)(1) of section 301a(b)(1) of title 37, United States Code, is amended—

(1) by inserting at the end of phase I of the table the following:

''Over 14 ..... 840''; and

(2) by striking out phase II of the table and inserting in lieu thereof the following:

''PHASE II

''Years of service as an officer:	''Monthly rate
''Over 22	$585
''Over 23	495
''Over 24	385
''Over 25	250''.

(b) EFFECTIVE DATE AND APPLICABILITY.—The amendments made by subsection (a) shall take effect on October 1, 1998, and shall apply with respect to months beginning on or after that date.

SEC. 635. AVIATION CONTINUATION PAY.

(a) EXTENSION OF AUTHORITY.—Subsection (a) of section 301b of title 37, United States Code, is amended by striking out ''1998'' and inserting in lieu thereof ''2005''.

(b) BONUS AMOUNTS.—Subsection (c) of such section is amended—

(1) in paragraph (1), by striking out ''$12,000'' and inserting in lieu thereof ''$25,000''; and

(2) in paragraph (2), by striking out ''$6,000'' and inserting in lieu thereof ''$12,000''.

(c) DEFINITION OF AVIATION SPECIALTY.—Subsection (j)(2) of such section is amended by inserting ''specific'' before ''community''.

(d) CONTENT OF ANNUAL REPORT.—Subsection (i)(1) of such section is amended—

(1) by inserting ''and'' at the end of subparagraph (A);

(2) by striking out the semicolon and ''and'' at the end of subparagraph (B) and inserting in lieu thereof a period; and

(3) by striking out subparagraph (C).

(e) EFFECTIVE DATES AND APPLICABILITY.—(1) Except as provided in paragraphs (1) and (2), the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) The amendment made by subsection (b) shall take effect on October 1, 1997, and shall apply with respect to agreements accepted under subsection (a) of section 301b of title 37, United States Code, on or after that date.

(3) The amendment made by subsection (c) shall take effect as of October 1, 1996, and shall apply with respect to agreements accepted under subsection (a) of section 301b of title 37, United States Code, on or after that date.

SEC. 636. ELIGIBILITY OF DENTAL OFFICERS FOR THE MULTIYEAR RETENTION BONUS PROVIDED FOR MEDICAL OFFICERS.

(a) ADDITION OF DENTAL OFFICERS.—Section 301d of title 37, United States Code, is amended—

(1) in subsection (a)(1), by inserting ''or dental'' after ''medical''; and

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by inserting ''or Dental Corps'' after ''Medical Corps''; and

(ii) by inserting ''or dental'' after ''medical''; and

(B) in paragraph (3), by inserting ''or dental'' after ''medical''.

(b) CONFORMING AMENDMENT AND RELATED CLERICAL AMENDMENT.—(1) The heading of such section is amended to read as follows:

''§ 301d. Multiyear retention bonus: medical and dental officers of the armed forces''.

(2) The item relating to such section in the table of sections at the beginning of chapter 5 of title 37, United States Code, is amended to read as follows:

''301d. Multiyear retention bonus: medical and dental officers of the armed forces.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1997, and apply to agreements accepted under section 301d of title 37, United States Code, on or after that date.

SEC. 637. INCREASED SPECIAL PAY FOR DENTAL OFFICERS.

(a) VARIABLE SPECIAL PAY FOR OFFICERS BELOW GRADE O–7.—Paragraph (2) of section 302b(a) of title 37, United States Code, is amended by striking out subparagraphs (C), (D), (E), and (F), and inserting in lieu thereof the following:

''(C) $4,000 per year, if the officer has at least six but less than 8 years of creditable service.

''(D) $12,000 per year, if the officer has at least 8 but less than 12 years of creditable service.

''(E) $10,000 per year, if the officer has at least 12 but less than 14 years of creditable service.

''(F) $9,000 per year, if the officer has at least 14 but less than 18 years of creditable service.

''(G) $8,000 per year, 18 or more years of creditable service.''.

(b) VARIABLE SPECIAL PAY FOR OFFICERS ABOVE GRADE O–6.—Paragraph (3) of such section is amended by striking out ''$1,000'' and inserting in lieu thereof ''$7,000''.

(c) ADDITIONAL SPECIAL PAY.—Paragraph (4) of such section is amended—

(1) in subparagraph (B), by striking out ''14'' and inserting in lieu thereof ''10''; and

(2) by striking out subparagraphs (C) and (D) and inserting in lieu thereof the following:

''(C) $15,000 per year, if the officer has 10 or more years of creditable service.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1997, and shall apply with respect to months beginning on or after that date.

SEC. 638. MODIFICATION OF SELECTED RESERVE REENLISTMENT BONUS AUTHORITY.

(a) ELIGIBILITY OF MEMBERS WITH UP TO 14 YEARS OF TOTAL SERVICE.—Subsection (a) of section 308b of title 37, United States Code, is amended by striking out ''ten years'' in paragraph (1) and inserting in lieu thereof ''14 years''.

(b) TWO-BONUS AUTHORITY FOR CONSECUTIVE 3-YEAR ENLISTMENTS.—Such subsection is further amended—

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

(2) by inserting ''AUTHORITY AND ELIGIBILITY REQUIREMENTS.—(1)'' after ''(a)'';

(3) by striking out ''a bonus as provided in subsection (b)'' before the period at the end and inserting in lieu thereof ''a bonus or bonuses in accordance with this section''; and

(4) by adding at the end the following new paragraph (2):

''(2) If a person eligible to receive a bonus under this section by reason of an enlistment for a period of three years so elects on or before the date of the enlistment, the Secretary concerned may pay the person—

''(A) a bonus for that enlistment; and

''(B) an additional bonus for a later voluntary extension of the enlistment, or a subsequent consecutive enlistment, for a period of at least three years if—

''(i) on the date of the expiration of the enlistment for which the first bonus was paid, or the date on which, but for an extension of the enlistment, the enlistment would otherwise expire, as the case may be, the person satisfies the eligibility requirements set forth in paragraph (1) and the eligibility requirements for reenlisting or extending the enlistment; and

''(ii) the extension of the enlistment or the subsequent consecutive enlistment, as the case may be, is in a critical military skill designated for such a bonus by the Secretary concerned.''.

(c) BONUS AMOUNTS.—Subsection (b) of such section is amended to read as follows:

''(b) BONUS AMOUNTS.—(1) In the case of a member who enlists for a period of six years, the bonus to be paid under subsection (a) shall be a total amount not to exceed $5,000.

''(2) In the case of a member who enlists for a period of three years, the bonus to be paid under subsection (a) shall be as follows:

''(A) If the member does not make an election authorized under subsection (a)(2), the total amount of the bonus shall be an amount not to exceed $2,500.

''(B) If the member makes an election under subsection (a)(2) to be paid a bonus for the enlistment and an additional bonus for a later extension of the enlistment or for a subsequent consecutive enlistment—

''(i) the total amount of the first bonus shall be an amount not to exceed $2,000; and

''(ii) the total amount of the additional bonus shall be an amount not to exceed $2,500.''.

(d) DISBURSEMENT OF BONUS.—Subsection (c) of such section is amended to read as follows:

''(c) DISBURSEMENT OF BONUS.—(1) Any bonus payable under this section shall be disbursed in one initial payment of an amount not to exceed one-half of the total amount of the bonus and subsequent periodic partial payments of the balance of the bonus. The Secretary concerned shall prescribe the amount of each partial payment and the schedule for making the partial payments.

''(2) Payment of any additional bonus under subsection (a)(2)(B) for an extension of an enlistment or a subsequent consecutive enlistment shall begin on or after the date referred to in clause (i) of that subsection.''.

(e) SUBSECTION HEADINGS.—Such section is further amended—

(1) in subsection (d), by inserting ''REFUND FOR UNSATISFACTORY SERVICE.—'' after ''(d)'';

(2) in subsection (e), by inserting ''REGULATIONS.—'' after ''(e)''; and

(3) in subsection (f), by inserting ''TERMINATION OF AUTHORITY.—'' after ''(f)''.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1997, and apply to enlistments in the Armed Forces on or after that date.

SEC. 639. MODIFICATION OF AUTHORITY TO PAY BONUSES FOR ENLISTMENTS BY PRIOR SERVICE PERSONNEL IN CRITICAL SKILLS IN THE SELECTED RESERVE.

(a) REORGANIZATION OF SECTION.—Section 308i of title 37, United States Code, is amended—

(1) by redesignating subsections (e), (f), and (g) as paragraphs (2), (3), and (4), respectively, of subsection (d);

(2) by redesignating subsections (b), (c), (d), (h), and (i) as subsections (c), (e), (f), (g), and (h), respectively; and

(3) by redesignating paragraph (2) of subsection (a) as subsection (b) and in subsection (b), as so redesignated, by redesignating subparagraphs (A), (B), (C), and (D) as paragraphs (1), (2), (3), and (4), respectively.

(b) TWO-BONUS AUTHORITY FOR CONSECUTIVE 3-YEAR ENLISTMENTS.—Subsection (a) of such section is amended by inserting after paragraph (1) the following new paragraph (2):

''(2) If a person eligible to receive a bonus under this section by reason of an enlistment for a period of three years so elects on or before the date of the enlistment, the Secretary concerned may pay the person—

''(A) a bonus for that enlistment; and

''(B) an additional bonus for a later extension of the enlistment, or a subsequent consecutive enlistment, for a period of at least three years if—

''(i) on the date of the expiration of the enlistment for which the first bonus was paid, or the date on which, but for an extension of the enlistment, the enlistment would otherwise expire, the person satisfies the eligibility requirements set forth in subsection (b) and the eligibility requirements for reenlisting or extending the enlistment, as the case may be; and

''(ii) the extension of the enlistment or the subsequent consecutive enlistment, as the case may be, is in a critical military skill designated for such a bonus by the Secretary concerned.''.

(c) ELIGIBILITY OF FORMER MEMBERS WITH UP TO 14 YEARS OF PRIOR SERVICE.—Subsection (b) of such section, as redesignated by subsection (a)(3), is amended by striking out ''10 years'' and inserting in lieu thereof ''14 years''.

(d) BONUS AMOUNTS.—Subsection (c) of such section, as redesignated by subsection (a)(2), is amended to read as follows:

''(c) BONUS AMOUNTS.—(1) In the case of a member who enlists for a period of six years, the bonus to be paid under subsection (a) shall be a total amount not to exceed $5,000.

''(2) In the case of a member who enlists for a period of three years, the bonus to be paid under subsection (a) shall be as follows:

''(A) If the member does not make an election authorized under subsection (a)(2), the total amount of the bonus shall be an amount not to exceed $2,500.

''(B) If the member makes an election under subsection (a)(2) to be paid a bonus for the enlistment and an additional bonus for a later extension of the enlistment or for a subsequent consecutive enlistment—

''(i) the total amount of the first bonus shall be an amount not to exceed $2,000; and

''(ii) the total amount of the additional bonus shall be an amount not to exceed $2,500.''.

(e) DISBURSEMENT OF BONUS.—Such section is amended by inserting after subsection (c), as redesignated by subsection (a)(2) and amended by subsection (d), the following new subsection (d):

''(d) DISBURSEMENT OF BONUS.—(1) Any bonus payable under this section shall be disbursed in one initial payment of an amount not to exceed one-half of the total amount of the bonus and subsequent periodic partial payments of the balance of the bonus. The Secretary concerned shall prescribe the amount of each partial payment and the schedule for making the partial payments.

''(2) Payment of any additional bonus under subsection (a)(2)(B) for an extension of an enlistment or a subsequent consecutive enlistment shall begin on or after the date referred to in clause (i) of that subsection.''.

(f) CONFORMING AMENDMENTS.—(1) Subsection (a)(1) of such section is amended by striking out ''paragraph (2) may be paid a bonus as prescribed in subsection (b)'' and inserting in lieu thereof ''subsection (b) may be paid a bonus or bonuses in accordance with this section''.

(2) Subsection (e) of such section, as redesignated by subsection (a)(2), is amended by striking out ''may not be paid more than one bonus under this section and''.

(3) Subsection (f) of such section, as redesignated by subsection (a)(2), is amended—

(A) by inserting ''REFUND FOR UNSATISFACTORY SERVICE.—(1)'' after ''(f)'';

(B) in paragraphs (2) and (4), as redesignated by subsection (a)(1), by striking out ''subsection (d)'' and inserting in lieu thereof ''paragraph (1)''; and

(C) in paragraph (3), as redesignated by subsection (a)(1)—

(i) by striking out ''subsection (h)'' and inserting in lieu thereof ''subsection (g)''; and

(ii) by striking out ''subsection (d)'' and inserting in lieu thereof ''paragraph (1)''.

(g) SUBSECTION HEADINGS.—Such section, as amended by subsections (a) through (f), is further amended—

(1) in subsection (a), by inserting ''AUTHORITY.—'' after ''(a)'';

(2) in subsection (b), by inserting ''ELIGIBILITY.—'' after ''(b)'';

(3) in subsection (e), by inserting ''LIMITATION.—'' after ''(e)'';

(4) in subsection (g), by inserting ''REGULATIONS.—'' after ''(g)''; and

(5) in subsection (h), by inserting ''TERMINATION OF AUTHORITY.—'' after ''(h)''.

(h) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1997, and apply to enlistments in the Armed Forces on or after that date.

SEC. 640. INCREASED SPECIAL PAY AND BONUSES FOR NUCLEAR QUALIFIED OFFICERS.

(a) SPECIAL PAY FOR OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Subsection (a) of section 312 of title 37, United States Code, is amended by striking out ''$12,000'' and inserting in lieu thereof ''$15,000''.

(b) NUCLEAR CAREER ACCESSION BONUS.—Subsection (a)(1) of section 312b of title 37, United States Code, is amended by striking out ''$8,000'' and inserting in lieu thereof ''$10,000''.

(c) NUCLEAR CAREER ANNUAL INCENTIVE BONUSES.—Section 312c of title 37, United States Code, is amended—

(1) in subsection (a)(1), by striking out ''$10,000'' and inserting in lieu thereof ''$12,000''; and

(2) in subsection (b)(1), by striking out ''$4,500'' and inserting in lieu thereof ''$5,500''.

(d) EFFECTIVE DATE.—(1) The amendments made by this section shall take effect on October 1, 1997.

(2) The amendments made by subsections (a) and (b) shall apply with respect to agreements accepted under sections 312(a) and 312b(a), respectively, of title 37, United

States Code, on or after the effective date of the amendments.

SEC. 641. AUTHORITY TO PAY BONUSES IN LIEU OF SPECIAL PAY FOR ENLISTED MEMBERS EXTENDING DUTY AT DESIGNATED LOCATIONS OVERSEAS.

(a) PAYMENT FLEXIBILITY.—Section 314 of title 37, United States Code, is amended—

(1) in subsection (a), by striking out ''at a rate'' and all that follows through ''Secretary concerned'';

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following new subsection (b):

''(b) PAYMENT SCHEDULE AND RATES.—At the election of the Secretary concerned, the Secretary may pay the special pay to which a member is entitled under subsection (a)—

''(1) in monthly installments in an amount prescribed by the Secretary, but not to exceed $80 each; or

''(2) as an annual bonus in an amount prescribed by the Secretary, but not to exceed $2,000 per year.''.

(b) PROHIBITION OF CONCURRENT RECEIPT WITH REST AND RECUPERATIVE ABSENCE OR TRANSPORTATION.—Subsection (c) of such section, as redesignated by subsection (a)(2), is amended—

(1) by inserting ''CONCURRENT RECEIPT OF BENEFITS PROHIBITED.—(1)'' after ''(c)''; and

(2) by adding at the end the following:

''(2)(A) In the case of a member entitled to an annual bonus for a 12-month period under subsection (b)(2), the amount of the annual bonus shall be reduced by the percent determined by dividing 12 into the number of months in the period that the member is authorized rest and recuperative absence or transportation. For the purposes of the preceding sentence, a member shall be treated as having been authorized rest and recuperative absence or transportation for a full month if rest and recuperative absence or transportation is authorized for the member for any part of the month.

''(B) The Secretary concerned shall recoup by collection from a member any amount of an annual bonus paid under subsection (b)(2) to the member for a 12-month period that exceeds the amount of the bonus to which the member is entitled for the period by reason of an authorization of rest and recuperative absence or transportation for the member during that period that was not taken into account in computing the amount of the entitlement.''.

(c) REPAYMENT.—Such section is further amended by adding at the end the following:

''(d) REFUND FOR FAILURE TO COMPLETE TOUR OF DUTY.—(1) A member who, having entered into a written agreement to extend a tour of duty for a period under subsection (a), receives a bonus payment under subsection (b)(2) for a 12-month period covered by the agreement and ceases during that 12-month period to perform the agreed tour of duty shall refund to the United States the unearned portion of the bonus. The unearned portion of the bonus is the amount by which the amount of the bonus paid to the member exceeds the amount determined by multiplying the amount of the bonus paid by the percent determined by dividing 12 into the number of full months during which the member performed the duty in the 12-month period.

''(2) The Secretary concerned may waive the obligation of a member to reimburse the United States under paragraph (1) if the Secretary determines that conditions and circumstances warrant the waiver.

''(e) TREATMENT OF REIMBURSEMENT OBLIGATIONS.—(1) An obligation to reimburse the United States imposed under subsection (c)(2)(B) or (d) is for all purposes a debt owed to the United States.

''(2) A discharge in bankruptcy under title 11 that is entered less than 5 years after the termination of a written agreement entered into under subsection (a) does not discharge the member signing the agreement from a debt referred to in paragraph (1). This paragraph applies to any case commenced under title 11 on or after October 1, 1997.''.

(d) STYLISTIC AMENDMENT.—Subsection (a) of such section is amended by inserting ''AUTHORITY.—'' after ''(a)''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1997, and apply to agreements accepted under section 314 of title 37, United States Code, on or after that date.

Subtitle D—Retired Pay, Survivor Benefits, and Related Matters

SEC. 651. ONE-YEAR OPPORTUNITY TO DISCONTINUE PARTICIPATION IN SURVIVOR BENEFIT PLAN.

(a) ELECTION TO DISCONTINUE WITHIN ONE YEAR AFTER SECOND ANNIVERSARY OF COMMENCEMENT OF PAYMENT OF RETIRED PAY.—(1) Subchapter II of chapter 73 of title 10, United States Code, is amended by inserting after section 1448 the following:

''§ 1448a. Election to discontinue participation: one-year opportunity after second anniversary of commencement of payment of retired pay

''(a) AUTHORITY.—A participant in the Plan may, subject to the provisions of this section, elect to discontinue participation in the Plan at any time during the 1-year period beginning on the second anniversary of the date on which payment of retired pay to the participant commences.

''(b) CONCURRENCE OF SPOUSE.—(1) A married participant may not make an election under subsection (a) without the concurrence of the participant's spouse, except that the participant may make such an election without the concurrence of the person's spouse if the person establishes to the satisfaction of the Secretary concerned that one of the conditions described in section 1448(a)(3)(C) of this title exists.

''(2) The concurrence of a spouse under paragraph (1) shall be made in such written form and shall contain such information as may be required under regulations prescribed by the Secretary of Defense.

''(c) LIMITATION ON ELECTION WHEN FORMER SPOUSE COVERAGE IN EFFECT.—The limitation set forth in section 1450(f)(2) of this title shall apply to an election to discontinue participation in the Plan under subsection (a).

''(d) WITHDRAWAL OF ELECTION TO DISCONTINUE.—Section 1448(b)(1)(D) of this title shall apply to an election under subsection (a).

''(e) CONSEQUENCES OF DISCONTINUATION.—Section 1448(b)(1)(E) of this title shall apply to an election under subsection (a).

''(f) NOTICE TO EFFECTED BENEFICIARIES.—The Secretary concerned shall notify any former spouse or other natural person previously designated under section 1448(b) of this title of any election to discontinue participation under subsection (a).

''(g) EFFECTIVE DATE OF ELECTION.—An election authorized under this section is effective as of the first day of the first calendar month following the month in which the election is received by the Secretary concerned.

''(h) INAPPLICABILITY OF IRREVOCABILITY PROVISIONS.—Paragraphs (4)(B) and (5)(C) of section 1448(a) of this title do not apply to prevent an election under subsection (a).''.

(2) The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 1448 the following:

''1448a. Election to discontinue participation: one-year opportunity after second anniversary of commencement of payment of retired pay.''.

(b) TRANSITION PROVISION.—Notwithstanding the limitation on the time for making an election under section 1448a of title 10, United States Code (as added by subsection (a)), that is specified in subsection (a) of such section, a participant in the Survivor Benefit Plan under subchapter II of chapter 73 of such title may make an election in accordance with that section within one year after the effective date of the section if the second anniversary of the commencement of payment of retired pay to the participant precedes that effective date.

(c) EFFECTIVE DATE.—Section 1448a of title 10, United States Code, as added by subsection (a), shall take effect 180 days after the date of the enactment of this Act.

SEC. 652. TIME FOR CHANGING SURVIVOR BENEFIT COVERAGE FROM FORMER SPOUSE TO SPOUSE.

Section 1450(f)(1)(C) of title 10, United States Code, is amended by adding at the end the following: ''Notwithstanding the preceding sentence, a change of election under this subsection to provide an annuity to a spouse instead of a former spouse may (subject to paragraph (2)) be made at any time without regard to the time limitation in section 1448(a)(5)(B) of this title.''.

SEC. 653. PAID-UP COVERAGE UNDER SURVIVOR BENEFIT PLAN.

Section 1452 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(j) COVERAGE PAID UP AT 30 YEARS OR AGE 70.—(1) Coverage of a survivor of a member under the Plan shall be considered paid up as of the end of the earlier of—

''(A) the 360th month in which the member's retired pay has been reduced under this section; or

''(B) the month in which the member attains 70 years of age.

''(2) The retired pay of a member shall not be reduced under this section to provide coverage of a survivor under the Plan after the month when the coverage is considered paid up under paragraph (1).''.

SEC. 654. ANNUITIES FOR CERTAIN MILITARY SURVIVING SPOUSES.

(a) SURVIVOR ANNUITY.—(1) The Secretary concerned shall pay an annuity to the qualified surviving spouse of each member of the uniformed services who—

(A) died before March 21, 1974, and was entitled to retired or retainer pay on the date of death; or

(B) was a member of a reserve component of the Armed Forces during the period beginning on September 21, 1972, and ending on October 1, 1978, and at the time of his death would have been entitled to retired pay under chapter 67 of title 10, United States Code (as in effect before December 1, 1994), but for the fact that he was under 60 years of age.

(2) A qualified surviving spouse for purposes of this section is a surviving spouse who has not remarried and who is not eligible for an annuity under section 4 of Public Law 92–425 (10 U.S.C. 1448 note).

(b) AMOUNT OF ANNUITY.—(1) An annuity under this section shall be paid at the rate of $165 per month, as adjusted from time to time under paragraph (3).

(2) An annuity paid to a surviving spouse under this section shall be reduced by the amount of any dependency and indemnity compensation (DIC) to which the surviving spouse is entitled under section 1311(a) of title 38, United States Code.

(3) Whenever after the date of the enactment of this Act retired or retainer pay is increased under section 1401a(b)(2) of title 10, United States Code, each annuity that is payable under this section shall be increased at the same time and by the same total percent. The amount of the increase shall be

based on the amount of the monthly annuity payable before any reduction under this section.

(c) APPLICATION REQUIRED.—No benefit shall be paid to any person under this section unless an application for such benefit is filed with the Secretary concerned by or on behalf of such person.

(d) DEFINITIONS.—For purposes of this section:

(1) The terms ''uniformed services'' and ''Secretary concerned'' have the meanings given such terms in section 101 of title 37, United States Code.

(2) The term ''surviving spouse'' has the meaning given the terms ''widow'' and ''widower'' in paragraphs (3) and (4) of section 1447 of title 10, United States Code.

(e) PROSPECTIVE APPLICABILITY.—(1) Annuities under this section shall be paid for months beginning after the month in which this Act is enacted.

(2) No benefit shall accrue to any person by reason of the enactment of this section for any period before the first month that begins after the month in which this Act is enacted.

(f) EXPIRATION OF AUTHORITY.—The authority to pay annuities under this section shall expire on September 30, 2001.

Subtitle E—Other Matters

SEC. 661. ELIGIBILITY OF RESERVES FOR BENEFITS FOR ILLNESS, INJURY, OR DEATH INCURRED OR AGGRAVATED IN LINE OF DUTY.

(a) PAY AND ALLOWANCES.—(1) Section 204 of title 37, United States Code, is amended—

(A) in subsection (g)(1)(D), by inserting after ''while remaining overnight,'' the following: ''immediately before the commencement of inactive-duty training or''; and

(B) in subsection (h)(1)(D), by inserting after ''while remaining overnight,'' the following: ''immediately before the commencement of inactive-duty training or''.

(2) Section 206(a)(3)(C) of such title is amended by inserting after ''while remaining overnight,'' the following: ''immediately before the commencement of inactive-duty training or''.

(b) MEDICAL AND DENTAL CARE.—(1) Section 1074a(a)(3) of title 10, United States Code, is amended by inserting after ''while remaining overnight,'' the following: ''immediately before the commencement of inactive-duty training or''.

(2) Section 1076(a)(2) of title 10, United States Code, is amended—

(A) by striking out ''or'' at the end of subparagraph (A);

(B) by striking out the period at the end of subparagraph (B)(ii) and inserting in lieu thereof ''; or''; and

(C) by adding at the end the following:

''(C) who incurs or aggravates an injury, illness, or disease in the line of duty while serving on active duty under a call or order to active duty for a period of 30 days or less, if the call or order is modified to extend the period of active duty of the member to be more than 30 days.''.

(c) ELIGIBILITY FOR DISABILITY RETIREMENT OR SEPARATION.—(1) Section 1204(2) of title 10, United States Code, is amended to read as follows:

''(2) the disability is a result of an injury, illness, or disease incurred or aggravated—

''(A) in line of duty while performing active duty or inactive-duty training;

''(B) while traveling directly to or from the place at which such duty is performed; or

''(C) while remaining overnight, immediately before the commencement of inactive-duty training or between successive periods of inactive-duty training, at or in the vicinity of the site of the inactive-duty training, if the site of the inactive-duty training is outside reasonable commuting distance of the member's residence;''.

(2) Section 1206 of title 10, United States Code, is amended—

(A) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively, and

(B) by inserting after paragraph (1) the following new paragraph:

''(2) the disability is a result of an injury, illness, or disease incurred or aggravated—

''(A) in line of duty while performing active duty or inactive-duty training;

''(B) while traveling directly to or from the place at which such duty is performed; or

''(C) while remaining overnight, immediately before the commencement of inactive-duty training or between successive periods of inactive-duty training, at or in the vicinity of the site of the inactive-duty training, if the site of the inactive-duty training is outside reasonable commuting distance of the member's residence;''.

(d) RECOVERY, CARE, AND DISPOSITION OF REMAINS.—Section 1481(a)(2)(D) of title 10, United States Code, is amended by inserting after ''while remaining overnight,'' the following: ''immediately before the commencement of inactive-duty training or''.

(e) CONFORMING AMENDMENTS AND RELATED CLERICAL AMENDMENTS.—(1) The heading of section 1204 of title 10, United States Code, is amended to read as follows:

''§ 1204. Members on active duty for 30 days or less or on inactive-duty training: retirement''.

(2) The heading of section 1206 of such title is amended to read as follows:

''§ 1206. Members on active duty for 30 days or less or on inactive-duty training: separation''.

(3) The table of sections at the beginning of chapter 61 of such title is amended—

(A) by striking out the item relating to section 1204 and inserting in lieu thereof the following:

''1204. Members on active duty for 30 days or less or on inactive-duty training: retirement.'';

and

(B) by striking out the item relating to section 1206 and inserting in lieu thereof the following:

''1206. Members on active duty for 30 days or less or on inactive-duty training: separation.''.

(f) PROSPECTIVE APPLICABILITY.—No benefit shall accrue under an amendment made by this section for any period before the date of the enactment of this Act.

SEC. 662. TRAVEL AND TRANSPORTATION ALLOWANCES FOR DEPENDENTS BEFORE APPROVAL OF A MEMBER'S COURT-MARTIAL SENTENCE.

Section 406(h)(2)(C) of title 37, United States Code, is amended by inserting before the period at the end of the matter following clause (iii) the following: ''or action on the sentence is pending under that section''.

SEC. 663. ELIGIBILITY OF MEMBERS OF THE UNIFORMED SERVICES FOR REIMBURSEMENT OF ADOPTION EXPENSES.

(a) PUBLIC HEALTH SERVICE.—Section 221(a) of the Public Health Service Act (42 U.S.C. 213a(a)) is amended by adding at the end the following:

''(16) Section 1052, Reimbursement for adoption expenses.''.

(b) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.—Section 3(a) of the Act entitled ''An Act to revise, codify, and enact into law, title 10 of the United States Code, entitled 'Armed Forces', and title 32 of the United States Code, entitled 'National Guard' '', approved August 10, 1956 (33 U.S.C. 857a(a)), is amended by adding at the end the following:

''(16) Section 1052, Reimbursement for adoption expenses.''.

(c) PROSPECTIVE APPLICABILITY.—The amendments made by this section shall take effect on the date of the enactment of this Act and apply to adoptions completed on or after such date.

TITLE VII—HEALTH CARE PROVISIONS

SEC. 701. WAIVER OF DEDUCTIBLES, COPAYMENTS, AND ANNUAL FEES FOR MEMBERS ASSIGNED TO CERTAIN DUTY LOCATIONS FAR FROM SOURCES OF CARE.

(a) AUTHORITY.—Chapter 55 of title 10, United States Code, is amended by adding at the end the following:

''§ 1107. Waiver of deductibles, copayments, and annual fees for members assigned to certain duty locations far from sources of care

''(a) AUTHORITY.—The administering Secretaries shall prescribe in regulations—

''(1) authority for members of the armed forces referred to in subsection (b) to receive care under the Civilian Health and Medical Program of the Uniformed Services; and

''(2) policies and procedures for waiving an obligation for such members to pay a deductible, copayment, or annual fee that would otherwise be applicable under that program for care provided to the members under the program.

''(b) ELIGIBILITY.—The regulations may be applied to a member of the uniformed services on active duty who—

''(1) is assigned to—

''(A) permanent duty as a recruiter;

''(B) permanent duty at an educational institution to instruct, administer a program of instruction, or provide administrative services in support of a program of instruction for the Reserve Officers' Training Corps;

''(C) permanent duty as a full-time adviser to a unit of a reserve component of the armed forces; or

''(D) any other permanent duty designated by the administering Secretary concerned for purposes of the regulations; and

''(2) pursuant to such assignment, resides at a location that is more than 50 miles, or one hour of driving time, from—

''(A) the nearest health care facility of the uniformed services adequate to provide the needed care under this chapter; and

''(B) the nearest source of the needed care that is available to the member under the TRICARE Prime plan.

''(c) PAYMENT OF COSTS.—Deductibles, copayments, and annual fees not payable by a member by reason of a waiver granted under the regulations shall be paid out of funds available to the Department of Defense for the defense health program.

''(d) DEFINITIONS.—In this section:

''(1) The term 'TRICARE Prime plan' means a plan under the TRICARE program that provides for voluntary enrollment for health care to be furnished in a manner similar to the manner in which health care is furnished by health maintenance organizations.

''(2) The term 'TRICARE program' means the managed health care program that is established by the Secretary of Defense under the authority of this chapter, principally section 1097 of this title, and includes the competitive selection of contractors to financially underwrite the delivery of health care services under the Civilian Health and Medical Program of the Uniformed Services.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

''1107. Waiver of deductibles, copayments, and annual fees for members assigned to certain duty locations far from sources of care.''.

SEC. 702. PAYMENT FOR EMERGENCY HEALTH CARE OVERSEAS FOR MILITARY AND CIVILIAN PERSONNEL OF THE ON-SITE INSPECTION AGENCY.

(a) PAYMENT OF COSTS.—The Secretary of Defense may pay the costs of any emergency health care that—

(1) is needed by a member of the Armed Forces, civilian employee of the Department of Defense, or civilian employee of a contractor while the person is performing temporary or permanent duty with the On-Site Inspection Agency outside the United States; and

(2) is furnished to such person during fiscal year 1998 by a source outside the United States.

(b) FUNDING.—Funds authorized to be appropriated for the expenses of the On-Site Inspection Agency for fiscal year 1998 by this Act shall be available to cover payments for emergency health care under subsection (a).

SEC. 703. DISCLOSURES OF CAUTIONARY INFORMATION ON PRESCRIPTION MEDICATIONS.

(a) REQUIREMENT FOR REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the administering Secretaries referred to in section 1073(3) of title 10, United States Code, shall prescribe regulations that require each source dispensing a prescription medication to a person under chapter 55 of such title to furnish to that person, with the medication, written cautionary information on the medication.

(b) INFORMATION TO BE DISCLOSED.—Information required to be disclosed about a medication under the regulations shall include appropriate cautions about usage of the medication, including possible side effects and potentially hazardous interactions with foods.

(c) FORM OF INFORMATION.—The regulations shall require that information be furnished in a form that, to the maximum extent practicable, is easily read and understood.

(d) COVERED SOURCES.—The regulations shall apply to the following:

(1) Pharmacies and any other dispensers of prescription medications in medical facilities of the uniformed services.

(2) Sources of prescription medications under any mail order pharmaceuticals program provided by any of the administering Secretaries under chapter 55 of title 10, United States Code.

(3) Pharmacies paid under the Civilian Health and Medical Program of the Uniformed Services (including the TRICARE program).

(4) Pharmacies, and any other pharmaceutical dispensers, of designated providers referred to in section 721(5) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2593; 10 U.S.C. 1073 note).

SEC. 704. HEALTH CARE SERVICES FOR CERTAIN RESERVES WHO SERVED IN SOUTHWEST ASIA DURING THE PERSIAN GULF WAR.

(a) REQUIREMENT.—A member of the Armed Forces described in subsection (b) shall be entitled to medical and dental care under chapter 55 of title 10, United States Code, for a symptom or illness described in subsection (b)(2) to the same extent and under the same conditions (other than the requirement to be on active duty) as is a member of a uniformed service who is entitled under section 1074(a) of such title to medical and dental care under such chapter. The Secretary shall provide such care free of charge to the member.

(b) COVERED MEMBERS.—Subsection (a) applies to any member of a reserve component of the Armed Forces who—

(1) is a Persian Gulf veteran;

(2) registers a symptom or illness in the Persian Gulf War Veterans Health Surveillance System of the Department of Defense that is presumed under section 721(d) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2805; 10 U.S.C. 1074 note) to be a result of such service; and

(3) is not otherwise entitled to medical and dental care under section 1074(a) of title 10, United States Code.

(c) DEFINITION.—In this section, the term ''Persian Gulf veteran'' has the same meaning as in section 721(i) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2807; 10 U.S.C. 1074 note).

SEC. 705. COLLECTION OF DENTAL INSURANCE PREMIUMS.

(a) SELECTED RESERVE DENTAL INSURANCE.—Paragraph (3) of section 1076b(b) of title 10, United States Code, is amended to read as follows:

''(3) The Secretary of Defense shall establish procedures for the collection of the member's share of the premium for coverage by the dental insurance plan. To the extent that the Secretary determines practicable, a member's share may be deducted and withheld from the basic pay payable to the member for inactive duty training and from the basic pay payable to the member for active duty.''.

(b) RETIREE DENTAL INSURANCE.—Paragraph (2) of section 1076c(c) of title 10, United States Code, is amended by striking out ''(2) The amount of the premiums'' and inserting in lieu thereof ''(2) The Secretary of Defense shall establish procedures for the collection of the premiums charged for coverage by the dental insurance plan. To the extent that the Secretary determines practicable, the premiums''.

SEC. 706. DENTAL INSURANCE PLAN COVERAGE FOR RETIREES OF UNIFORMED SERVICE IN THE PUBLIC HEALTH SERVICE AND NOAA.

(a) OFFICIALS RESPONSIBLE.—Subsection (a) of section 1076c of title 10, United States Code, is amended by striking out ''Secretary of Defense'' and inserting in lieu thereof ''administering Secretaries''.

(b) ELIGIBILITY.—Subsection (b)(1) of such section is amended by striking out ''Armed Forces'' and inserting in lieu thereof ''uniformed services''.

SEC. 707. PROSTHETIC DEVICES FOR DEPENDENTS.

(a) EXPANDED AUTHORITY.—Section 1077(a) of title 10, United States Code, is amended by adding at the end the following:

''(15) Artificial limbs, voice prostheses, and artificial eyes.

''(16) Any prosthetic device not named in paragraph (15) that is determined under regulations prescribed by the Secretary of Defense to be necessary because of one or more significant impairments resulting from trauma, congenital anomaly, or disease.''.

(b) CONFORMING AMENDMENT.—Paragraph (2) of subsection (b) of such section is amended to read as follows:

''(2) Hearing aids, orthopedic footwear, and spectacles, except that such items may be sold, at the cost to the United States, to dependents outside the United States and at stations inside the United States where adequate civilian facilities are unavailable.''.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Amendments to General Contracting Authorities, Procedures, and Limitations

SEC. 801. STREAMLINED APPROVAL REQUIREMENTS FOR CONTRACTS UNDER INTERNATIONAL AGREEMENTS.

Section 2304(f)(2)(E) of title 10, United States Code, is amended by striking out ''and such document is approved by the competition advocate for the procuring activity''.

SEC. 802. RESTRICTION ON UNDEFINITIZED CONTRACT ACTIONS.

(a) APPLICABILITY OF WAIVER AUTHORITY TO HUMANITARIAN OR PEACEKEEPING OPERATIONS.—Section 2326(b)(4) of title 10, United States Code, is amended to read as follows:

''(4) The head of an agency may waive the provisions of this subsection with respect to a contract of that agency if that head of an agency determines that the waiver is necessary in order to support any of the following operations:

''(A) A contingency operation.

''(B) A humanitarian or peacekeeping operation.''.

(b) HUMANITARIAN OR PEACEKEEPING OPERATION DEFINED.—Section 2302(7) of such title is amended—

(1) by striking out ''(7)(A)'' and inserting in lieu thereof ''(7)''; and

(2) by striking out ''(B) In subparagraph (A), the'' and inserting in lieu thereof ''(8) The''.

SEC. 803. EXPANSION OF AUTHORITY TO CROSS FISCAL YEARS TO ALL SEVERABLE SERVICE CONTRACTS NOT EXCEEDING A YEAR.

(a) EXPANDED AUTHORITY.—Section 2410a of title 10, United States Code, is amended to read as follows:

''§ 2410a. Severable service contracts for periods crossing fiscal years

''(a) AUTHORITY.—The Secretary of Defense or the Secretary of a military department may enter into a contract for procurement of severable services for a period that begins in one fiscal year and ends in the next fiscal year if (without regard to any option to extend the period of the contract) the contract period does not exceed one year.

''(b) OBLIGATION OF FUNDS.—Funds made available for a fiscal year may be obligated for the total amount of a contract entered into under the authority of subsection (a).''.

(b) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 141 of such title is amended to read as follows:

''2410a. Severable service contracts for periods crossing fiscal years.''.

SEC. 804. LIMITATION ON ALLOWABILITY OF COMPENSATION FOR CERTAIN CONTRACTOR PERSONNEL.

(a) CERTAIN COMPENSATION NOT ALLOWABLE AS COSTS UNDER DEFENSE CONTRACTS.—(1) Subsection (e)(1) of section 2324 of title 10, United States Code, is amended by adding at the end the following:

''(P) Costs of compensation of senior executives of contractors for a fiscal year, to the extent that such compensation exceeds the benchmark compensation amount determined applicable for the fiscal year by the Administrator for Federal Procurement Policy under section 39 of the Office of Federal Procurement Policy Act (41 U.S.C. 435).''.

(2) Subsection (l) of such section is amended by adding at the end the following:

''(4) The term 'compensation', for a fiscal year, means the total amount of wages, salary, bonuses and deferred compensation for the fiscal year, whether paid, earned, or otherwise accruing, as recorded in an employer's cost accounting records for the fiscal year.

''(5) The term 'senior executive', with respect to a contractor, means—

''(A) the chief executive officer of the contractor or any individual acting in a similar capacity for the contractor;

''(B) the five most highly compensated employees in management positions of the contractor other than the chief executive officer; and

''(C) in the case of a contractor that has components managed by personnel who report on the operations of the components directly to officers of the contractor, the five most highly compensated individuals in management positions at each such component.''.

(b) CERTAIN COMPENSATION NOT ALLOWABLE AS COSTS UNDER NON-DEFENSE CONTRACTS.—(1) Subsection (e)(1) of section 306 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 256) is amended by adding at the end the following:

''(P) Costs of compensation of senior executives of contractors for a fiscal year, to the extent that such compensation exceeds the benchmark compensation amount determined applicable for the fiscal year by the Administrator for Federal Procurement Policy under section 39 of the Office of Federal Procurement Policy Act (41 U.S.C. 435).''.

(2) Such section is further amended by adding at the end the following:

''(m) OTHER DEFINITIONS.—In this section:

''(1) The term 'compensation', for a fiscal year, means the total amount of wages, salary, bonuses and deferred compensation for the fiscal year, whether paid, earned, or otherwise accruing, as recorded in an employer's cost accounting records for the fiscal year.

''(2) The term 'senior executive', with respect to a contractor, means—

''(A) the chief executive officer of the contractor or any individual acting in a similar capacity for the contractor;

''(B) the five most highly compensated employees in management positions of the contractor other than the chief executive officer; and

''(C) in the case of a contractor that has components managed by personnel who report on the operations of the components directly to officers of the contractor, the five most highly compensated individuals in management positions at each such component.''.

(c) LEVELS OF COMPENSATION NOT ALLOWABLE.—(1) The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) is amended by adding at the end the following:

''SEC. 39. LEVELS OF COMPENSATION OF CERTAIN CONTRACTOR PERSONNEL NOT ALLOWABLE AS COSTS UNDER CERTAIN CONTRACTS.

''(a) DETERMINATION REQUIRED.—For purposes of section 2324(e)(1)(P) of title 10, United States Code, and section 306(e)(1)(P) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 256(e)(1)(P)), the Administrator shall review commercially available surveys of executive compensation and, on the basis of the results of the review, determine a benchmark compensation amount to apply for each fiscal year. In making determinations under this subsection the Administrator shall consult with the Director of the Defense Contract Audit Agency and such other officials of executive agencies as the Administrator considers appropriate.

''(b) BENCHMARK COMPENSATION AMOUNT.—The benchmark compensation amount applicable for a fiscal year is the median amount of the compensation provided for all senior executives of all benchmark corporations for the most recent year for which data is available at the time the determination under subsection (a) is made.

''(c) DEFINITIONS.—In this section:

''(1) The term 'compensation', for a year, means the total amount of wages, salary, bonuses and deferred compensation for the year, whether paid, earned, or otherwise accruing, as recorded in an employer's cost accounting records for the year.

''(2) The term 'senior executive', with respect to a corporation, means—

''(A) the chief executive officer of the corporation or any individual acting in a similar capacity for the corporation;

''(B) the five most highly compensated employees in management positions of the corporation other than the chief executive officer; and

''(C) in the case of a corporation that has components managed by personnel who report on the operations of the components directly to officers of the corporation, the five most highly compensated individuals in management positions at each such component.

''(3) The term 'benchmark corporation', with respect to a year, means a publicly-owned United States corporation that has annual sales in excess of $50,000,000 for the year.

''(4) The term 'publicly-owned United States corporation' means a corporation organized under the laws of a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a possession of the United States the voting stock of which is publicly traded.''.

(2) The table of sections in section 1(b) of such Act is amended by adding at the end the following:

''Sec. 39. Levels of compensation of certain contractor personnel not allowable as costs under certain contracts.''.

(d) REGULATIONS.—Regulations implementing the amendments made by this section shall be published in the Federal Register not later than the effective date of the amendments under subsection (e).

(e) EFFECTIVE DATE.—(1) The amendments made by this section shall take effect on the date that is 90 days after the date of the enactment of this Act and shall apply with respect to payments that become due from the United States after that date under covered contracts entered into before, on, or after that date.

(2) In paragraph (1), the term ''covered contract'' has the meaning given such term in section 2324(l) of title 10, United States Code, and section 306(l) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 256(l)).

SEC. 805. INCREASED PRICE LIMITATION ON PURCHASES OF RIGHT-HAND DRIVE VEHICLES.

Section 2253(a)(2) of title 10, United States Code, is amended by striking out ''$12,000'' and inserting in lieu thereof ''$30,000''.

SEC. 806. CONVERSION OF DEFENSE CAPABILITY PRESERVATION AUTHORITY TO NAVY SHIPBUILDING CAPABILITY PRESERVATION AUTHORITY.

(a) AUTHORITY OF SECRETARY OF THE NAVY.—Section 808 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 393; 10 U.S.C. 2501) is amended—

(1) in subsection (a), by striking out ''Secretary of Defense'' and inserting in lieu thereof ''Secretary of the Navy''; and

(2) in subsection (b)(2), by striking out ''Secretary of Defense if the Secretary of Defense'' and inserting in lieu thereof ''Secretary of the Navy if the Secretary''.

(b) NAME OF AGREEMENTS.—Subsection (a) of such section is amended—

(1) by striking out ''DEFENSE CAPABILITY PRESERVATION AGREEMENT.—'' and inserting in lieu thereof ''SHIPBUILDING CAPABILITY PRESERVATION AGREEMENT.—''; and

(2) by striking out '''defense capability preservation agreement'' and inserting in lieu thereof '''shipbuilding capability preservation agreement''.

(c) SCOPE OF AUTHORITY.—(1) The first sentence of subsection (a) of such section is amended—

(A) by striking out ''defense contractor'' and inserting in lieu thereof ''shipbuilder''; and

(B) by adding at the end the following ''to the shipbuilder under a Navy contract for the construction of a ship''.

(2) Subsection (b)(1)(A) of such section is amended by striking out ''defense contract'' and inserting in lieu thereof ''contract for the construction of a ship for the Navy''.

(d) MAXIMUM AMOUNT OF ALLOCABLE INDIRECT COSTS.—Subsection (b)(1)(C) of such section is amended—

(1) by striking out ''in any year of'' and inserting in lieu thereof ''covered by''; and

(2) by striking out ''that year'' and inserting in lieu thereof ''the period covered by the agreement''.

(e) APPLICABILITY.—Such section is further amended by striking out subsections (c), (d), and (e) and inserting in lieu thereof the following:

''(c) APPLICABILITY.—(1) An agreement entered into with a shipbuilder under subsection (a) shall apply to each of the following Navy contracts with the shipbuilder:

''(A) A contract that is in effect on the date on which the agreement is entered into.

''(B) A contract that is awarded during the term of the agreement.

''(2) In a shipbuilding capability preservation agreement applicable to a shipbuilder, the Secretary may agree to apply the cost reimbursement rules set forth in subsection (b) to allocations of indirect costs to private sector work performed by the shipbuilder only with respect to costs that the shipbuilder incurred on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1998 under a contract between the shipbuilder and a private sector customer of the shipbuilder that became effective on or after January 26, 1996.''.

(f) IMPLEMENTATION AND REPORT.—Such section is further amended adding at the end the following:

''(d) IMPLEMENTATION.—Not later than 30 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1998, the Secretary of the Navy shall establish application procedures and procedures for expeditious consideration of shipbuilding capability preservation agreements as authorized by this section.

''(e) REPORT.—Not later than February 15, 1998, the Secretary of the Navy shall submit to the congressional defense committees a report on applications for shipbuilding capability preservation agreements. The report shall contain the number of the applications received, the number of the applications approved, and a discussion of the reasons for disapproval of any applications disapproved.''.

(g) SECTION HEADING.—The heading for such section is amended by striking out ''defense'' and inserting in lieu thereof ''certain''.

SEC. 807. ELIMINATION OF CERTIFICATION REQUIREMENT FOR GRANTS.

Section 5153 of the Drug-Free Workplace Act of 1988 (Public Law 100–690; 102 Stat. 4306; 41 U.S.C. 702) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking out ''has certified to the granting agency that it will'' and inserting in lieu thereof ''agrees to''; and

(B) in paragraph (2), by striking out ''certifies to the agency'' and inserting in lieu thereof ''agrees''; and

(2) in subsection (b)(1)—

(A) by striking out subparagraph (A);

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively; and

(C) in subparagraph (A), as so redesignated, by striking out ''such certification by failing to carry out''.

SEC. 808. REPEAL OF LIMITATION ON ADJUSTMENT OF SHIPBUILDING CONTRACTS.

(a) REPEAL.—(1) Section 2405 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 141 of such title is amended by striking out the item relating to section 2405.

(b) APPLICABILITY.—(1) Except as provided in paragraph (2), the amendments made by subsection (a) shall apply to claims, requests for equitable adjustment, and demands for payment under shipbuilding contracts that have been or are submitted before, on, or after the date of the enactment of this Act.

(2) Section 2405 of title 10, United States Code, as in effect immediately before the date of the enactment of this Act, shall continue to apply to a contractor's claim, request for equitable adjustment, or demand for payment under a shipbuilding contract that was submitted before such date if—

(A) a contracting officer denied the claim, request, or demand, and the period for appealing the decision to a court or board under the Contract Disputes Act of 1978 expired before such date;

(B) a court or board of contract appeals considering the claim, request, or demand (including any appeal of a decision of a contracting officer to deny or dismiss the claim, request, or demand) denied the claim, request, or demand (or the appeal), and the action of the court or board became final and unappealable before such date; or

(C) the contractor released or releases the claim, request, or demand.

Subtitle B—Contract Provisions

SEC. 811. CONTRACTOR GUARANTEES OF MAJOR SYSTEMS.

(a) REVISION OF REQUIREMENT.—Section 2403 of title 10, United States Code, is amended to read as follows:

"§ 2403. Major systems: contractor guarantees

''(a) GUARANTEE REQUIRED.—In any case in which the head of an agency determines that it is appropriate and cost effective to do so in entering into a contract for the production of a major system, the head of an agency shall, except as provided in subsection (b), require the prime contractor to provide the United States with a written guarantee that—

''(1) the item provided under the contract will conform to the design and manufacturing requirements specifically delineated in the production contract (or in any amendment to that contract);

''(2) the item provided under the contract will be free from all defects in materials and workmanship at the time it is delivered to the United States;

''(3) the item provided under the contract will conform to the essential performance requirements of the item as specifically delineated in the production contract (or in any amendment to that contract); and

''(4) if the item provided under the contract fails to meet a guarantee required under paragraph (1), (2), or (3), the contractor will, at the election of the Secretary of Defense or as otherwise provided in the contract—

''(A) promptly take such corrective action as may be necessary to correct the failure at no additional cost to the United States; or

''(B) pay costs reasonably incurred by the United States in taking such corrective action.

''(b) EXCEPTION.—The head of an agency may not require a prime contractor under subsection (a) to provide a guarantee for a major system, or for a component of a major system, that is furnished by the United States.

''(c) DEFINITIONS.—In this section:

''(1) The term 'prime contractor' means a party that enters into an agreement directly with the United States to furnish part or all of a major system.

''(2) The term 'design and manufacturing requirements' means structural and engineering plans and manufacturing particulars, including precise measurements, tolerances, materials, and finished product tests for the major system being produced.

''(3) The term 'essential performance requirements', with respect to a major system, means the operating capabilities or maintenance and reliability characteristics of the system that are determined by the Secretary of Defense to be necessary for the system to fulfill the military requirement for which the system is designed.

''(4) The term 'component' means any constituent element of a major system.

''(5) The term 'head of an agency' has the meaning given that term in section 2302 of this title.''.

(b) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 141 of such title is amended to read as follows:

''2403. Major systems: contractor guarantees.''.

SEC. 812. VESTING OF TITLE IN THE UNITED STATES UNDER CONTRACTS PAID UNDER PROGRESS PAYMENT ARRANGEMENTS OR SIMILAR ARRANGEMENTS.

Section 2307 of title 10, United States Code, is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following new subsection (h):

''(h) VESTING OF TITLE IN THE UNITED STATES.—If a contract paid by a method authorized under subsection (a)(1) provides for title to property to vest in the United States, the title to the property shall vest in accordance with the terms of the contract, regardless of any security interest in the property that is asserted before or after the contract is entered into.''.

Subtitle C—Acquisition Assistance Programs

SEC. 821. PROCUREMENT TECHNICAL ASSISTANCE PROGRAMS.

(a) FUNDING.—Of the amount authorized to be appropriated under section 301(5), $12,000,000 shall be available for carrying out the provisions of chapter 142 of title 10, United States Code.

(b) SPECIFIC PROGRAMS.—Of the amounts made available pursuant to subsection (a), $600,000 shall be available for fiscal year 1998 for the purpose of carrying out programs sponsored by eligible entities referred to in subparagraph (D) of section 2411(1) of title 10, United States Code, that provide procurement technical assistance in distressed areas referred to in subparagraph (B) of section 2411(2) of such title. If there is an insufficient number of satisfactory proposals for cooperative agreements in such distressed areas to allow effective use of the funds made available in accordance with this subsection in such areas, the funds shall be allocated among the Defense Contract Administration Services regions in accordance with section 2415 of such title.

SEC. 822. ONE-YEAR EXTENSION OF PILOT MENTOR-PROTEGE PROGRAM.

Section 831(j) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2302 note) is amended—

(1) in paragraph (1), by striking out ''1998'' and inserting in lieu thereof ''1999'';

(2) in paragraph (2), by striking out ''1999'' and inserting in lieu thereof ''2000''; and

(3) in paragraph (3), by striking out ''1999'' and inserting in lieu thereof ''2000''.

SEC. 823. TEST PROGRAM FOR NEGOTIATION OF COMPREHENSIVE SUBCONTRACTING PLANS.

(a) CONTENT OF SUBCONTRACTING PLANS.—Subsection (b)(2) of section 834 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 15 U.S.C. 637 note) is amended—

(1) by striking out ''plan—'' and inserting in lieu thereof ''plan of a contractor—'';

(2) by striking out subparagraph (A);

(3) by redesignating subparagraph (B) as subparagraph (A) and by striking out the period at the end of such subparagraph and inserting in lieu thereof ''; and''; and

(4) by adding at the end the following:

''(B) shall cover each Department of Defense contract that is entered into by the contractor and each subcontract that is entered into by the contractor as the subcontractor under a Department of Defense contract.''.

(b) EXTENSION OF PROGRAM.—Subsection (e) of such section is amended by striking out ''September 30, 1998'' in the second sentence and inserting in lieu thereof ''September 30, 2000.''.

SEC. 824. PRICE PREFERENCE FOR SMALL AND DISADVANTAGED BUSINESSES.

Section 2323(e)(3) of title 10, United States Code, is amended by—

(1) inserting ''(A)'' after ''(3)'';

(2) inserting '', except as provided in (B),'' after ''the head of an agency may'' in the first sentence; and

(3) adding at the end the following:

''(B) The Secretary of Defense may not exercise the authority under subparagraph (A) to enter into a contract for a price exceeding fair market cost in any fiscal year following a fiscal year in which the Department of Defense attained the 5 percent goal required by subsection (a).''.

Subtitle D—Administrative Provisions

SEC. 831. RETENTION OF EXPIRED FUNDS DURING THE PENDENCY OF CONTRACT LITIGATION.

(a) IN GENERAL.—Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2410m. Retention of amounts collected from contractor during the pendency of contract dispute

''(a) RETENTION OF FUNDS.—Notwithstanding sections 1552(a) and 3302(b) of title 31, any amount, including interest, collected from a contractor as a result of a claim made by an executive agency under the Contract Disputes Act of 1978 (41 U.S.C. 601 et seq.), shall remain available in accordance with this section to pay—

''(1) any settlement of the claim by the parties;

''(2) any judgment rendered in the contractor's favor on an appeal of the decision on that claim to the Armed Services Board of Contract Appeals under section 7 of such Act (41 U.S.C. 606); or

''(3) any judgment rendered in the contractor's favor in an action on that claim in a court of the United States.

''(b) PERIOD OF AVAILABILITY.—(1) The period of availability of an amount under subsection (a), in connection with a claim—

''(A) expires 180 days after the expiration of the period for bringing an action on that claim in the United States Court of Federal Claims under section 10(a) of the Contract Disputes Act of 1978 (41 U.S.C. 609(a)) if, within that 180-day period—

''(i) no appeal on the claim in commenced at the Armed Services Board of Contract Appeals under section 7 of the Contract Disputes Act of 1978; and

''(ii) no action on the claim is commenced in a court of the United States; or

''(B) if not expiring under subparagraph (A), expires—

''(i) in the case of a settlement of the claim, 180 days after the date of the settlement; or

''(ii) in the case of a judgment rendered on the claim in an appeal to the Armed Services Board of Contract Appeals under section 7 of the Contract Disputes Act of 1978 or an action in a court of the United States, 180 days after the date on which the judgment becomes final and not appealable.

''(2) While available under this section, an amount may be obligated or expended only for the purpose described in subsection (a).

''(3) Upon the expiration of the period of availability of an amount under paragraph (1), the amount shall be deposited in the Treasury as miscellaneous receipts.

''(c) REPORTING REQUIREMENT.—Each year, the Under Secretary of Defense (Comptroller) shall submit to Congress a report on the amounts, if any, that are available for obligation pursuant to this section. The report shall include, at a minimum, the following:

''(1) The total amount available for obligation.

''(2) The total amount collected from contractors during the year preceding the year in which the report is submitted.

''(3) The total amount disbursed in such preceding year and a description of the purpose for each disbursement.

''(4) The total amount returned to the Treasury in such preceding year.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 141 of title 10, United States Code, is amended by adding at the end the following new item:

''2410m. Retention of amounts collected from contractor during the pendency of contract dispute.''.

SEC. 832. PROTECTION OF CERTAIN INFORMATION FROM DISCLOSURE.

Section 2371 of title 10, United States Code, is amended by inserting after subsection (h) the following:

''(i) PROTECTION OF CERTAIN INFORMATION FROM DISCLOSURE.—(1) Disclosure of information described in paragraph (2) is not required, and may not be compelled, under section 552 of title 5 for five years after the date on which the information is received by the Department of Defense.

''(2)(A) Paragraph (1) applies to information described in subparagraph (B) that is in the records of the Department of Defense if the information was submitted to the department in a competitive or noncompetitive process having the potential for resulting in an award, to the party submitting the information, of a cooperative agreement that includes a clause described in subsection (d) or another transaction authorized under subsection (a).

''(B) The information referred to in subparagraph (A) is the following:

''(i) A proposal, proposal abstract, and supporting documents.

''(ii) A business plan submitted on a confidential basis.

''(iii) Technical information submitted on a confidential basis.''.

SEC. 833. CONTENT OF LIMITED SELECTED ACQUISITION REPORTS.

Section 2432(h)(2) of title 10, United States Code, is amended—

(1) by striking out subparagraph (D); and

(2) by redesignating subparagraphs (E) and (F) as subparagraphs (D) and (E), respectively.

SEC. 834. UNIT COST REPORTS.

(a) IMMEDIATE REPORT REQUIRED ONLY FOR PREVIOUSLY UNREPORTED INCREASED COSTS.—Subsection (c) of section 2433 of title 10, United States Code, is amended by striking out ''during the current fiscal year (other than the last quarterly unit cost report under subsection (b) for the preceding fiscal year)'' in the matter following paragraph (3).

(b) IMMEDIATE REPORT NOT REQUIRED FOR COST VARIANCES OR SCHEDULE VARIANCES OF MAJOR CONTRACTS.—Subsection (c) of such section is further amended—

(1) by inserting ''or'' at the end of paragraph (1);

(2) by striking out ''or'' at the end of paragraph (2); and

(3) by striking out paragraph (3).

(c) CONGRESSIONAL NOTIFICATION OF INCREASED COST NOT CONDITIONED ON DISCOVERY SINCE BEGINNING OF FISCAL YEAR.—Subsection (d)(3) of such section is amended by striking out ''(for the first time since the beginning of the current fiscal year)'' in the first sentence.

SEC. 835. CENTRAL DEPARTMENT OF DEFENSE POINT OF CONTACT FOR CONTRACTING INFORMATION.

(a) DESIGNATION OF OFFICIAL.—The Under Secretary of Defense for Acquisition and Technology shall designate an official within the Office of the Under Secretary of Defense for Acquisition and Technology to serve as a central point of contact for persons seeking information described in subsection (b).

(b) AVAILABLE INFORMATION.—Upon request, the official designated under subsection (a) shall provide information on the following:

(1) How and where to submit unsolicited proposals for research, development, test, and evaluation or for furnishing property or services to the Department of Defense.

(2) Department of Defense solicitations for offers that are open for response and the procedures for responding to the solicitations.

(3) Procedures for being included on any list of approved suppliers used by the Department of Defense.

(c) AVAILABILITY OF INFORMATION.—The official designated under subsection (a) shall use a variety of means for making the information described in subsection (b) readily available to potential contractors for the Department of Defense. The means shall include the establishment of one or more toll-free automated telephone lines, posting of information about the services of the official on generally accessible computer communications networks, and advertising.

Subtitle E—Other Matters

SEC. 841. DEFENSE BUSINESS COMBINATIONS.

(a) EXTENSION OF REQUIREMENT FOR REPORTS ON PAYMENT OF RESTRUCTURING COSTS.—Section 818(e) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 1821; 10 U.S.C. 2324 note) is amended by striking out ''1995, 1996, and 1997'' and inserting in lieu thereof ''1997, 1998, and 1999''.

(b) SECRETARY OF DEFENSE REPORTS.—Not later than March 1 in each of the years 1998, 1999, and 2000, the Secretary of Defense shall submit to the congressional defense committees a report on effects on competition resulting from any business combinations of major defense contractors that took place during the year preceding the year of the report. The report shall include, for each business combination reviewed by the Department pursuant to Department of Defense Directive 5000.62, the following:

(1) An assessment of any potentially adverse effects that the business combination could have on competition for Department of Defense contracts (including potential horizontal effects, vertical effects, and organizational conflicts of interest), the national technology and industrial base, or innovation in the defense industry.

(2) The actions taken to mitigate the potentially adverse effects.

(c) GAO REPORTS.—(1) Not later than December 1, 1997, the Comptroller General shall—

(A) in consultation with appropriate officials in the Department of Defense—

(i) identify major market areas adversely affected by business combinations of defense contractors since January 1, 1990; and

(ii) develop a methodology for determining the beneficial impact of business combinations of defense contractors on the prices paid on particular defense contracts; and

(B) submit to the congressional defense committees a report describing, for each major market area identified pursuant to subparagraph (A)(i), the changes in numbers of businesses competing for major defense contracts since January 1, 1990.

(2) Not later than December 1, 1998, the Comptroller General shall submit to the congressional defense committees a report containing the following:

(A) Updated information on—

(i) restructuring costs of business combinations paid by the Department of Defense pursuant to certifications under section 818 of the National Defense Authorization Act for Fiscal Year 1995, and

(ii) savings realized by the Department of Defense as a result of the business combinations for which the payment of restructuring costs was so certified.

(B) An assessment of the beneficial impact of business combinations of defense contractors on the prices paid on a meaningful sample of defense contracts, determined in accordance with the methodology developed pursuant to paragraph (1)(A)(ii).

(C) Any recommendations that the Comptroller General considers appropriate.

(d) BUSINESS COMBINATION DEFINED.—In this section, the term ''business combination'' has the meaning given that term in section 818(f) of the National Defense Authorization Act for Fiscal Year 1995 (108 Stat. 2822; 10 U.S.C. 2324 note).

SEC. 842. LEASE OF NONEXCESS PROPERTY OF DEFENSE AGENCIES.

(a) AUTHORITY.—Chapter 159 of title 10, United States Code, is amended by inserting after section 2667 the following:

''§ 2667a. Leases: non-excess property of Defense Agencies

''(a) AUTHORITY.—Whenever the Director of a Defense Agency considers it advantageous to the United States, he may lease to such lessee and upon such terms as he considers will promote the national defense or to be in the public interest, personal property that is—

''(1) under the control of the Defense Agency;

''(2) not for the time needed for public use; and

''(3) not excess property, as defined by section 3 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472).

''(b) LIMITATION, TERMS, AND CONDITIONS.—A lease under subsection (a)—

''(1) may not be for more than five years unless the Director of the Defense Agency concerned determines that a lease for a longer period will promote the national defense or be in the public interest;

''(2) may give the lessee the first right to buy the property if the lease is revoked to allow the United States to sell the property under any other provision of law;

''(3) shall permit the Director to revoke the lease at any time, unless he determines that the omission of such a provision will promote the national defense or be in the public interest; and

''(4) may provide, notwithstanding any other provision of law, for the improvement, maintenance, protection, repair, restoration, or replacement by the lessee, of the property leased as the payment of part or all of the consideration for the lease.

''(c) DISPOSITION OF MONEY RENT.—Money rentals received pursuant to leases entered into by the Director of a Defense Agency

under subsection (a) shall be deposited in a special account in the Treasury established for such Defense Agency. Amounts in a Defense Agency's special account shall be available, to the extent provided in appropriations Acts, solely for the maintenance, repair, restoration, or replacement of the leased property.''.

(b) CONFORMING AMENDMENT.—The heading of section 2667 of such title is amended to read as follows:

''§ 2667. Leases: non-excess property of military departments''.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 159 of such title is amended by striking out the item relating to section 2667 and inserting in lieu thereof the following:

''2667. Leases: non-excess property of military departments.

''2667a. Leases: non-excess property of Defense Agencies.''.

SEC. 843. PROMOTION RATE FOR OFFICERS IN AN ACQUISITION CORPS.

(a) REVIEW OF ACQUISITION CORPS PROMOTION SELECTIONS.—Upon the approval of the President or his designee of the report of a selection board convened under section 611(a) of title 10, United States Code, which considered members of an Acquisition Corps of a military department for promotion to a grade above O–4, the Secretary of the military department shall submit a copy of the report to the Under Secretary of Defense for Acquisition and Technology for review.

(b) REPORTING REQUIREMENT.—Not later than January 31 of each year, the Under Secretary of Defense for Acquisition and Technology shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report containing the Under Secretary's assessment of the extent to which each military department is complying with the requirement set forth in section 1731(b) of title 10, United States Code.

(c) TERMINATION OF REQUIREMENTS.—This section shall cease to be effective on October 1, 2000.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

SEC. 901. PRINCIPAL DUTY OF ASSISTANT SECRETARY OF DEFENSE FOR SPECIAL OPERATIONS AND LOW INTENSITY CONFLICT.

Section 138(b)(4) of title 10, United States Code, is amended by striking out ''of special operations activities (as defined in section 167(j) of this title) and'' and inserting in lieu thereof ''of the performance of the responsibilities of the commander of the special operations command under subsections (e)(4) and (f) of section 167 of this title and of''.

SEC. 902. PROFESSIONAL MILITARY EDUCATION SCHOOLS.

(a) COMPONENT INSTITUTIONS OF THE NATIONAL DEFENSE UNIVERSITY.—(1) Chapter 108 of title 10, United States Code, is amended by adding at the end the following:

''§ 2165. National Defense University

''(a) IN GENERAL.—There is a National Defense University in the Department of Defense.

''(b) COMPONENT INSTITUTIONS.—The university includes the following institutions:

''(1) The National War College.

''(2) The Industrial College of the Armed Forces.

''(3) The Armed Forces Staff College.

''(4) The Institute for National Strategic Studies.

''(5) The Information Resources Management College.''.

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

''2165. National Defense University.''.

(b) MARINE CORPS UNIVERSITY AS PROFESSIONAL MILITARY EDUCATION SCHOOL.—Subsection (d) of section 2162 of such title is amended to read as follows:

''(d) PROFESSIONAL MILITARY EDUCATION SCHOOLS.—This section applies to the following professional military education schools:

''(1) The National Defense University.

''(2) The Army War College.

''(3) The College of Naval Warfare.

''(4) The Air War College.

''(5) The United States Army Command and General Staff College.

''(6) The College of Naval Command and Staff.

''(7) The Air Command and Staff College.

''(8) The Marine Corps University.''.

(c) REPEAL OF DUPLICATIVE DEFINITION.—Section 1595(d) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking out ''(1)''; and

(2) by striking out paragraph (2).

SEC. 903. USE OF CINC INITIATIVE FUND FOR FORCE PROTECTION.

Section 166a(b) of title 10, United States Code, is amended by adding at the end the following:

''(9) Force protection.''.

SEC. 904. TRANSFER OF TIARA PROGRAMS.

(a) TRANSFER OF FUNCTIONS.—The Secretary of Defense shall transfer—

(1) the responsibilities of the Tactical Intelligence and Related Activities (TIARA) aggregation for the conduct of programs referred to in subsection (b) to officials of elements of the military departments not in the intelligence community; and

(2) the funds available within the Tactical Intelligence and Related Activities aggregation for such programs to accounts of the military departments that are available for non-intelligence programs of the military departments.

(b) COVERED PROGRAMS.—Subsection (a) applies to the following programs:

(1) Targeting or target acquisition programs, including the Joint Surveillance and Target Attack Radar System, and the Advanced Deployable System.

(2) Tactical Warning and Attack Assessment programs, including the Defense Support Program, the Space-Based Infrared Program, and early warning radars.

(3) Tactical communications systems, including the Joint Tactical Terminal.

(c) INTELLIGENCE COMMUNITY DEFINED.—In this section, the term ''intelligence community'' has the meaning given the term in section 3 of the National Security Act of 1947 (50 U.S.C. 401a).

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1001. TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 1998 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary of Defense may transfer under the authority of this section may not exceed $2,500,000,000.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

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

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. AUTHORITY FOR OBLIGATION OF CERTAIN UNAUTHORIZED FISCAL YEAR 1997 DEFENSE APPROPRIATIONS.

(a) AUTHORITY.—The amounts described in subsection (b) may be obligated and expended for programs, projects, and activities of the Department of Defense in accordance with fiscal year 1997 defense appropriations.

(b) COVERED AMOUNTS.—The amounts referred to in subsection (a) are the amounts provided for programs, projects, and activities of the Department of Defense in fiscal year 1997 defense appropriations that are in excess of the amounts provided for such programs, projects, and activities in fiscal year 1997 defense authorizations.

(c) DEFINITIONS.—For the purposes of this section:

(1) FISCAL YEAR 1997 DEFENSE APPROPRIATIONS.—The term ''fiscal year 1997 defense appropriations'' means amounts appropriated or otherwise made available to the Department of Defense for fiscal year 1997 in the Department of Defense Appropriations Act, 1997 (section 101(b) of Public Law 104–208).

(2) FISCAL YEAR 1997 DEFENSE AUTHORIZATIONS.—The term ''fiscal year 1997 defense authorizations'' means amounts authorized to be appropriated for the Department of Defense for fiscal year 1997 in the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201).

SEC. 1003. AUTHORIZATION OF PRIOR EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 1997.

Amounts authorized to be appropriated to the Department of Defense for fiscal year 1997 in the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201) are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization were increased (by a supplemental appropriation) or decreased (by a rescission), or both, in the 1997 Emergency Supplemental Appropriations Act for Recovery from Natural Disasters, and for Overseas Peacekeeping Efforts, Including Those in Bosnia (Public Law 105–18).

SEC. 1004. INCREASED TRANSFER AUTHORITY FOR FISCAL YEAR 1996 AUTHORIZATIONS.

Section 1001(a) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 414) is amended by striking out ''$2,000,000,000'' and inserting in lieu thereof ''$3,100,000,000''.

SEC. 1005. BIENNIAL FINANCIAL MANAGEMENT STRATEGIC PLAN.

(a) BIENNIAL PLAN.—(1) Chapter 23 of title 10, United States Code, is amended by adding at the end the following:

''§ 483. Biennial financial management strategic plan

''(a) PLAN REQUIRED.—Not later than September 30 of each even-numbered year, the Secretary of Defense shall submit to Congress a strategic plan to improve the financial management within the Department of Defense. The strategic plan shall address all aspects of financial management within the Department of Defense, including the finance systems, accounting systems, and

feeder systems that support financial functions.

''(b) DEFINITIONS.—In this section, the term 'feeder system' means an automated or manual system that provides input to a financial management or accounting system.''.

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

''483. Biennial financial management strategic plan.''.

(b) FIRST SUBMISSION.—The Secretary of Defense shall submit the first financial management strategic plan under section 483 of title 10, United States Code (as added by subsection (a)), not later than September 30, 1998.

(c) CONTENT OF FIRST PLAN.—(1) At a minimum, the first financial management strategic plan shall include the following:

(A) The costs and benefits of integrating the finance and accounting systems of the Department of Defense, and the feasibility of doing so.

(B) Problems with the accuracy of data included in the finance systems, accounting systems, or feeder systems that support financial functions of the Department of Defense and the actions that can be taken to address the problems.

(C) Weaknesses in the internal controls of the systems and the actions that can be taken to address the weaknesses.

(D) Actions that can be taken to eliminate negative unliquidated obligations, unmatched disbursements, and in-transit disbursements, and to avoid such disbursements in the future.

(E) The status of the efforts being undertaken in the department to consolidate and eliminate—

(i) redundant or unneeded finance systems; and

(ii) redundant or unneeded accounting systems.

(F) The consolidation or elimination of redundant personnel systems, acquisition systems, asset accounting systems, time and attendance systems, and other feeder systems of the department.

(G) The integration of the feeder systems of the department with the finance and accounting systems of the department.

(H) Problems with the organization or performance of the Operating Locations and Service Centers of the Defense Finance and Accounting Service, and the actions that can be taken to address those problems.

(I) The costs and benefits of reorganizing the Operating Locations and Service Centers of the Defense Finance and Accounting Service according to function, and the feasibility of doing so.

(J) The costs and benefits of contracting for private sector performance of specific functions performed by the Defense Finance and Accounting Service, and the feasibility of doing so.

(K) The costs and benefits of increasing the use of electronic fund transfer as a method of payment, and the feasibility of doing so.

(L) Any other changes in the financial management structure of the department or revisions of the department's financial processes and business practices that the Secretary of Defense considers necessary to improve financial management in the department.

(2) For the problems and actions identified in the plan, the Secretary shall include in the plan statements of objectives, performance measures, and schedules, and shall specify the individual and organizational responsibilities.

(3) In this subsection, the term ''feeder system'' has the meaning given the term in section 483(b) of title 10, United States Code, as added by subsection (a).

SEC. 1006. REVISION OF AUTHORITY FOR FISHER HOUSE TRUST FUNDS.

(a) CORRECTION TO ELIMINATE USE OF TERM ASSOCIATED WITH FUNDING AUTHORITIES.—Section 2221(c) of title 10, United States Code, is amended by striking out ''or maintenance'' each place it appears.

(b) CORPUS OF AIR FORCE TRUST FUND.—Section 914(b) of Public Law 104–106 (110 Stat. 412) is amended by striking out paragraph (2) and inserting in lieu thereof the following:

''(2) The Secretary of the Air Force shall deposit in the Fisher House Trust Fund, Department of the Air Force, an amount that the Secretary determines appropriate to establish the corpus of the fund.''.

SEC. 1007. AVAILABILITY OF CERTAIN FISCAL YEAR 1991 FUNDS FOR PAYMENT OF CONTRACT CLAIM.

(a) AUTHORITY.—The Secretary of the Army may reimburse the fund provided by section 1304 of title 31, United States Code, out of funds appropriated for the Army for fiscal year 1991 for other procurement (BLIN 105125 (Special Programs)), for any judgment against the United States that is rendered in the case *Appeal of McDonnell Douglas Company*, Armed Services Board of Contract Appeals Number 48029.

(b) CONDITIONS FOR PAYMENT.—(1) Subject to paragraph (2), any reimbursement out of funds referred to in subsection (a) shall be made before October 1, 1998.

(2) No reimbursement out of funds referred to in subsection (a) may be made before the date that is 30 days after the date on which the Secretary of the Army submits to the congressional defense committees a notification of the intent to make the reimbursement.

SEC. 1008. ESTIMATES AND REQUESTS FOR PROCUREMENT AND MILITARY CONSTRUCTION FOR THE RESERVE COMPONENTS.

(a) DETAILED PRESENTATION IN FUTURE-YEARS DEFENSE PROGRAM.—Section 10543 of title 10, United States Code, is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''The Secretary of Defense''; and

(2) by adding at the end the following:

''(b) ASSOCIATED ANNEXES.—The associated annexes of the future-years defense program shall specify, at the same level of detail as is set forth in the annexes for the active components, the amount requested for—

''(1) procurement of each item of equipment to be procured for each reserve component; and

''(2) each military construction project to be carried out for each reserve component, together with the location of the project.

''(c) REPORT.—(1) If the aggregate of the amounts specified in paragraphs (1) and (2) of subsection (b) for a fiscal year is less than the amount equal to 90 percent of the average authorized amount applicable for that fiscal year under paragraph (2), the Secretary of Defense shall submit to Congress a report specifying for each reserve component the additional items of equipment that would be procured, and the additional military construction projects that would be carried out, if that aggregate amount were an amount equal to such average authorized amount. The report shall be at the same level of detail as is required by subsection (b).

''(2) In this subsection, the term 'average authorized amount', with respect to a fiscal year, means the average of—

''(A) the aggregate of the amounts authorized to be appropriated for the preceding fiscal year for the procurement of items of equipment, and for military construction, for the reserve components; and

''(B) the aggregate of the amounts authorized to be appropriated for the fiscal year preceding the fiscal year referred to in subparagraph (A) for the procurement of items of equipment, and for military construction, for the reserve components.''.

(b) PROHIBITION.—The level of detail provided for procurement and military construction in the future-years defense programs for fiscal years after fiscal year 1998 may not be less than the level of detail provided for procurement and military construction in the future-years defense program for fiscal year 1998.

Subtitle B—Naval Vessels and Shipyards

SEC. 1011. LONG-TERM CHARTER OF VESSEL FOR SURVEILLANCE TOWED ARRAY SENSOR PROGRAM.

The Secretary of the Navy is authorized to enter into a long-term charter, in accordance with section 2401 of title 10, United States Code, for a vessel to support the Surveillance Towed Array Sensor (SURTASS) Program through fiscal year 2004.

SEC. 1012. PROCEDURES FOR SALE OF VESSELS STRICKEN FROM THE NAVAL VESSEL REGISTER.

Section 7305(c) of title 10, United States Code, is amended to read as follows:

''(c) PROCEDURES FOR SALE.—(1) A vessel stricken from the Naval Vessel Register and not subject to disposal under any other law may be sold under this section.

''(2) In such a case, the Secretary may—

''(A) sell the vessel to the highest acceptable bidder, regardless of the appraised value of the vessel, after publicly advertising the sale of the vessel for a period of not less than 30 days; or

''(B) subject to paragraph (3), sell the vessel by competitive negotiation to the acceptable offeror who submits the offer that is most advantageous to the United States (taking into account price and such other factors as the Secretary determines appropriate).

''(3) Before entering into negotiations to sell a vessel under paragraph (2)(B), the Secretary shall publish notice of the intention to do so in the Commerce Business Daily sufficiently in advance of initiating the negotiations that all interested parties are given a reasonable opportunity to prepare and submit proposals. The Secretary shall afford an opportunity to participate in the negotiations to all acceptable offerors submitting proposals that the Secretary considers as having the potential to be the most advantageous to the United States (taking into account price and such other factors as the Secretary determines appropriate).''.

SEC. 1013. TRANSFERS OF NAVAL VESSELS TO CERTAIN FOREIGN COUNTRIES.

(a) TRANSFERS BY SALE.—The Secretary of the Navy is authorized to transfer vessels to foreign countries on a sale basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761) as follows:

(1) To the Government of Brazil, the submarine tender Holland (AS 32) of the Hunley class.

(2) To the Government of Chile, the oiler Isherwood (T–AO 191) of the Kaiser class.

(3) To the Government of Egypt:

(A) The following frigates of the Knox class:

(i) The Paul (FF 1080).

(ii) The Miller (FF 1091).

(iii) The Jesse L. Brown (FFT 1089).

(iv) The Moinester (FFT 1097).

(B) The following frigates of the Oliver Hazard Perry class:

(i) The Fahrion (FFG 22).

(ii) The Lewis B. Puller (FFG 23).

(4) To the Government of Israel, the tank landing ship Peoria (LST 1183) of the Newport class.

(5) To the Government of Malaysia, the tank landing ship Barbour County (LST 1195) of the Newport class.

(6) To the Government of Mexico, the frigate Roark (FF 1053) of the Knox class.

(7) To the Taipei Economic and Cultural Representative Office in the United States (the Taiwan instrumentality that is designated pursuant to section 10(a) of the Taiwan Relations Act), the following frigates of the Knox class:

(A) The Whipple (FF 1062).

(B) The Downes (FF 1070).

(8) To the Government of Thailand, the tank landing ship Schenectady (LST 1185) of the Newport class.

(b) COSTS OF TRANSFERS.—Any expense incurred by the United States in connection with a transfer authorized by subsection (a) shall be charged to the recipient.

(c) REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.—To the maximum extent practicable, the Secretary of the Navy shall require, as a condition of the transfer of a vessel under this section, that the country to which the vessel is transferred have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that country, performed at a shipyard located in the United States, including a United States Navy shipyard.

(d) EXPIRATION OF AUTHORITY.—The authority to transfer a vessel under subsection (a) shall expire at the end of the 2-year period beginning on the date of the enactment of this Act.

Subtitle C—Counter-Drug Activities

SEC. 1021. AUTHORITY TO PROVIDE ADDITIONAL SUPPORT FOR COUNTER-DRUG ACTIVITIES OF MEXICO.

(a) EXTENSION OF AUTHORITY.—Subsection (a) of section 1031 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2637), is amended by striking out ''fiscal year 1997'' and inserting in lieu thereof ''fiscal years 1997 and 1998''.

(b) EXTENSION OF FUNDING AUTHORIZATION.—Subsection (d) of such section is amended by inserting ''for fiscal years 1997 and 1998'' after ''shall be available''.

SEC. 1022. AUTHORITY TO PROVIDE ADDITIONAL SUPPORT FOR COUNTER-DRUG ACTIVITIES OF PERU AND COLOMBIA.

(a) AUTHORITY TO PROVIDE ADDITIONAL SUPPORT.—Subject to subsection (f), during fiscal years 1998 through 2002, the Secretary of Defense may provide either or both of the governments named in subsection (b) with the support described in subsection (c) for the counter-drug activities of that government. The support provided to a government under the authority of this subsection shall be in addition to support provided to that government under any other provision of law.

(b) GOVERNMENTS ELIGIBLE TO RECEIVE SUPPORT.—The governments referred to in subsection (a) are as follows:

(1) The Government of Peru.

(2) The Government of Colombia.

(c) TYPES OF SUPPORT.—The authority under subsection (a) is limited to the provision of the following types of support:

(1) The transfer of nonlethal protective and utility personnel equipment.

(2) The transfer of the following nonlethal specialized equipment:

(A) Navigation equipment.

(B) Secure and nonsecure communications equipment.

(C) Photo equipment.

(D) Radar equipment.

(E) Night vision systems.

(F) Repair equipment and parts for equipment referred to in subparagraphs (A), (B), (C), (D), and (E).

(3) The transfer of nonlethal components, accessories, attachments, parts (including ground support equipment), firmware, and software for aircraft or patrol boats, and related repair equipment.

(4) The transfer of riverine patrol boats.

(5) The maintenance and repair of equipment of a government named in subsection (b) that is used for counter-narcotics activities.

(d) APPLICABILITY OF OTHER SUPPORT AUTHORITIES.—Except as otherwise provided in this section, the provisions of section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 374 note) shall apply to the provision of support to a government under this section.

(e) FUNDING.—Of the amounts authorized to be appropriated under section 301(20) for fiscal year 1998 for drug interdiction and counter-drug activities, not more than $30,000,000 shall be available in that fiscal year for the provision of support under this section.

(f) LIMITATIONS.—(1) The Secretary may not obligate or expend funds to provide a government with support under this section until 15 days after the date on which the Secretary submits to the committees referred to in paragraph (2) a written certification of the following:

(A) That the provision of support to that government under this section will not adversely affect the military preparedness of the United States Armed Forces.

(B) That the equipment and materiel provided as support will be used only by officials and employees of that government who have undergone background investigations by that government and have been approved by that government to perform counter-drug activities on the basis of the background investigations.

(C) That such government has certified to the Secretary that—

(i) the equipment and material provided as support will be used only by the officials and employees referred to in subparagraph (B);

(ii) none of the equipment or materiel will be transferred (by sale, gift, or otherwise) to any person or entity not authorized by the United States to receive the equipment or materiel; and

(iii) the equipment and materiel will be used only for the purposes intended by the United States Government.

(D) That the government to receive the support has implemented, to the satisfaction of the Secretary, a system that will provide an accounting and inventory of the equipment and materiel provided as support.

(E) That the departments, agencies, and instrumentalities of that government will grant United States Government personnel access to any of the equipment or materiel provided as support, or to any of the records relating to such equipment or materiel, under terms and conditions similar to the terms and conditions imposed with respect to such access under section 505(a)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2314(a)(3)).

(F) That the government to receive the support will provide security with respect to the equipment and materiel provided as support that is substantially the same degree of security that the United States Government would provide with respect to such equipment and materiel.

(G) That the government to receive the support will permit continuous observation and review by United States Government personnel of the use of the equipment and materiel provided as support under terms and conditions similar to the terms and conditions imposed with respect to such observation and review under section 505(a)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2314(a)(3)).

(2) The committees referred to in this paragraph are the following:

(A) The Committee on Armed Services and the Committee on Foreign Relations of the Senate.

(B) The Committee on National Security and the Committee on International Relations of the House of Representatives.

Subtitle D—Reports and Studies

SEC. 1031. REPEAL OF REPORTING REQUIREMENTS.

(a) REPORTS REQUIRED BY TITLE 10.—

(1) ACHIEVEMENT OF COST, PERFORMANCE, AND SCHEDULE GOALS FOR NONMAJOR ACQUISITION PROGRAMS.—Section 2220(b) of title 10, United States Code, is amended by striking out ''and nonmajor'' in the first sentence.

(2) CONVERSION OF CERTAIN HEATING SYSTEMS.—Section 2690(b) of title 10, United States Code, is amended by striking out ''unless the Secretary—'' and all that follows and inserting in lieu thereof the following: ''unless the Secretary determines that the conversion (1) is required by the government of the country in which the facility is located, or (2) is cost effective over the life cycle of the facility.''.

(3) AVAILABILITY OF SUITABLE ALTERNATIVE HOUSING.—Section 2823 of title 10, United States Code, is amended—

(A) by striking out subsection (b); and

(B) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

(b) REPORTS REQUIRED BY DEFENSE AUTHORIZATION AND APPROPRIATIONS ACTS.—

(1) OVERSEAS BASING COSTS.—Section 8125 of the Department of Defense Appropriations Act, 1989 (Public Law 100–463; 102 Stat. 2270–41; 10 U.S.C. 113 note) is amended—

(A) by striking out subsection (g); and

(B) in subsection (h), by striking out ''subsections (f) and (g)'' and inserting in lieu thereof ''subsection (f)''.

(2) STRETCHOUT OF MAJOR DEFENSE ACQUISITION PROGRAMS.—Section 117 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456; 102 Stat. 1933; 10 U.S.C. 2431 note) is repealed.

(c) REPORTS REQUIRED BY OTHER LAW.—Section 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 421) is amended by striking out subsection (g), relating to the annual report on development of procurement regulations.

SEC. 1032. COMMON MEASUREMENT OF OPERATIONS TEMPOS AND PERSONNEL TEMPOS.

(a) MEANS FOR MEASUREMENT.—The Chairman of the Joint Chiefs of Staff shall, in consultation with the other members of the Joint Chiefs of Staff and to the maximum extent practicable, develop a common means of measuring the operations tempo (OPTEMPO) and the personnel tempo (PERSTEMPO) of each of the Armed Forces.

(b) PERSTEMPO MEASUREMENT.—The measurement of personnel tempo shall include a means of identifying the rate of deployment for individuals in addition to the rate of deployment for units.

SEC. 1033. REPORT ON OVERSEAS DEPLOYMENT.

(a) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the deployment overseas of personnel of the Armed Forces. The report shall describe the deployment as of June 30, 1996, and June 30, 1997.

(b) ELEMENTS.—The report under subsection (a) shall set forth the following:

(1) The number of personnel who were deployed overseas pursuant to a permanent duty assignment on each date specified in that subsection in aggregate and by country or ocean to which deployed.

(2) The number of personnel who were deployed overseas pursuant to a temporary duty assignment on each date, including—

(A) the number engaged in training with units of a single military department;

(B) the number engaged in United States military joint exercises; and

(C) the number engaged in training with allied units.

(3) The number of personnel deployed overseas on each date who were engaged in contingency operations (including peacekeeping or humanitarian assistance missions) or other activities.

SEC. 1034. REPORT ON MILITARY READINESS REQUIREMENTS OF THE ARMED FORCES.

(a) REQUIREMENT FOR REPORT.—Not later than January 31, 1998, the Chairman of the Joint Chiefs of Staff shall submit to the congressional defense committees a report on the military readiness requirements of the active and reserve components of the Armed Forces (including combat units, combat support units, and combat service support units) prepared by the officers referred to in subsection (b). The report shall assess such requirements under a tiered readiness and response system that categorizes a given unit according to the likelihood that it will be required to respond to a military conflict and the time in which it will be required to respond.

(b) PREPARATION BY JCS AND COMMANDERS OF UNIFIED COMMANDS.—The report required by subsection (a) shall be prepared jointly by the Chairman of the Joint Chiefs of Staff, the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, the Commandant of the Marine Corps, the commander of the Special Operations Command, and the commanders of the other unified commands.

(c) ASSESSMENT SCENARIO.—The report shall assess readiness requirements in a scenario that is based on the following assumptions:

(1) That the Armed Forces of the United States must, be capable of—

(A) fighting and winning, in concert with allies, two major theater wars nearly simultaneously; and

(B) deterring or defeating a strategic attack on the United States.

(2) That the forces available for deployment are the forces included in the force structure recommended in the Quadrennial Defense Review, including all other planned force enhancements.

(d) ASSESSMENT ELEMENTS.—(1) The report shall identify, by unit type, all major units of the active and reserve components of the Armed Forces and assess the readiness requirements of the units. Each identified unit shall be categorized within one of the following classifications:

(A) Forward-deployed and crisis response forces, or ''Tier I'' forces, that possess limited internal sustainment capability and do not require immediate access to regional air bases or ports or overflight rights, including the following:

(i) Force units that are deployed in rotation at sea or on land outside the United States.

(ii) Combat-ready crises response forces that are capable of mobilizing and deploying within 10 days after receipt of orders.

(iii) Forces that are supported by prepositioning equipment afloat or are capable of being inserted into a theater upon the capture of a port or airfield by forcible entry forces.

(B) Combat-ready follow-on forces, or ''Tier II'' forces, that can be mobilized and deployed to a theater within approximately 60 days after receipt of orders.

(C) Combat-ready conflict resolution forces, or ''Tier III'' forces, that can be mobilized and deployed to a theater within approximately 180 days after receipt of orders.

(D) All other active and reserve component force units which are not categorized within a classification described in subparagraph (A), (B), or (C).

(2) For the purposes of paragraph (1), the following units are major units:

(A) In the case of the Army or Marine Corps, a brigade and a battalion.

(B) In the case of the Navy, a squadron of aircraft, a ship, and a squadron of ships.

(C) In the case of the Air Force, a squadron of aircraft.

(e) PROJECTION OF SAVINGS FOR USE FOR MODERNIZATION.—The report shall include a projection for fiscal years 1998 through 2003 of the amounts of the savings in operation and maintenance funding that—

(1) could be derived by each of the Armed Forces by placing as many units as is practicable into the lower readiness categories among the tiers; and

(2) could be made available for force modernization.

(f) FORM OF REPORT.—The report under this section shall be submitted in unclassified form but may contain a classified annex.

(g) PLANNED FORCE ENHANCEMENT DEFINED.—In this section, the term ''planned force enhancement'', with respect to the force structure recommended in the Quadrennial Defense Review, means any future improvement in the capability of the force (including current strategic and future improvement in strategic lift capability) that is assumed in the development of the recommendation for the force structure set forth in the Quadrennial Defense Review.

SEC. 1035. ASSESSMENT OF CYCLICAL READINESS POSTURE OF THE ARMED FORCES.

(a) REQUIREMENT.—(1) Not later than 120 days after the date of enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the readiness posture of the Armed Forces described in subsection (b).

(2) The Secretary shall prepare the report required under paragraph (1) with the assistance of the Joint Chiefs of Staff. In providing such assistance, the Chairman of the Joint Chiefs of Staff shall consult with the Chief of the National Guard Bureau.

(b) READINESS POSTURE.—(1) The readiness posture to be covered by the report under subsection (a) is a readiness posture for units of the Armed Forces, or for designated units of the Armed Forces, that provides for a rotation of such units between a state of high readiness and a state of low readiness.

(2) As part of the evaluation of the readiness posture described in paragraph (1), the report shall address in particular a readiness posture that—

(A) establishes within the Armed Forces two equivalent forces each structured so as to be capable of fighting and winning a major theater war; and

(B) provides for an alternating rotation of such forces between a state of high readiness and a state of low readiness.

(3) The evaluation of the readiness posture described in paragraph (2) shall be based upon assumptions permitting comparison with the existing force structure as follows:

(A) That there are assembled from among the units of the Armed Forces two equivalent forces each structured so as to be capable of fighting and winning a major theater war.

(B) That each force referred to in subparagraph (A) includes—

(i) four active Army divisions, including one mechanized division, one armored division, one light infantry division, and one division combining airborne units and air assault units, and appropriate support and service support units for such divisions;

(ii) six divisions (or division equivalents) of the Army National Guard or the Army Reserve that are essentially equivalent in structure, and appropriate support and service support units for such divisions;

(iii) six aircraft carrier battle groups;

(iv) six active Air Force fighter wings (or fighter wing equivalents);

(v) four Air Force reserve fighter wings (or fighter wing equivalents); and

(vi) one active Marine Corps expeditionary force.

(C) That each force may be supplemented by critical units or units in short supply, including heavy bomber units, strategic lift units, and aerial reconnaissance units, that are not subject to the readiness rotation otherwise assumed for purposes of the evaluation or are subject to the rotation on a modified basis.

(D) That units of the Armed Forces not assigned to a force are available for operations other than those essential to fight and win a major theater war, including peace operations.

(E) That the state of readiness of each force alternates between a state of high readiness and a state of low readiness on a frequency determined by the Secretary (but not more often than once every 6 months) and with only one force at a given state of readiness at any one time.

(F) That, during the period of state of high readiness of a force, any operations or activities (including leave and education and training of personnel) that detract from the near-term wartime readiness of the force are temporary and their effects on such state of readiness minimized.

(G) That units are assigned overseas during the period of state of high readiness of the force to which the units are assigned primarily on a temporary duty basis.

(H) That, during the period of high readiness of a force, the operational war plans for the force incorporate the divisions (or division equivalents) of the Army Reserve or Army National Guard assigned to the force in a manner such that one such division (or division equivalent) is, on a rotating basis for such divisions (or division equivalents) during the period, maintained in a high state of readiness and dedicated as the first reserve combat division to be transferred overseas in the event of a major theater war.

(c) REPORT ELEMENTS.—The report under this section shall include the following elements for the readiness posture described in subsection (b)(2):

(1) An estimate of the range of cost savings achievable over the long term as a result of implementing the readiness posture, including—

(A) the savings achievable from reduced training levels and readiness levels during periods in which a force referred to in subsection (b)(3)(A) is in a state of low readiness; and

(B) the savings achievable from reductions in costs of infrastructure overseas as a result of reduced permanent change of station rotations.

(2) An assessment of the potential risks associated with a lower readiness status for units assigned to a force in a state of low readiness under the readiness posture, including the risks associated with the delayed availability of such units overseas in the event of two nearly simultaneous major theater wars.

(3) An assessment of the potential risks associated with requiring the forces under the readiness posture to fight a major war in any theater worldwide.

(4) An assessment of the modifications of the current force structure of the Armed Forces that are necessary to achieve the range of cost savings estimated under paragraph (1), including the extent of the diminishment, if any, of the military capabilities

of the Armed Forces as a result of the modifications.

(5) An assessment whether or not the risks of diminished military capability associated with implementation of the readiness posture exceed the risks of diminished military capability associated with the modifications of the current force structure necessary to achieve cost savings equivalent to the best case for cost savings resulting from the implementation of the readiness posture.

(d) FORM OF REPORT.—The report under this section shall be submitted in unclassified form, but may contain a classified annex.

(e) DEFINITIONS.—In this section:

(1) The term ''state of high readiness'', in the case of a military force, means the capability to mobilize first-to-arrive units of the force within 18 hours and last-to-arrive units within 120 days of a particular event.

(2) The term ''state of low readiness'', in the case of a military force, means the capability to mobilize first-to-arrive units within 90 days and last-to-arrive units within 180 days of a particular event.

SEC. 1036. OVERSEAS INFRASTRUCTURE REQUIREMENTS.

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

(1) United States military forces have been withdrawn from the Philippines.

(2) United States military forces are to be withdrawn from Panama by 2000.

(3) There continues to be local opposition to the continued presence of United States military forces in Okinawa.

(4) The Quadrennial Defense Review lists ''the loss of U.S. access to critical facilities and lines of communication in key regions'' as one of the so-called ''wild card'' scenarios covered in the review.

(5) The National Defense Panel states that ''U.S. forces' long-term access to forward bases, to include air bases, ports, and logistics facilities, cannot be assumed''.

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

(1) the President should develop alternatives to the current arrangement for forward basing of the Armed Forces outside the United States, including alternatives to the existing infrastructure for forward basing of forces and alternatives to the existing international agreements that provide for basing of United States forces in foreign countries; and

(2) because the Pacific Rim continues to emerge as a region of significant economic and military importance to the United States, a continued presence of the Armed Forces in that region is vital to the capability of the United States to timely protect its interests in the region.

(c) REPORT REQUIRED.—Not later than March 31, 1998, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the overseas infrastructure requirements of the Armed Forces.

(d) CONTENT.—The report shall contain the following:

(1) The quantity and types of forces that the United States must station in each region of the world in order to support the current national military strategy of the United States.

(2) The quantity and types of forces that the United States will need to station in each region of the world in order to meet the expected or potential future threats to the national security interests of the United States.

(3) The requirements for access to, and use of, air space and ground maneuver areas in each such region for training for the quantity and types of forces identified for the region pursuant to paragraphs (1) and (2).

(4) A list of the international agreements, currently in force, that the United States has entered into with foreign countries regarding the basing of United States forces in those countries and the dates on which the agreements expire.

(5) A discussion of any anticipated political opposition or other opposition to the renewal of any of those international agreements.

(6) A discussion of future overseas basing requirements for United States forces, taking into account expected changes in national security strategy, national security environment, and weapons systems.

(7) The expected costs of maintaining the overseas infrastructure for foreign based forces of the United States, including the costs of constructing any new facilities that will be necessary overseas to meet emerging requirements relating to the national security interests of the United States.

(e) FORM OF REPORT.—The report may be submitted in a classified or unclassified form.

SEC. 1037. REPORT ON AIRCRAFT INVENTORY.

(a) REPORT.—Not later than January 30, 1998, the Under Secretary of Defense (Comptroller) shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the aircraft in the inventory of the Department of Defense.

(b) CONTENT.—The report shall set forth, for each type of aircraft provided for in the future-years defense program submitted to Congress in 1998, the following information:

(1) The total number of aircraft in the inventory.

(2) The total number of the aircraft in the inventory that are active, stated in the following categories:

(A) Primary aircraft (with a subcategory for mission aircraft, a subcategory for training aircraft, a subcategory for dedicated test aircraft, and other appropriate subcategories).

(B) Backup aircraft.

(C) Attrition and reconstitution reserve aircraft.

(3) The total number of the aircraft in the inventory that are inactive, stated in the following categories:

(A) Bailment aircraft.

(B) Drone aircraft.

(C) Aircraft for sale or other transfer to foreign governments.

(D) Leased or loaned aircraft.

(E) Aircraft for maintenance training.

(F) Aircraft for reclamation.

(G) Aircraft in storage.

(4) The aircraft inventory requirements approved by the Joint Chiefs of Staff.

SEC. 1038. DISPOSAL OF EXCESS MATERIALS.

(a) REPORT.—Not later than January 31, 1998, the Secretary shall submit to Congress a report on the actions that have been taken or are planned to be taken within the Department of Defense to address problems with the sale or other disposal of excess materials.

(b) REQUIRED CONTENT.— At a minimum, the report shall address the following issues:

(1) Whether any change is needed in the process of coding military equipment for demilitarization during the acquisition process.

(2) Whether any change is needed to improve methods used for the demilitarization of specific types of military equipment.

(3) Whether any change is needed in the penalties that are applicable to Federal Government employees or contractor employees who fail to comply with rules or procedures applicable to the demilitarization of excess materials.

(4) Whether provision has been made for sufficient supervision and oversight of the demilitarization of excess materials by purchasers of the materials.

(5) Whether any additional controls are needed to prevent the inappropriate transfer of excess materials overseas.

(6) Whether the Department should—

(A) identify categories of materials that are particularly vulnerable to improper use; and

(B) provide for enhanced review of the sale or other disposal of such materials.

(7) Whether legislation is necessary to establish appropriate mechanisms, including repurchase, for the recovery of equipment that is sold or otherwise disposed of without appropriate action having been taken to demilitarize the equipment or to provide for demilitarization of the equipment.

SEC. 1039. REVIEW OF FORMER SPOUSE PROTECTIONS.

(a) REQUIREMENT.—The Secretary of Defense shall carry out a comprehensive review and comparison of—

(1) the protections and benefits afforded under Federal law to former spouses of members and former members of the uniformed services by reason of their status as former spouses of such personnel; and

(2) the protections and benefits afforded under Federal law to former spouses of employees and former employees of the Federal Government by reason of their status as former spouses of such personnel.

(b) MATTERS TO BE REVIEWED.—The review under subsection (a) shall include the following:

(1) In the case of former spouses of members and former members of the uniformed services, the following:

(A) All provisions of law (principally those originally enacted in the Uniformed Services Former Spouses' Protection Act (title X of Public Law 97–252)) that—

(i) establish, provide for the enforcement of, or otherwise protect interests of former spouses of members and former members of the uniformed services in retired or retainer pay of members and former members; and

(ii) provide other benefits for former spouses of members and former members.

(B) The experience of the uniformed services in administering such provisions of law.

(C) The experience of former spouses and members and former members of the uniformed services in the administration of such provisions of law.

(2) In the case of former spouses of employees and former employees of the Federal Government, the following:

(A) All provisions of law that—

(i) establish, provide for the enforcement of, or otherwise protect interests of former spouses of employees and former employees of the Federal Government in annuities of employees and former employees under Federal employees' retirement systems; and

(ii) provide other benefits for former spouses of employees and former employees.

(B) The experience of the Office of Personnel Management and other agencies of the Federal Government in administering such provisions of law.

(C) The experience of former spouses and employees and former employees of the Federal Government in the administration of such provisions of law.

(c) SAMPLING AUTHORIZED.—The Secretary may use sampling in carrying out the review under this section.

(d) REPORT.—Not later than September 30, 1999, the Secretary shall submit a report on the results of the review and comparison to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives. The report shall include any recommendation for

legislation that the Secretary considers appropriate.

SEC. 1040. COMPLETION OF GAO REPORTS FOR CONGRESS.

(a) PRIORITY.—(1) Subchapter II of chapter 7 of title 31, United States Code, is amended by adding at the end the following:

"§ 721. Priority for completion of certain audits, evaluations, other reviews, and reports

''(a) PRIORITY.—The Comptroller General may commence an audit, evaluation, other review, or report in a fiscal year only after the Comptroller General certifies in writing to Congress during such fiscal year that the General Accounting Office has completed all audits, evaluations, other reviews, and reports that were requested of that office by Congress before the date of the certification.

''(b) EXCEPTIONS.—The restriction in subsection (a) does not apply to the commencement of an audit, evaluation, other review, or report that is required by law or requested by Congress.

''(c) SOURCE, FORM, AND DATE OF CONGRESSIONAL REQUESTS.—For the purposes of this section—

''(1) an audit, evaluation, other review, or report is requested by Congress if the request for the audit, evaluation, other review, or report is made in writing by the Chairman of a committee of Congress, the Chairman of a subcommittee of such a committee, or any other member of Congress; and

''(2) the date on which the General Accounting Office receives such a request shall be considered the date of the request.''.

(2) The chapter analysis at the beginning of such chapter is amended by inserting after the item relating to section 720 the following:

''721. Priority for completion of certain audits, evaluations, other reviews, and reports.''.

(b) ANNUAL REPORT ON CONGRESSIONAL AND NONCONGRESSIONAL ACTIVITIES.—(1) Section 719(b) of title 31, United States Code, is amended by adding at the end the following:

''(3)(A) The report under subsection (a) shall include, for the latest fiscal year ending before the date of the report, the amount and cost of the work that the General Accounting Office performed during the fiscal year for the following:

''(i) Audits, evaluations, other reviews, and reports requested by the Chairman of a committee of Congress, the Chairman of a subcommittee of such a committee, or any other member of Congress.

''(ii) Audits, evaluations, other reviews, and reports not described in clause (i) and not required by law to be performed by the General Accounting Office.

''(B) In the report, amounts of work referred to in subparagraph (A) shall be expressed as hours of labor.''.

(2) Paragraph (1) of such section is amended—

(A) by striking out ''and'' at the end of subparagraph (B);

(B) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof ''; and''; and

(C) by adding at the end the following:

''(D) the matters required by paragraph (3).''.

(c) APPLICABILITY.—(1) Section 721 of title 31, United States Code (as added by subsection (a)), shall apply to the commencement of audits, evaluations, other reviews, and reports by the General Accounting Office after the later of—

(A) September 30, 1997; or

(B) the date of the enactment of this Act.

(2) The amendments made by subsection (b) shall apply with respect to reports submitted under section 719(a) of title 31, United States Code, after December 31, 1997.

Subtitle E—Other Matters

SEC. 1051. PSYCHOTHERAPIST-PATIENT PRIVILEGE IN THE MILITARY RULES OF EVIDENCE.

(a) REQUIREMENT FOR PROPOSED RULE.—The Secretary of Defense shall submit to the President, for consideration for promulgation under article 36 of the Uniform Code of Military Justice (10 U.S.C. 836), a recommended amendment to the Military Rules of Evidence that recognizes an evidentiary privilege regarding disclosure by a psychotherapist of confidential communications between a patient and the psychotherapist.

(b) APPLICABILITY OF PRIVILEGE.—The recommended amendment shall include a provision that applies the privilege to—

(1) patients who are not subject to the Uniform Code of Military Justice; and

(2) any patients subject to the Uniform Code of Military Justice that the Secretary determines it appropriate for the privilege to cover.

(c) SCOPE OF PRIVILEGE.—The evidentiary privilege recommended pursuant to subsection (a) shall be similar in scope to the psychotherapist-patient privilege recognized under Rule 501 of the Federal Rules of Evidence, subject to such exceptions and limitations as the Secretary determines appropriate on the bases of law, public policy, and military necessity.

(d) DEADLINE FOR RECOMMENDATION.—The Secretary shall submit the recommendation under subsection (a) on or before the later of the following dates:

(1) The date that is 90 days after the date of the enactment of this Act.

(2) January 1, 1998.

SEC. 1052. NATIONAL GUARD CIVILIAN YOUTH OPPORTUNITIES PILOT PROGRAM.

(a) EXTENSION OF PILOT PROGRAM AUTHORITY FOR CURRENT NUMBER OF PROGRAMS.—Subsection (a) of section 1091 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 32 U.S.C. 501 note) is amended—

(1) by striking out ''During fiscal years 1993 through 1995'' and inserting in lieu thereof ''(1) During fiscal years 1993 through 1998''; and

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

''(2) In fiscal years after fiscal year 1995, the number of programs carried out under subsection (d) as part of the pilot program may not exceed the number of such programs as of September 30, 1995.''.

(b) FISCAL RESTRICTIONS.—(1) Section 1091 of such Act is amended by striking out subsection (k) and inserting in lieu thereof the following:

''(k) FISCAL RESTRICTIONS.—(1) The Federal Government's share of the total cost of carrying out a program in a State as part of the pilot program in any fiscal year after fiscal year 1997 may not exceed 50 percent of that total cost.

''(2) The total amount expended for carrying out the program during a fiscal year may not exceed $20,000,000.''.

(2) Subsection (d)(3) of such section is amended by inserting '', subject to subsection (k)(1),'' after ''provide funds''.

(c) CONFORMING REPEAL.—Section 573 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 355; 32 U.S.C. 501 note) is repealed.

SEC. 1053. PROTECTION OF ARMED FORCES PERSONNEL DURING PEACE OPERATIONS.

(a) PROTECTION OF PERSONNEL.—

(1) IN GENERAL.—The Secretary of Defense shall take appropriate actions to ensure that units of the Armed Forces (including Army units, Marine Corps units, Air Force units, and support units for such units) engaged in peace operations have adequate troop protection equipment for such operations.

(2) SPECIFIC ACTIONS.—In taking such actions, the Secretary shall—

(A) identify the additional troop protection equipment, if any, required to equip a division equivalent with adequate troop protection equipment for peace operations;

(B) establish procedures to facilitate the exchange of troop protection equipment among the units of the Armed Forces; and

(C) designate within the Department of Defense an individual responsible for—

(i) ensuring the proper allocation of troop protection equipment among the units of the Armed Forces engaged in peace operations; and

(ii) monitoring the availability, status or condition, and location of such equipment.

(b) REPORT.—Not later than March 1, 1998, the Secretary shall submit to Congress a report on the actions taken by the Secretary under subsection (a).

(c) TROOP PROTECTION EQUIPMENT DEFINED.—In this section, the term ''troop protection equipment'' means the equipment required by units of the Armed Forces to defend against any hostile threat that is likely during a peace operation, including an attack by a hostile crowd, small arms fire, mines, and a terrorist bombing attack.

SEC. 1054. LIMITATION ON RETIREMENT OR DISMANTLEMENT OF STRATEGIC NUCLEAR DELIVERY SYSTEMS.

(a) FUNDING LIMITATION.—Funds available to the Department of Defense may not be obligated or expended during fiscal year 1998 for retiring or dismantling, or for preparing to retire or dismantle, any of the following strategic nuclear delivery systems below the specified levels:

(1) 71 B–52H bomber aircraft.

(2) 18 Trident ballistic missile submarines.

(3) 500 Minuteman III intercontinental ballistic missiles.

(4) 50 Peacekeeper intercontinental ballistic missiles.

(b) WAIVER AUTHORITY.—If the START II Treaty enters into force during fiscal year 1997 or fiscal year 1998, the Secretary of Defense may waive the application of the limitation under subsection (a) to the extent that the Secretary determines necessary in order to implement the treaty.

(c) FUNDING LIMITATION ON EARLY DEACTIVATION.—(1) If the limitation under subsection (a) ceases to apply by reason of a waiver under subsection (b), funds available to the Department of Defense may nevertheless not be obligated or expended during fiscal year 1998 to implement any agreement or understanding to undertake substantial early deactivation of a strategic nuclear delivery system specified in subsection (a) until 30 days after the date on which the President submits to Congress a report concerning such actions.

(2) For purposes of this subsection, a substantial early deactivation is an action during fiscal year 1998 to deactivate a substantial number of strategic nuclear delivery systems specified in subsection (a) by—

(A) removing nuclear warheads from those systems; or

(B) taking other steps to remove those systems from combat status.

(3) A report under this subsection shall include the following:

(A) The text of any understanding or agreement between the United States and the Russian Federation concerning substantial early deactivation of strategic nuclear delivery systems under the START II Treaty.

(B) The plan of the Department of Defense for implementing the agreement.

(C) An assessment of the Secretary of Defense of the adequacy of the provisions contained in the agreement for monitoring and verifying compliance of Russia with the terms of the agreement.

(D) A determination by the President as to whether the deactivations to occur under the agreement will be carried out in a symmetrical, reciprocal, or equivalent manner.

(E) An assessment by the President of the effect of the proposed early deactivation on the stability of the strategic balance and relative strategic nuclear capabilities of the United States and the Russian Federation at various stages during deactivation and upon completion.

(d) CONTINGENCY PLAN FOR SUSTAINMENT OF SYSTEMS.—(1) Not later then February 15, 1998, the Secretary of Defense shall submit to the congressional defense committees a plan for the sustainment beyond October 1, 1999, of United States strategic nuclear delivery systems and alternative Strategic Arms Reduction Treaty force structures in the event that a strategic arms reduction agreement subsequent to the Strategic Arms Reduction Treaty does not enter into force before 2004.

(2) The plan shall include a discussion of the following matters:

(A) The actions that are necessary to sustain the United States strategic nuclear delivery systems, distinguishing between the actions that are planned for and funded in the future-years defense program and the actions that are not planned for and funded in the future-years defense program.

(B) The funding necessary to implement the plan, indicating the extent to which the necessary funding is provided for in the future-years defense program and the extent to which the necessary funding is not provided for in the future-years defense program.

(e) START TREATIES DEFINED.—In this section:

(1) The term ''Strategic Arms Reduction Treaty'' means the Treaty Between the United States of America and the United Soviet Socialist Republics on the Reduction and Limitation of Strategic Offensive Arms (START), signed at Moscow on July 31, 1991, including related annexes on agreed statements and definitions, protocols, and memorandum of understanding.

(2) The term ''START II Treaty'' means the Treaty Between the United States of America and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms, signed at Moscow on January 3, 1993, including the following protocols and memorandum of understanding, all such documents being integral parts of and collectively referred to as the ''START II Treaty'' (contained in Treaty Document 103–1):

(A) The Protocol on Procedures Governing Elimination of Heavy ICBMs and on Procedures Governing Conversion of Silo Launchers of Heavy ICBMs Relating to the Treaty Between the United States of America and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms (also known as the ''Elimination and Conversion Protocol'').

(B) The Protocol on Exhibitions and Inspections of Heavy Bombers Relating to the Treaty Between the United States and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms (also known as the ''Exhibitions and Inspections Protocol'').

(C) The Memorandum of Understanding on Warhead Attribution and Heavy Bomber Data Relating to the Treaty Between the United States of America and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms (also known as the ''Memorandum on Attribution'').

SEC. 1055. ACCEPTANCE AND USE OF LANDING FEES FOR USE OF OVERSEAS MILITARY AIRFIELDS BY CIVIL AIRCRAFT.

(a) AUTHORITY.—Section 2350j of title 10, United States Code, is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), and

(2) by inserting after subsection (e) the following new subsection (f):

''(f) PAYMENTS FOR CIVIL USE OF MILITARY AIRFIELDS.—The authority under subsection (a) includes authority for the Secretary of a military department to accept payments of landing fees for use of a military airfield by civil aircraft that are prescribed pursuant to an agreement that is entered into with the government of the country in which the airfield is located. Payments received under this subsection in a fiscal year shall be credited to the appropriation that is available for the fiscal year for the operation and maintenance of the military airfield, shall be merged with amounts in the appropriation to which credited, and shall be available for the same period and purposes as the appropriation is available.''.

(b) CONFORMING AMENDMENTS.—(1) Subsection (b) of such section is amended by striking out ''Any'' at the beginning of the second sentence and inserting in lieu thereof ''Except as provided in subsection (f), any''.

(2) Subsection (c) of such section is amended by striking out ''Contributions'' in the matter preceding paragraph (1), and inserting in lieu thereof ''Except as provided in subsection (f), contributions''.

SEC. 1056. ONE-YEAR EXTENSION OF INTERNATIONAL NONPROLIFERATION INITIATIVE.

(a) ONE-YEAR EXTENSION.—Subsection (f) of section 1505 of the Weapons of Mass Destruction Control Act of 1992 (title XV of the National Defense Authorization Act for Fiscal Year 1993; 22 U.S.C. 5859a) is amended by striking out ''1997'' and inserting in lieu thereof ''1998''.

(b) LIMITATIONS ON AMOUNT OF ASSISTANCE FOR ADDITIONAL FISCAL YEARS.—Subsection (d)(3) of such section is amended by striking out ''or $15,000,000 for fiscal year 1997'' and inserting in lieu thereof ''$15,000,000 for fiscal year 1997, or $15,000,000 for fiscal year 1998''.

SEC. 1057. ARMS CONTROL IMPLEMENTATION AND ASSISTANCE FOR FACILITIES SUBJECT TO INSPECTION UNDER THE CHEMICAL WEAPONS CONVENTION.

(a) ASSISTANCE AUTHORIZED.—The On-Site Inspection Agency of the Department of Defense may provide technical assistance, on a reimbursable basis (in accordance with subsection (b)), to a facility that is subject to a routine or challenge inspection under the Chemical Weapons Convention upon the request of the owner or operator of the facility.

(b) REIMBURSEMENT REQUIREMENT.—The United States National Authority shall reimburse the On-Site Inspection Agency for costs incurred by the agency in providing assistance under subsection (a).

(c) DEFINITIONS.—In this section:

(1) The terms ''Chemical Weapons Convention'' and ''Convention'' mean the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, opened for signature on January 13, 1993.

(2) The term ''facility that is subject to a routine inspection'' means a declared facility, as defined in paragraph 15 of part X of the Annex on Implementation and Verification of the Convention.

(3) The term ''challenge inspection'' means an inspection conducted under Article IX of the Convention.

(4) The term ''United States National Authority'' means the United States National Authority established or designated pursuant to Article VII, paragraph 4, of the Chemical Weapons Convention.

SEC. 1058. SENSE OF SENATE REGARDING THE RELATIONSHIP BETWEEN ENVIRONMENTAL LAWS AND UNITED STATES' OBLIGATIONS UNDER THE CHEMICAL WEAPONS CONVENTION.

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

(1) The Chemical Weapons Convention requires the destruction of the United States' stockpile of lethal chemical agents and munitions within 10 years after the Convention's entry into force (or 2007).

(2) The President possesses substantial powers under existing law to ensure that the technologies necessary to destroy the stockpile are developed, that the facilities necessary to destroy the stockpile are constructed, and that Federal, State, and local environmental laws and regulations do not impair the ability of the United States to comply with its obligations under the Convention.

(b) SENSE OF SENATE.—It is the sense of the Senate that the President—

(1) should use the authority granted the President under existing law to ensure that the United States is able to construct and operate the facilities necessary to destroy the United States' stockpile of lethal chemical agents and munitions within the time allowed by the Chemical Weapons Convention; and

(2) while carrying out the United States' obligations under the Convention, should encourage negotiations between appropriate Federal Government officials and officials of the State and local governments concerned to attempt to meet their concerns about the actions being taken to carry out those obligations.

(c) CHEMICAL WEAPONS CONVENTION DEFINED.—In this section, the terms ''Chemical Weapons Convention'' and ''Convention'' mean the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, opened for signature on January 13, 1993.

SEC. 1059. SENSE OF CONGRESS REGARDING FUNDING FOR RESERVE COMPONENT MODERNIZATION NOT REQUESTED IN THE ANNUAL BUDGET REQUEST.

(a) LIMITATION.—It is the sense of Congress that, to the maximum extent practicable, Congress should consider authorizing appropriations for reserve component modernization activities not included in the budget request of the Department of Defense for a fiscal year only if—

(1) there is a Joint Requirements Oversight Council validated requirement for the equipment;

(2) the equipment is included for reserve component modernization in the modernization plan of the military department concerned and is incorporated into the future-years defense program;

(3) the equipment is consistent with the use of reserve component forces;

(4) the equipment is necessary in the national security interests of the United States; and

(5) the funds can be obligated in the fiscal year.

(b) VIEWS OF THE CHAIRMAN, JOINT CHIEFS OF STAFF.—It is further the sense of Congress that, in applying the criteria set forth in subsection (a), Congress should obtain the views of the Chairman of the Joint Chiefs of Staff, including views on whether funds for equipment not included in the budget request are appropriate for the employment of reserve component forces in Department of Defense warfighting plans.

SEC. 1060. AUTHORITY OF SECRETARY OF DEFENSE TO SETTLE CLAIMS RELATING TO PAY, ALLOWANCES, AND OTHER BENEFITS.

(a) AUTHORITY TO WAIVE TIME LIMITATIONS.—Paragraph (1) of section 3702(e) of title 31, United States Code, is amended by striking out ''Comptroller General'' and inserting in lieu thereof ''Secretary of Defense''.

(b) APPROPRIATION TO BE CHARGED.—Paragraph (2) of such section is amended by striking out ''shall be subject to the availability of appropriations for payment of that particular claim'' and inserting in lieu thereof ''shall be made from an appropriation that is available, for the fiscal year in which the payment is made, for the same purpose as the appropriation to which the obligation claimed would have been charged if the obligation had been timely paid''.

SEC. 1061. COORDINATION OF ACCESS OF COMMANDERS AND DEPLOYED UNITS TO INTELLIGENCE COLLECTED AND ANALYZED BY THE INTELLIGENCE COMMUNITY.

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

(1) Coordination of operational intelligence support for the commanders of the combatant commands and deployed units of the Armed Forces has proven to be inadequate.

(2) Procedures used to reconcile information among various intelligence community and Department of Defense data bases proved to be inadequate and, being inadequate, diminished the usefulness of that information and preclude commanders and planners within the Armed Forces from fully benefiting from key information that should have been available to them.

(3) Excessive compartmentalization of responsibilities and information within the Department of Defense and the other elements of the intelligence community resulted in inaccurate analysis of important intelligence material.

(4) Excessive restrictions on the distribution of information within the executive branch disadvantaged units of the Armed Forces that would have benefited most from the information.

(5) Procedures used in the Department of Defense to ensure that critical intelligence information is provided to the right combat units in a timely manner failed during the Persian Gulf War and, as a result, information about potential chemical weapons storage locations did not reach the units that eventually destroyed those storage areas.

(6) A recent, detailed review of the events leading to and following the destruction of chemical weapons by members of the Armed Forces at Khamisiyah, Iraq, during the Persian Gulf War has revealed a number of inadequacies in the way the Department of Defense and the other elements of the intelligence community handled, distributed, recorded, and stored intelligence information about the threat of exposure of United States forces to chemical weapons and the toxic agents in those weapons.

(7) The inadequacy of procedures for recording the receipt of, and reaction to, intelligence reports provided by the intelligence community to combat units of the Armed Forces during the Persian Gulf War has caused it to be impossible to analyze the failures in transmission of intelligence-related information on the location of chemical weapons at Khamisiyah, Iraq, that resulted in the demolition of chemical weapons by members of the Armed Forces unaware of the hazards to which they were exposed.

(b) REPORTING REQUIREMENT.—Not later than March 1, 1998, the Secretary of Defense shall submit to Congress a report that identifies the specific actions that have been taken or are being taken to ensure that there is adequate coordination of operational intelligence support for the commanders of the combatant commands and deployed units of the Armed Forces.

(c) DEFINITION OF INTELLIGENCE COMMUNITY.—In this section, the term ''intelligence community'' has the meaning given the term in section 3 of the National Security Act of 1947 (50 U.S.C. 401a).

SEC. 1062. PROTECTION OF IMAGERY, IMAGERY INTELLIGENCE, AND GEOSPATIAL INFORMATION AND DATA.

(a) PROTECTION OF INFORMATION ON CAPABILITIES.—Paragraph (1)(B) of section 455(b) of title 10, United States Code, is amended by inserting '', or capabilities,'' after ''methods''.

(b) PRODUCTS PROTECTED.—(1) Paragraph (2) of such section is amended to read as follows:

''(2) In this subsection, the term 'geodetic product' means imagery, imagery intelligence, or geospatial information, as those terms are defined in section 467 of this title.''.

(2) Section 467(4)(C) of title 10, United States Code, is amended to read as follows:

''(C) maps, charts, geodetic data, and related products.''.

SEC. 1063. PROTECTION OF AIR SAFETY INFORMATION VOLUNTARILY PROVIDED BY A CHARTER AIR CARRIER.

Section 2640 of title 10, United States Code, is amended—

(1) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively; and

(2) by inserting after subsection (g) the following new subsection (h):

''(h) PROTECTION OF VOLUNTARILY SUBMITTED AIR SAFETY INFORMATION.—(1) Subject to paragraph (2), the appropriate official may deny a request made under any other provision of law for public disclosure of safety-related information that has been provided voluntarily by an air carrier to the Secretary of Defense for the purposes of this section, notwithstanding the provision of law under which the request is made.

''(2) The appropriate official may exercise authority to deny a request for disclosure of information under paragraph (1) if the official first determines that—

''(A) the disclosure of the information as requested would inhibit an air carrier from voluntarily disclosing, in the future, safety-related information for the purposes of this section or for other air safety purposes involving the Department of Defense or another Federal agency; and

''(B) the receipt of such information generally enhances the fulfillment of responsibilities under this section or other air safety responsibilities involving the Department of Defense or another Federal agency.

''(3) For the purposes of this section, the appropriate official for exercising authority under paragraph (1) is—

''(A) the Secretary of Defense, in the case of a request for disclosure of information that is directed to the Department of Defense; or

''(B) the head of another Federal agency, in the case of a request that is directed to that Federal agency regarding information described in paragraph (1) that the Federal agency has received from the Department of Defense.''.

SEC. 1064. SUSTAINMENT AND OPERATION OF GLOBAL POSITIONING SYSTEM.

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

(1) The Global Positioning System, with its multiple uses, makes significant contributions to the attainment of the national security and foreign policy goals of the United States, the safety and efficiency of international transportation, and the economic growth, trade, and productivity of the United States.

(2) The infrastructure for the Global Positioning System, including both space and ground segments of the infrastructure, is vital to the effectiveness of United States and allied military forces and to the protection of the national security interests of the United States.

(3) In addition to having military uses, the Global Positioning System has essential civil, commercial, and scientific uses.

(4) Driven by the increasing demand of civil, commercial, and scientific users of the Global Positioning System—

(A) there has emerged in the United States a new commercial industry to provide Global Positioning System equipment and related services to the many and varied users of the system; and

(B) there have been rapid technical advancements in Global Positioning System equipment and services that have contributed significantly to reductions in the cost of the Global Positioning System and increases in the technical capabilities and availability of the system for military uses.

(5) It is in the national interest of the United States for the United States—

(A) to support continuation of the multiple-use character of the Global Positioning System;

(B) to promote broader acceptance and use of the Global Positioning System and the technological standards that facilitate expanded use of the system for civil purposes;

(C) to coordinate with other countries to ensure—

(i) efficient management of the electromagnetic spectrum utilized for the Global Positioning System; and

(i) protection of that spectrum in order to prevent disruption of, and interference with, signals from the system; and

(D) to encourage open access in all international markets to the Global Positioning System and supporting equipment, services, and techniques.

(b) SUSTAINMENT AND OPERATION FOR MILITARY PURPOSES.—The Secretary of Defense shall—

(1) provide for the sustainment of the Global Positioning System capabilities, and the operation of basic Global Positioning System services, that are beneficial for the national security interests of United States;

(2) develop appropriate measures for preventing hostile use of the Global Positioning System that make it unnecessary to use the selective availability feature of the system continuously and do not hinder the use of the Global Positioning System by the United States and its allies for military purposes; and

(3) ensure that United States military forces have the capability to use the Global Positioning System effectively despite hostile attempts to prevent the use of the system by such forces.

(c) SUSTAINMENT AND OPERATION FOR CIVILIAN PURPOSES.—The Secretary of Defense shall—

(1) provide for the sustainment and operation of basic Global Positioning System services for peaceful civil, commercial, and scientific uses on a continuous worldwide basis free of direct user fees;

(2) provide for the sustainment and operation of basic Global Positioning System services in order to meet the performance requirements of the Federal Radionavigation Plan jointly issued by the Secretary of Defense and the Secretary of Transportation;

(3) coordinate with the Secretary of Transportation regarding the development and implementation by the Federal Government of

augmentations to the basic Global Positioning System that achieve or enhance uses of the system in support of transportation;

(4) coordinate with the Secretary of Commerce, the United States Trade Representative, and other appropriate officials to facilitate the development of new and expanded civil uses for the Global Positioning System; and

(5) develop measures for preventing hostile use of the Global Positioning System in a particular area without hindering peaceful civil use of the system elsewhere.

(d) FEDERAL RADIONAVIGATION PLAN.—The Secretary of Defense and the Secretary of Transportation shall continue to prepare the Federal Radionavigation Plan every two years as originally provided for in the International Maritime Satellite Telecommunications Act (title V of the Communications Satellite Act of 1962; 47 U.S.C. 751 et seq.).

(e) INTERNATIONAL COOPERATION.—Congress urges the President to promote the security of the United States and its allies, the public safety, and commercial interests by—

(1) undertaking a coordinated effort within the executive branch to seek to establish the Global Positioning System, and augmentations to the system, as a worldwide resource;

(2) seeking to enter into international agreements to establish signal and service standards that protect the Global Positioning System from disruption and interference; and

(3) undertaking efforts to eliminate any barriers to, and other restrictions of foreign governments on, peaceful uses of the Global Positioning System.

(f) PROHIBITION OF SUPPORT OF FOREIGN SYSTEM.—None of the funds authorized to be appropriated under this Act may be used to support the operation and maintenance or enhancement of any satellite navigation system operated by a foreign country.

(g) REPORT.—(1) Not later than 30 days after the end of each even numbered fiscal year (beginning with fiscal year 1998), the Secretary of Defense shall submit to the Committees on Armed Services and on Appropriations on the Senate and the Committees on National Security and on Appropriations of the House of Representatives a report on the Global Positioning System. The report shall include a discussion of the following matters:

(A) The operational status of the Global Positioning System.

(B) The capability of the system to satisfy effectively—

(i) the military requirements for the system that are current as of the date of the report; and

(ii) the performance requirements of the Federal Radionavigation Plan.

(C) The most recent determination by the President regarding continued use of the selective availability feature of the Global Positioning System and the expected date of any change or elimination of use of that feature.

(D) The status of cooperative activities undertaken by the United States with the governments of other countries concerning the capability of the Global Positioning System or any augmentation of the system to satisfy civil, commercial, scientific, and military requirements, including a discussion of the status and results of activities undertaken under any regional international agreement.

(E) Any progress made toward establishing the Global Positioning System as an international standard for consistency of navigational service.

(F) Any progress made toward protecting the Global Positioning System from disruption and interference.

(G) The effects of use of the Global Positioning System on national security, regional security, and the economic competitiveness of United States industry, including the Global Positioning System equipment and service industry and user industries.

(2) In preparing the parts of the report required under subparagraphs (D), (E), (F), and (G) of paragraph (1), the Secretary of Defense shall consult with the Secretary of Commerce, Secretary of Transportation, and Secretary of Labor.

(h) BASIC GLOBAL POSITIONING SYSTEM SERVICES DEFINED.—In this section, the term ''basic global positioning system services'' means the following components of the Global Positioning System that are operated and maintained by the Department of Defense:

(1) The constellation of satellites.

(2) The navigation payloads that produce the Global Positioning System signals.

(3) The ground stations, data links, and associated command and control facilities.

SEC. 1065. LAW ENFORCEMENT AUTHORITY FOR SPECIAL AGENTS OF THE DEFENSE CRIMINAL INVESTIGATIVE SERVICE.

(a) AUTHORITY.—Chapter 81 of title 10, United States Code, is amended by inserting after section 1585 the following new section:

''§ 1585a. Special agents of the Defense Criminal Investigative Service: law enforcement authority

''(a) AUTHORITY.—A special agent of the Defense Criminal Investigative Service designated under subsection (b) has the following authority:

''(1) To carry firearms.

''(2) To execute and serve any warrant or other process issued under the authority of the United States.

''(3) To make arrests without warrant for—

''(A) any offense against the United States committed in the agent's presence; or

''(B) any felony cognizable under the laws of the United States if the agent has probable cause to believe that the person to be arrested has committed or is committing the felony.

''(b) DESIGNATION OF AGENTS TO HAVE AUTHORITY.—The Secretary of Defense may designate to have the authority provided under subsection (a) any special agent of the Defense Criminal Investigative Service whose duties include conducting, supervising, or coordinating investigations of criminal activity in programs and operations of the Department of Defense.

''(c) GUIDELINES ON EXERCISE OF AUTHORITY.—The authority provided under subsection (a) shall be exercised in accordance with guidelines prescribed by the Inspector General of the Department of Defense and approved by the Attorney General, and any other applicable guidelines prescribed by the Secretary of Defense or the Attorney General.''.

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1585 the following:

''1585a. Special agents of the Defense Criminal Investigative Service: law enforcement authority.''.

SEC. 1066. REPEAL OF REQUIREMENT FOR CONTINUED OPERATION OF THE NAVAL ACADEMY DAIRY FARM.

(a) REPEAL.—Section 810 of the Military Construction Authorization Act, 1968 (Public Law 90–110; 81 Stat. 309) is amended—

(1) by striking out subsection (a); and

(2) in subsection (b), by striking out ''nor shall'' and all that follows through ''Act of Congress''.

(b) CONFORMING AMENDMENTS.—(1) Section 6971(b)(5) of title 10, United States Code, is amended by inserting ''(if any)'' before the period at the end.

(2) Section 2105(b) of title 5, United States Code, is amended by inserting ''(if any)'' after ''Academy dairy''.

SEC. 1067. POW/MIA INTELLIGENCE ANALYSIS CELL.

(a) ESTABLISHMENT OF INTELLIGENCE CELL.—The Director of Central Intelligence, in consultation with the Secretary of Defense, shall establish a POW/MIA Intelligence Analysis Cell to provide analytical support on POW/MIA matters to all departments and agencies of the Federal Government involved with such matters. The Director of Central Intelligence shall oversee the functions of the POW/MIA Intelligence Analysis Cell and determine its structure and location.

(b) PREPARATION OF NATIONAL INTELLIGENCE ESTIMATE.—The POW/MIA Intelligence Analysis Cell shall be the primary source of support for the Director in the preparation of the Special National Intelligence Estimate on POW/MIA matters that was directed by the Assistant to the President for National Security Affairs in accordance with the letter on that subject that the Assistant to the President transmitted to the Majority Leader of the Senate on April 10, 1997.

(c) CONSOLIDATION OF INTELLIGENCE COLLECTION REQUIREMENTS.—All intelligence collection requirements for the intelligence community regarding POW/MIA matters shall be consolidated within the POW/MIA Intelligence Analysis Cell.

(d) DEFINITIONS.—In this section:

(1) The term ''POW/MIA matters'' means matters concerning prisoners of war and members of the Armed Forces who are missing in action.

(2) The term ''intelligence community'' has the meaning given the term in section 3 of the National Security Act of 1947 (50 U.S.C. 401a).

SEC. 1068. PROTECTION OF EMPLOYEES FROM RETALIATION FOR CERTAIN DISCLOSURES OF CLASSIFIED INFORMATION.

(a) DISCLOSURES TO OFFICIALS CLEARED FOR ACCESS.—Section 2302(b) of title 5, United States Code, is amended—

(1) in paragraph (8)—

(A) by striking out ''or'' at the end of subparagraph (A);

(B) by inserting ''or'' at the end of subparagraph (B)(ii); and

(C) by adding at the end the following:

''(C) a disclosure by an employee or applicant of information required by law or Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs which the employee or applicant reasonably believes to provide direct and specific evidence of—

''(i) a violation of any law, rule, or regulation,

''(ii) gross mismanagement, a gross waste of funds, abuse of authority, or a substantial and specific danger to public health or safety, or

''(iii) a false statement to Congress on an issue of material fact,

if the disclosure is made to a member of a committee of Congress having a primary responsibility for oversight of a department, agency, or element of the Federal Government to which the disclosed information relates, to any other Member of Congress who is authorized to receive information of the type disclosed, or to an employee of the executive branch or Congress who has the appropriate security clearance for access to the information disclosed;''; and

(2) by striking out the matter following paragraph (11).

(b) DISSEMINATION OF INFORMATION ON NEW PROTECTION.—Not later than 30 days after the date of the enactment of this Act, the President shall—

(1) take such action as is necessary to ensure that employees of the executive branch

having access to classified information receive notice that the disclosure of such information to Congress is not prohibited by law, executive order, or regulation, and is not otherwise contrary to public policy when the information is disclosed under the circumstances described in subparagraph (C) of section 2302(b)(8) of title 5, United States Code (as added by subsection (a)); and

(2) submit to Congress a report on the actions taken to carry out paragraph (1).

(c) EFFECTIVE DATE AND APPLICABILITY.—The amendments made by subsection (a) shall take effect on October 1, 1998, and shall apply to a taking, failing to take, or threat to take or fail to take a personnel action on or after such date because of a disclosure described in subparagraph (C) of section 2302(b)(8) of title 5, United States Code (as added by subsection (a)), that is made before, on, or after such date.

SEC. 1069. APPLICABILITY OF CERTAIN PAY AUTHORITIES TO MEMBERS OF THE COMMISSION ON SERVICEMEMBERS AND VETERANS TRANSITION ASSISTANCE.

(a) APPLICABILITY.—Section 705(a) of the Veterans' Benefits Improvements Act of 1996 (Public Law 104–275; 110 Stat. 3349; 38 U.S.C. 545 note) is amended—

(1) by inserting ''(1)'' before ''Each member''; and

(2) by adding at the end the following:

''(2)(A) A member of the Commission who is an annuitant otherwise covered by section 8344 or 8468 of title 5, United States Code, by reason of membership on the Commission shall not be subject to the provisions of such section with respect to such membership.

''(B) A member of the Commission who is a member or former member of a uniformed service shall not be subject to the provisions of subsections (b) and (c) of section 5532 of such title with respect to membership on the Commission.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the provisions of section 705(a) of the Veterans' Benefits Improvements Act of 1996 to which such amendments relate.

SEC. 1070. TRANSFER OF B–17 AIRCRAFT TO MUSEUM.

(a) AUTHORITY.—The Secretary of the Air Force may convey, without consideration, to the Planes of Fame Museum, Chino, California (hereafter in this section referred to as the ''museum''), all right, title, and interest of the United States in and to the B–17 aircraft known as the ''Picadilly Lilly'', an aircraft that has been in the possession of the museum since 1959.

(b) CONDITION OF AIRCRAFT.—Before conveying ownership of the aircraft, the Secretary shall alter the aircraft as necessary to ensure that the aircraft does not have any capability for use as a platform for launching or releasing munitions or any other combat capability that it was designed to have. The Secretary is not required to repair or alter the condition of the aircraft in any other way before conveying the ownership.

(c) CONDITION FOR CONVEYANCE.—A conveyance of ownership of the aircraft under this section shall be subject to the condition that the museum not convey any ownership interest in, or transfer possession of, the aircraft to any other party without the advance approval of the Secretary of the Air Force.

(d) REVERSION.—If the Secretary of the Air Force determines at any time that the museum has conveyed an ownership interest in, or transferred possession of, the aircraft to any other party without the advance approval of the Secretary, all right, title, and interest in and to the aircraft, including any repairs or alterations of the aircraft, shall revert to the United States, and the United States shall have the right of immediate possession of the aircraft.

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

(f) CLARIFICATION OF LIABILITY.—Notwithstanding any other provision of law, the United States shall not be liable for any death, injury, loss, or damages that result from any use of the aircraft conveyed under this section by any person other than the United States after the conveyance is complete.

SEC. 1071. FIVE-YEAR EXTENSION OF AVIATION INSURANCE PROGRAM.

(a) EXTENSION.—Section 44310 of title 49, United States Code, is amended by striking out ''September 30, 1997'' and inserting in lieu thereof ''September 30, 2002''.

(b) EFFECTIVE DATE.—This section shall take effect as of September 30, 1997.

SEC. 1072. TREATMENT OF MILITARY FLIGHT OPERATIONS.

No military flight operation (including a military training flight), or designation of airspace for such an operation, may be treated as a transportation program or project for purposes of section 303(c) of title 49, United States Code.

SEC. 1073. NATURALIZATION OF FOREIGN NATIONALS WHO SERVED HONORABLY IN THE ARMED FORCES OF THE UNITED STATES.

(a) IN GENERAL.—Section 329 of the Immigration and Nationality Act (8 U.S.C. 1440) is amended—

(1) in subsection (a)(1)—

(A) by inserting '', reenlistment, extension of enlistment,'' after ''at the time of enlistment''; and

(B) by inserting ''or on board a public vessel owned or operated by the United States for noncommercial service,'' after ''United States, the Canal Zone, American Samoa, or Swains Island,''; and

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

''(d) WAIVER.—(1) For purposes of the naturalization of natives of the Philippines under section 405 of the Immigration Act of 1990 (8 U.S.C. 1440 note), notwithstanding any other provision of law—

''(A) the processing of applications for naturalization, filed in accordance with the provisions of Section 405 of the Immigration Act of 1990 (Public Law 101–649; 104 Stat. 5039), including necessary interviews, may be conducted in the Philippines by employees of the Service designated pursuant to section 335(b) of this Act; and

''(B) oaths of allegiance for applications under this subsection may be administered in the Philippines by employees of the Service designated pursuant to section 335(b) of this Act.

''(2) Paragraph (1) shall be effective only during the period beginning February 3, 1996, and ending at the end of February 2, 2006.''.

(b) EFFECTIVE DATES.—The amendments made by subsection (a)(1) shall be effective for all enlistments, reenlistments, extensions of enlistment, or inductions of persons occurring on or after January 1, 1990.

SEC. 1074. DESIGNATION OF BOB HOPE AS HONORARY VETERAN.

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

(1) The United States has never in its more than 200 years of existence conferred honorary veteran status on any person.

(2) Honorary veteran status is and should remain an extraordinary honor not lightly conferred nor frequently granted.

(3) It is fitting and proper to confer that status on Bob Hope.

(4) Bob Hope attempted to enlist in the Armed Forces to serve his country during World War II but was informed that the greatest service he could provide his country was as a civilian entertainer for the troops.

(5) Since then, Bob Hope has travelled to visit and entertain millions of members of the Armed Forces of the United States throughout World War II, the Korean Conflict, the Vietnam War, the Persian Gulf War, and the Cold War, in Europe, Africa, England, Wales, Ireland, Scotland, Sicily, the Aleutian Islands, Pearl Harbor, Kwajalein Island, Guam, Japan, Korea, Vietnam, Saudi Arabia, and many other locations.

(6) Bob Hope frequently elected to stage his shows in forward combat areas.

(7) Bob Hope richly deserves the more than 100 awards and citations that he has received from government, military, and civic groups.

(8) Those awards include the American Congressional Gold Medal, the Medal of Freedom, the People to People Award, the Peabody Award, the Jean Hersholdt Humanitarian Award, the Al Jolson Award of the Veterans of Foreign Wars, the Medal of Liberty, and the Distinguished Service Medals of each of the Armed Forces.

(9) Bob Hope has given unselfishly of himself for over half a century to be with American service members on foreign shores, has worked tirelessly to bring a spirit of humor and cheer to millions of military members during their loneliest moments, and has, thereby, extended to them for the American people a touch of home away from home.

(b) HONORARY DESIGNATION.—The elected representatives of the American people, expressing the gratitude of the American people to Bob Hope for his years of unselfish service to the members of the Armed Forces of the United States, designate Bob Hope as an honorary veteran of the Armed Forces of the United States.

TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL

SEC. 1101. USE OF PROHIBITED CONSTRAINTS TO MANAGE DEPARTMENT OF DEFENSE PERSONNEL.

Section 129 of title 10, United States Code, is amended by adding at the end the following:

''(f)(1) Not later than February 1 and August 1 of each year, the Secretary of each military department and the head of each Defense Agency shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representative a report on the management of the civilian workforce under the jurisdiction of that official.

''(2) Each report of an official under paragraph (1) shall contain the following:

''(A) The official's certification that the civilian workforce under the jurisdiction of the official is not subject to any constraint or limitation in terms of man years, end strength, full-time equivalent positions, or maximum number of employees, and that, during the six months preceding the date on which the report is due, such workforce has not been subject to any such constraint or limitation.

''(B) A description of how the civilian workforce is managed.

''(C) A detailed description of the analytical tools used to determine civilian workforce requirements during the six-month period referred to in subparagraph (A).''.

SEC. 1102. EMPLOYMENT OF CIVILIAN FACULTY AT THE MARINE CORPS UNIVERSITY.

(a) EXPANDED AUTHORITY.—Subsections (a) and (c) of section 7478 of title 10, United States Code, are amended by striking out ''the Marine Corps Command and Staff College'' and inserting in lieu thereof ''a school of the Marine Corps University''.

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§ 7478. Naval War College and Marine Corps University: civilian faculty members".

(2) The table of sections at the beginning of chapter 643 of such title is amended by striking out the item relating to section 7478 and inserting in lieu thereof the following new item:

"7478. Naval War College and Marine Corps University: civilian faculty members.".

SEC. 1103. EXTENSION AND REVISION OF VOLUNTARY SEPARATION INCENTIVE PAY AUTHORITY.

(a) REMITTANCE TO CSRS FUND.—Section 5597 of title 5, United States Code, is amended by adding at the end the following:

"(h)(1) In addition to any other payment that it is required to make under subchapter III of chapter 83 or chapter 84 of this title, the Department of Defense shall remit to the Office of Personnel Management an amount equal to 15 percent of the final basic pay of each covered employee. The remittance shall be in place of any remittance with respect to the employee that is otherwise required under section 4(a) of the Federal Workforce Restructuring Act of 1994 (5 U.S.C. 8331 note).

"(2) Amounts remitted under paragraph (1) shall be deposited in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund.

"(3) For the purposes of this subsection—

"(A) the term 'covered employee' means an employee who is subject to subchapter III of chapter 83 or chapter 84 of this title and to whom a voluntary separation incentive has been paid under this section on the basis of a separation on or after October 1, 1997; and

"(B) the term 'final basic pay' has the meaning given such term in section 4(a)(2) of the Federal Workforce Restructuring Act of 1994 (5 U.S.C. 8331 note).".

(b) EXTENSION OF AUTHORITY.—(1) Subsection (e) of such section is amended by striking out "September 30, 1999" and inserting in lieu thereof "September 30, 2001".

(2) Section 4436(d)(2) of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (5 U.S.C. 8348 note) is amended by striking "January 1, 2000" and inserting in lieu thereof "January 1, 2002".

SEC. 1104. REPEAL OF DEADLINE FOR PLACEMENT CONSIDERATION OF INVOLUNTARILY SEPARATED MILITARY RESERVE TECHNICIANS.

Section 3329(b) of title 5, United States Code, is amended by striking out "a position described in subsection (c) not later than 6 months after the date of the application".

SEC. 1105. RATE OF PAY OF DEPARTMENT OF DEFENSE OVERSEAS TEACHER UPON TRANSFER TO GENERAL SCHEDULE POSITION.

(a) PREVENTION OF EXCESSIVE INCREASES.—Section 5334(d) of title 5, United States Code, is amended by striking out "20 percent" and all that follows and inserting in lieu thereof "an amount determined under regulations which the Secretary of Defense shall prescribe for the determination of the yearly rate of pay of the position. The amount by which a rate of pay is increased under the regulations may not exceed the amount equal to 20 percent of that rate of pay.".

(b) EFFECTIVE DATE AND SAVINGS PROVISION.—(1) The amendment made by subsection (a) shall take effect 180 days after the date of the enactment of this Act.

(2) In the case of a person who is employed in a teaching position referred to in section 5334(d) of title 5, United States Code, on the day before the effective date determined under paragraph (1), the rate of pay determined under such section (as in effect on that day) shall not be reduced by reason of the amendment made by subsection (a) for so long as the person continues to serve in that position or another such position without a break in service on or after that day.

SEC. 1106. NATURALIZATION OF EMPLOYEES OF THE GEORGE C. MARSHALL EUROPEAN CENTER FOR SECURITY STUDIES.

(a) ELIGIBILITY WITHOUT PERMANENT RESIDENCE.—Subsection (a) of section 506 of the Intelligence Authorization Act, Fiscal Year 1990 (Public Law 101–193; 103 Stat. 1709; 8 U.S.C. 1430 note) is amended to read as follows:

"(a) For purposes of subsection (c) of section 319 of the Immigration and Nationality Act (8 U.S.C. 1430), the George C. Marshall European Center for Security Studies, located in Garmisch, Federal Republic of Germany, shall be considered to be an organization described in clause (1) of such subsection. Notwithstanding clauses (2) and (4) of such subsection and any other provision of title III of the Immigration and Nationality Act, neither prior admission to the United States for permanent residence nor presence in the United States at the time of naturalization is required as a condition for the naturalization (under the authority of such subsection) of a person employed by the Center.".

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

"REQUIREMENTS FOR CITIZENSHIP FOR STAFF OF GEORGE C. MARSHALL EUROPEAN CENTER FOR SECURITY STUDIES".

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the "Military Construction Authorization Act for Fiscal Year 1998".

TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or location	Amount
Alabama	Redstone Arsenal	$27,000,000
Arizona	Fort Huachuca	$20,000,000
California	Naval Weapons Station, Concord.	$23,000,000
Colorado	Fort Carson	$7,300,000
Georgia	Fort Gordon	$22,000,000
Hawaii	Schofield Barracks	$44,000,000
Indiana	Crane Army Ammunition Activity.	$7,700,000
Kansas	Fort Leavenworth	$63,000,000
	Fort Riley	$25,800,000
Kentucky	Fort Campbell	$53,600,000
	Fort Knox	$7,200,000
North Carolina.	Fort Bragg	$6,500,000
South Carolina.	Naval Weapons Station, Charleston.	$7,700,000
Texas	Fort Sam Houston	$16,000,000
Virginia	Charlottesville	$3,100,000
	Fort A.P. Hill	$5,400,000
	Fort Myer	$8,200,000
Washington.	Fort Lewis	$33,000,000
CONUS Classified.	Classified Location	$6,500,000
	Total:	$387,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or location	Amount
Germany	Katterbach Kaserne, Ansbach.	$22,000,000
	Kitzingen	$4,365,000
	Tompkins Barracks, Heidelberg.	$8,800,000
	Rhine Ordnance Barracks, Military Support Group, Kaiserslautern.	$6,000,000
Korea	Camp Casey	$5,100,000
	Camp Castle	$8,400,000
	Camp Humphreys	$32,000,000
	Camp Red Cloud	$23,600,000
	Camp Stanley	$7,000,000
Various Overseas.	Various Locations	$37,000,000
Worldwide	Host Nation Support	$20,000,000
	Total:	$174,265,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Army: Family Housing

State	Installation or location	Purpose	Amount
Alaska	Fort Richardson	52 Units	$9,600,000
	Fort Wainwright	32 Units	$8,300,000
Florida	Miami	8 Units	$2,300,000
Hawaii	Schofield Barracks	132 Units	$26,600,000
Kentucky	Fort Campbell	Family housing improvements.	$8,500,000
Maryland	Fort Meade	56 Units	$7,900,000
New York	United States Military Academy, West Point	Whole neighborhood revitalization.	$5,400,000
North Carolina	Fort Bragg	174 Units	$20,150,000
Texas	Fort Bliss	91 Units	$12,900,000

Army: Family Housing—Continued

State	Installation or location	Purpose	Amount
	Fort Hood	130 Units	$18,800,000
		Total:	$120,450,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $11,665,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed $44,800,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1997, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $1,957,129,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $360,500,000.

(2) For the military construction projects outside the United States authorized by section 2101(b), $174,265,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $6,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $50,512,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $176,915,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $1,148,937,000.

(6) For the construction of the National Range Control Center, White Sands Missile Range, New Mexico, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2763), $18,000,000.

(7) For the construction of the whole barracks complex renewal, Fort Knox, Kentucky, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1997 (110 Stat. 2763), $22,000,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a); and

(2) $26,500,000 (the balance of the amount authorized under section 2101(a) for the construction of the United States Disciplinary Barracks, Fort Leavenworth, Kansas).

SEC. 2105. AUTHORITY TO USE CERTAIN PRIOR YEAR FUNDS TO CONSTRUCT A HELIPORT AT FORT IRWIN, CALIFORNIA.

(a) AUTHORITY TO USE FUNDS.—Notwithstanding any other provision of law and subject to subsection (b), the Secretary of the Army may carry out a project to construct a heliport at Fort Irwin, California, using the following amounts:

(1) Amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1) of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3029) for the military construction project at Fort Irwin authorized by section 2101(a) of that Act (108 Stat. 3027).

(2) Amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1) of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 524) for the military construction project at Fort Irwin authorized by section 2101(a) of that Act (110 Stat. 523).

(b) LIMITATION ON AVAILABILITY.—Unless funds available under subsection (a) are obligated for the project covered by that subsection by the later of the dates set forth in section 2701(a) of this Act, the authority in that subsection to use funds for the project shall expire on the later of such dates.

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or location	Amount
Arizona	Navy Detachment, Camp Navajo.	$11,426,000
	Marine Corps Air Station, Yuma.	$14,700,000
California	Marine Corps Air Station, Camp Pendleton.	$14,020,000
	Marine Corps Air Station, Miramar.	$8,700,000
	Marine Corps Air-Ground Combat Center, Twentynine Palms.	$3,810,000
	Marine Corps Base, Camp Pendleton.	$39,469,000
	Naval Air Facility, El Centro.	$11,000,000
	Naval Air Station, North Island.	$19,600,000
Connecticut.	Naval Submarine Base, New London.	$23,560,000
Florida	Naval Air Station, Jacksonville.	$3,480,000
Hawaii	Honolulu (Fort DeRussy).	$9,500,000
	Marine Corps Air Station, Kaneohe Bay.	$19,000,000
	Naval Computer and Telecommunications Area, Master Station, Eastern Pacific, Honolulu.	$3,900,000
	Naval Station, Pearl Harbor.	$25,000,000

Navy: Inside the United States—Continued

State	Installation or location	Amount
Illinois	Naval Training Center, Great Lakes.	$41,220,000
Mississippi	Navy Combat Battalion Construction Base, Gulfport.	$22,440,000
North Carolina.	Marine Corps Air Station, Cherry Point.	$8,800,000
	Marine Corps Air Station, New River.	$19,900,000
Rhode Island.	Naval Undersea Warfare Center Division, Newport.	$8,900,000
South Carolina.	Marine Corps Recruit Depot, Parris Island.	$3,200,000
Virginia	Fleet Combat Training Center, Dam Neck.	$7,000,000
	Naval Air Station, Norfolk.	$14,240,000
	Naval Air Station, Oceana.	$28,000,000
	Naval Amphibious Base, Little Creek.	$8,685,000
	Naval Station, Norfolk	$64,970,000
	Naval Surface Warfare Center, Dahlgren.	$20,480,000
	Naval Weapons Station, Yorktown.	$11,257,000
	Norfolk Naval Shipyard, Portsmouth.	$9,500,000
Washington.	Naval Air Station, Whidbey Island.	$1,100,000
	Puget Sound Naval Shipyard, Bremerton.	$4,400,000
	Total:	$481,257,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or location	Amount
Bahrain	Administrative Support Unit, Bahrain.	$30,100,000
Guam	Naval Computer and Telecommunications Area, Master Station, Western Pacific.	$4,050,000
Italy	Naval Air Station, Sigonella.	$21,440,000
	Naval Support Activity, Naples.	$8,200,000
Puerto Rico.	Naval Station, Roosevelt Roads.	$9,500,000
United Kingdom.	Joint Maritime Communications Center, Saint Mawgan.	$2,330,000
	Total:	$75,620,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Navy: Family Housing

State	Installation	Purpose	Amount
California	Marine Corps Air Station, Miramar	166 Units	$28,881,000
	Marine Corps Air-Ground Combat Center, Twentynine Palms	132 Units	$23,891,000
	Marine Corps Base, Camp Pendleton	171 Units	$22,518,000
	Naval Air Station, Lemoore	128 Units	$23,226,000
North Carolina	Marine Corps Base, Camp Lejeune	37 Units	$2,863,000
Texas	Naval Air Station, Corpus Christi	57 Units	$6,470,000
Washington	Naval Air Station, Whidbey Island	198 Units	$32,290,000
		Total:	$140,139,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $15,850,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $173,780,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1997, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $1,916,887,000 as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $448,637,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $75,620,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $9,960,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $47,597,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $329,769,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $976,504,000.

(6) For construction of a large anachoic chamber facility at Patuxent River Naval Warfare Center, Maryland, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2590), $9,000,000.

(7) For construction of a bachelor enlisted quarters at Naval Hospital, Great Lakes, Illinois, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2766), $5,200,000.

(8) For construction of a bachelor enlisted quarters at Naval Station, Roosevelt Roads, Puerto Rico, authorized by section 2201(b) of the Military Construction Authorization Act for Fiscal Year 1997 (110 Stat. 2767), $14,600,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a); and

(2) $32,620,000 (the balance of the amount authorized under section 2101(a) for the replacement of the Berthing Pier at Naval Station, Norfolk, Virginia.

(c) ADJUSTMENT.—The total amount authorized to be appropriated under paragraph (5) of subsection (a) is the sum of the amounts authorized to be appropriated under such paragraph, reduced by $8,463,000 (the combination of project savings resulting from favorable bids, reduced overhead costs, and cancellations due to force structure changes).

SEC. 2205. AUTHORIZATION OF MILITARY CONSTRUCTION PROJECT AT PASCAGOULA NAVAL STATION, MISSISSIPPI, FOR WHICH FUNDS HAVE BEEN APPROPRIATED.

(a) AUTHORIZATION.—The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2766) is amended by striking out the item relating to Navy Project, Stennis Space Center, Mississippi, and inserting in lieu thereof the following:

Mississippi.	Naval Station Pascagoula	$4,990,000
	Navy Project, Stennis Space Center.	$7,960,000

(b) CONFORMING AMENDMENTS.—Section 2204(a) of such Act (110 Stat. 2769) is amended—

(1) in the matter preceding paragraph (1), by striking out ''$2,213,731,000'' and inserting in lieu thereof ''$2,218,721,000''; and

(2) in paragraph (1), by striking out ''$579,312,000'' and inserting in lieu thereof ''$584,302,000''.

TITLE XXIII—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or location	Amount
Alabama	Maxwell Air Force Base	$5,574,000
Alaska	Clear Air Force Station	$67,069,000
	Elmendorf Air Force Base.	$6,100,000
	Eielson Air Force Base	$13,764,000
	Indian Mountain Long Range Radar Site.	$1,991,000
California	Edwards Air Force Base	$2,887,000
	Vandenberg Air Force Base.	$26,876,000
Colorado	Buckley Air National Guard Base.	$6,718,000

Air Force: Inside the United States—Continued

State	Installation or location	Amount
	Falcon Air Force Station.	$10,551,000
	Peterson Air Force Base.	$4,081,000
	United States Air Force Academy.	$15,229,000
Florida	Eglin Auxiliary Field 9	$6,470,000
	MacDill Air Force Base	$1,543,000
Georgia	Moody Air Force Base	$15,900,000
	Robins Air Force Base	$18,663,000
Idaho	Mountain Home Air Force Base.	$30,669,000
Kansas	McConnell Air Force Base.	$19,219,000
Louisiana	Barksdale Air Force Base.	$19,410,000
Mississippi	Keesler Air Force Base	$30,855,000
Missouri	Whiteman Air Force Base.	$17,419,000
Montana	Malmstrom Air Force Base.	$4,500,000
Nebraska	Offutt Air Force Base	$6,900,000
Nevada	Nellis Air Force Base	$5,900,000
New Jersey.	McGuire Air Force Base.	$9,954,000
New Mexico.	Cannon Air Force Base	$2,900,000
	Kirtland Air Force Base.	$20,300,000
North Carolina.	Pope Air Force Base	$8,356,000
North Dakota.	Grand Forks Air Force Base.	$8,560,000
	Minot Air Force Base	$5,200,000
Ohio	Wright-Patterson Air Force Base.	$32,750,000
Oklahoma	Altus Air Force Base	$11,000,000
	Tinker Air Force Base	$9,655,000
	Vance Air Force Base	$7,700,000
South Carolina.	Shaw Air Force Base	$6,072,000
South Dakota.	Ellsworth Air Force Base.	$6,600,000
Tennessee	Arnold Air Force Base	$10,750,000
Texas	Dyess Air Force Base	$10,000,000
	Randolph Air Force Base.	$2,488,000
Utah	Hill Air Force Base	$6,470,000
Virginia	Langley Air Force Base	$4,031,000
Washington.	Fairchild Air Force Base.	$24,016,000
	McChord Air Force Base.	$9,655,000
CONUS Classified.	Classified Location	$6,175,000
	Total:	$540,920,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or location	Amount
Germany	Spangdahlem Air Base	$18,500,000
Italy	Aviano Air Base	$15,220,000
Korea	Kunsan Air Base	$10,325,000

Air Force: Outside the United States—Continued

Country	Installation or location	Amount
Portugal	Lajes Field, Azores	$4,800,000
United Kingdom.	Royal Air Force, Lakenheath.	$11,400,000

Air Force: Outside the United States—Continued

Country	Installation or location	Amount
Overseas Classified.	Classified Location	$29,100,000
	Total:	$89,345,000

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Air Force: Family Housing

State	Installation or location	Purpose	Amount
California	Edwards Air Force Base	51 units	$8,500,000
	Travis Air Force Base	70 units	$9,714,000
	Vandenberg Air Force Base	108 units	$17,100,000
Delaware	Dover Air Force Base	Ancillary Facility	$831,000
District of Columbia	Bolling Air Force Base	46 units	$5,100,000
Florida	MacDill Air Force Base	58 units	$10,000,000
	Tyndall Air Force Base	32 units	$4,200,000
Georgia	Robins Air Force Base	106 units	$12,000,000
Idaho	Mountain Home Air Force Base	60 units	$11,032,000
Kansas	McConnell Air Force Base	19 units	$2,951,000
Mississippi	Columbus Air Force Base	50 units	$6,200,000
	Keesler Air Force Base	40 units	$5,000,000
Montana	Malmstrom Air Force Base	956 units	$21,447,000
New Mexico	Kirtland Air Force Base	180 units	$20,900,000
North Dakota	Grand Forks Air Force Base	42 units	$7,936,000
South Carolina	Charleston Air Force Base	Improve family housing area.	$14,300,000
Texas	Dyess Air Force Base	70 units	$10,503,000
	Goodfellow Air Force Base	3 units	$500,000
	Lackland Air Force Base	50 units	$7,400,000
Wyoming	F.E. Warren Air Force Base	52 units	$6,853,000
		Total:	$182,467,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $13,021,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $102,195,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1997, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $1,793,949,000 as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $540,920,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $89,345,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $8,545,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $51,080,000.

(5) For military housing functions:

(A) For construction and acquisition, planning and design, planning improvement of military family housing and facilities, $297,683,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $830,234,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (5) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by $23,858,000 (the combination of project savings resulting from favorable bids, reduced overhead costs, and cancellations due to force structure changes).

SEC. 2305. AUTHORIZATION OF MILITARY CONSTRUCTION PROJECT AT MCCONNELL AIR FORCE BASE, KANSAS, FOR WHICH FUNDS HAVE BEEN APPROPRIATED.

(a) AUTHORIZATION.—The table in section 2301(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2771) is amended in the item relating to McConnell Air Force Base, Kansas, by striking out ''$19,130,000'' in the amount column and inserting in lieu thereof ''$25,830,000''.

(b) CONFORMING AMENDMENT.—Section 2304 of such Act (110 Stat. 2774) is amended—

(1) in the matter preceding paragraph (1), by striking out ''$1,894,594,000'' and inserting in lieu thereof ''$1,901,294,000''; and

(2) in paragraph (1), by striking out ''$603,834,000'' and inserting in lieu thereof ''$610,534,000''.

TITLE XXIV—DEFENSE AGENCIES

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

Agency	Installation or location	Amount
Defense Commissary Agency.	Fort Lee, Virginia	$9,300,000
Defense Finance & Accounting Service.	Naval Station, Pearl Harbor, Hawaii	$10,000,000
	Columbus Center, Ohio	$9,722,000
	Naval Air Station, Millington, Tennessee	$6,906,000
	Naval Station, Norfolk, Virginia	$12,800,000
Defense Intelligence Agency.	Redstone Arsenal, Alabama	$32,700,000
	Bolling Air Force Base, District of Columbia	$7,000,000
Defense Logistics Agency.	Elmendorf Air Force Base, Alaska	$21,700,000
	Naval Air Station, Jacksonville, Florida	$9,800,000
	Westover Air Reserve Base, Massachusetts	$4,700,000
	Defense Distribution New Cumberland—DDSP, Pennsylvania	$15,500,000
	Defense Distribution Depot—DDNV, Virginia	$16,656,000
	Defense Fuel Support Point, Craney Island, Virginia	$22,100,000
	Defense General Supply Center, Richmond, Virginia	$5,200,000
	Defense Fuel Support Center, Truax Field, Wisconsin	$4,500,000
	CONUS Various, CONUS Various	$11,275,000
Defense Medical Facility Office.	Naval Station, San Diego, California	$2,100,000
	Naval Submarine Base, New London, Connecticut	$2,300,000

Defense Agencies: Inside the United States—Continued

Agency	Installation or location	Amount
	Naval Air Station, Pensacola, Florida	$2,750,000
	Robins Air Force Base, Georgia	$19,000,000
	Fort Campbell, Kentucky	$13,600,000
	Fort Detrick, Maryland	$4,650,000
	McGuire Air Force Base, New Jersey	$35,217,000
	Holloman Air Force Base, New Mexico	$3,000,000
	Wright-Patterson Air Force Base, Ohio	$2,750,000
	Lackland Air Force Base, Texas	$3,000,000
	Hill Air Force Base, Utah	$3,100,000
	Marine Corps Combat Development Command, Quantico, Virginia	$19,000,000
	Naval Station, Everett, Washington	$7,500,000
National Security Agency.	Fort Meade, Maryland	$29,800,000
Special Operations Command.	Naval Amphibious Base, North Island, California	$7,400,000
	Eglin Auxiliary Field 3, Florida	$11,200,000
	Hurlburt Field, Florida	$2,450,000
	Fort Benning, Georgia	$9,814,000
	Hunter Army Air Field, Fort Stewart, Georgia	$2,500,000
	Naval Station, Pearl Harbor, Hawaii	$7,400,000
	Mississippi Army Ammunition Plant, Mississippi	$9,900,000
	Fort Bragg, North Carolina	$9,800,000
	Total:	$408,090,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Outside the United States

Agency	Installation or location	Amount
Ballistic Missile Defense Organization.	Kwajalein Atoll	$4,565,000
Defense Logistics Agency.	Defense Fuel Support Point, Anderson Air Force Base, Guam	$16,000,000
	Defense Fuel Supply Center, Moron Air Base, Spain	$14,400,000
	Total:	$34,965,000

SEC. 2402. MILITARY HOUSING PLANNING AND DESIGN.

Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(13)(A), the Secretary of Defense may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $50,000.

SEC. 2403. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriation in section 2405(a)(13)(A), the Secretary of Defense may improve existing military family housing units in an amount not to exceed $4,950,000.

SEC. 2404. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(11), the Secretary of Defense may carry out energy conservation projects under section 2865 of title 10, United States Code.

SEC. 2405. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1997, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of $2,778,531,000 as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $408,090,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $34,965,000.

(3) For military construction projects at Anniston Army Depot, Alabama, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2587), $9,900,000.

(4) For military construction projects at Walter Reed Army Institute of Research, Maryland, hospital replacement, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1993 (106 Stat. 2599), $20,000,000.

(5) For military construction projects at Umatilla Army Depot, Oregon, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3040), as amended by section 2407 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 539) and section 2408(2) of this Act, $57,427,000.

(6) For military construction projects at the Defense Finance and Accounting Service, Columbus, Ohio, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 1996 (110 Stat. 535), $14,200,000.

(7) For military construction projects at Portsmouth Naval Hospital, Virginia authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101–189; 103 Stat. 1640), $34,600,000.

(8) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $9,844,000.

(9) For unspecified minor construction projects under section 2805 of title 10, United States Code, $34,457,000.

(10) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $31,520,000.

(11) For energy conservation projects authorized by section 2404 of this Act, $25,000,000.

(12) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), $2,060,854,000.

(13) For military family housing functions:

(A) For improvement and planning of military family housing and facilities, $4,950,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $32,724,000, of which not more than $27,673,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variation authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

SEC. 2406. CLARIFICATION OF AUTHORITY RELATING TO FISCAL YEAR 1997 PROJECT AT NAVAL STATION, PEARL HARBOR, HAWAII.

The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775) is amended in the item relating to Special Operations Command, Naval Station, Ford Island, Pearl Harbor, Hawaii, in the installation or location column by striking out ''Naval Station, Ford Island, Pearl Harbor, Hawaii'' and inserting in lieu thereof ''Naval Station, Pearl City Peninsula, Pearl Harbor, Hawaii''.

SEC. 2407. AUTHORITY TO USE PRIOR YEAR FUNDS TO CARRY OUT CERTAIN DEFENSE AGENCY MILITARY CONSTRUCTION PROJECTS.

(a) AUTHORITY TO USE FUNDS.—Notwithstanding any other provision of law and subject to subsection (c), the Secretary of Defense may carry out the military construction projects referred to in subsection (b), in the amounts specified in that subsection, using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(1) of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3042) for the military construction project authorized at McClellan Air Force Base, California, by section 2401 of that Act (108 Stat. 3041).

(b) COVERED PROJECTS.—Funds available under subsection (a) may be used for military construction projects as follows:

(1) Construction of an addition to the Aeromedical Clinic at Anderson Air Base, Guam, $3,700,000.

(2) Construction of an occupational health clinic facility at Tinker Air Force Base, Oklahoma, $6,500,000.

(c) LIMITATION ON AVAILABILITY.—Unless funds available under subsection (a) are obligated for a project referred to in subsection (b) by the later of the dates set forth in section 2701(a), the authority in subsection (a) to use such funds for the project shall expire on the later of such dates.

SEC. 2408. MODIFICATION OF AUTHORITY TO CARRY OUT FISCAL YEAR 1995 PROJECTS.

The table in section 2401 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3040), as amended by section 2407 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 539), under the agency heading relating to Chemical Weapons and Munitions Destruction, is amended—

(1) in the item relating to Pine Bluff Arsenal, Arkansas, by striking out ''$115,000,000'' in the amount column and inserting in lieu thereof ''$134,000,000''; and

(2) in the item relating to Umatilla Army Depot, Oregon, by striking out ''$186,000,000'' in the amount column and inserting in lieu thereof ''$187,000,000''.

SEC. 2409. AVAILABILITY OF FUNDS FOR FISCAL YEAR 1995 PROJECT RELATING TO RELOCATABLE OVER-THE-HORIZON RADAR, NAVAL STATION ROOSEVELT ROADS, PUERTO RICO.

(a) AVAILABILITY OF FUNDS.—Notwithstanding any other provision of law and except as provided in subsection (b), funds appropriated under the heading ''DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE'' in title VI of the Department of Defense Appropriations Act, 1995 (Public Law 103–335; 108 Stat. 2615) for the construction of a relocatable over-the-horizon radar at Naval Station Roosevelt Roads, Puerto Rico, shall be available for that purpose until the later of—

(1) October 1, 1998; or

(2) the date of enactment of an Act authorizing funds for military construction for fiscal year 1999.

(b) EXCEPTION.—Subsection (a) shall not apply to the use of funds covered by that subsection for the purpose specified in that subsection if such funds are obligated before the later of the dates specified in that subsection.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1997, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment program authorized by section 2501, in the amount of $152,600,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

There are authorized to be appropriated for fiscal years beginning after September 30, 1997, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $155,416,000; and

(B) for the Army Reserve, $87,640,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, $21,213,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $193,269,000; and

(B) for the Air Force Reserve, $34,580,000.

SEC. 2602. AUTHORIZATION OF ARMY NATIONAL GUARD CONSTRUCTION PROJECT, AVIATION SUPPORT FACILITY, HILO, HAWAII, FOR WHICH FUNDS HAVE BEEN APPROPRIATED.

Section 2601(1)(A) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2780) is amended by striking out ''$59,194,000'' and inserting in lieu thereof ''$65,094,000''.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2000; or

(2) the date for the enactment of an Act authorizing funds for military construction for fiscal year 2001.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2000; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2001 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment program.

SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1995 PROJECTS.

(a) EXTENSIONS.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3046), authorizations for the projects set forth in the tables in subsection (b), as provided in section 2101, 2201, 2202, 2301, 2302, 2401, or 2601 of that Act, shall remain in effect until October 1, 1998, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1999, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Army: Extension of 1995 Project Authorization

State	Installation or location	Project	Amount
California	Fort Irwin	National Training Center Airfield Phase I.	$10,000,000

Navy: Extension of 1995 Project Authorizations

State	Installation or location	Project	Amount
Maryland	Indian Head Naval Surface Warfare Center	Upgrade Power Plant.	$4,000,000
	Indian Head Naval Surface Warfare Center	Denitrification/ Acid Mixing Facility.	$6,400,000
Virginia	Norfolk Marine Corps Security Force Battalion Atlantic	Bachelor Enlisted Quarters.	$6,480,000
Washington	Naval Station, Everett	Housing Office	$780,000
CONUS Classified	Classified Location	Aircraft Fire and Rescue and Vehicle Maintenance Facilities.	$2,200,000

Air Force: Extension of 1995 Project Authorizations

State	Installation or location	Project	Amount
California	Beale Air Force Base	Consolidated Support Center.	$10,400,000
	Los Angeles Air Force Station	Family Housing (50 units).	$8,962,000
North Carolina	Pope Air Force Base	Combat Control Team Facility.	$2,450,000
	Pope Air Force Base	Fire Training Facility.	$1,100,000

Defense Agencies: Extension of 1995 Project Authorizations

State	Installation or location	Project	Amount
Alabama	Anniston Army Depot	Carbon Filtration System.	$5,000,000
Arkansas	Pine Bluff Arsenal	Ammunition Demilitarization Facility.	$115,000,000
California	Defense Contract Management Area Office, El Segundo	Administrative Building.	$5,100,000
Oregon	Umatilla Army Depot	Ammunition Demilitarization Facility.	$186,000,000

Army National Guard: Extension of 1995 Project Authorizations

State	Installation or location	Project	Amount
California	Camp Roberts	Modify Record Fire/Maintenance Shop.	$3,910,000
	Camp Roberts	Combat Pistol Range.	$952,000
Pennsylvania	Fort Indiantown Gap	Barracks	$6,200,000

Naval Reserve: Extension of 1995 Project Authorization

State	Installation or location	Project	Amount
Georgia	Naval Air Station Marietta	Training Center	$2,650,000

SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1994 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103–160; 107 Stat. 1880), authorizations for the projects set forth in the table in subsection (b), as provided in section 2201 of that Act and extended by section 2702(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2783), shall remain in effect until October 1, 1998, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1999, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Navy: Extension of 1994 Project Authorizations

State	Installation or location	Project	Amount
California	Camp Pendleton Marine Corps Base	Sewage Facility	$7,930,000
Connecticut	New London Naval Submarine Base	Hazardous Waste Transfer Facility.	$1,450,000

SEC. 2704. EXTENSION OF AUTHORIZATION OF FISCAL YEAR 1993 PROJECT.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2602), the authorization for the project set forth in the table in subsection (b), as provided in section 2101 of that Act and extended by section 2702 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 541) and section 2703 of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2784), shall remain in effect until October 1, 1998, or the date of enactment of an Act authorizing funds for military construction for fiscal year 1999, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 1993 Project Authorization

State	Installation or location	Project	Amount
Arkansas	Pine Bluff Arsenal	Ammunition Demilitarization Support Facility.	$15,000,000

SEC. 2705. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1992 PROJECTS.

(a) EXTENSIONS.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1535), authorizations for the projects set forth in the table in subsection (b), as provided in section 2101 of that Act and extended by section 2702 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3047), section 2703 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 543), and section 2704 of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2785), shall remain in effect until October 1, 1998, or the date of enactment of an Act authorizing funds for military construction for fiscal year 1999, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 1992 Project Authorizations

State	Installation or location	Project	Amount
Oregon	Umatilla Army Depot	Ammunition Demilitarization Support Facility.	$3,600,000
	Umatilla Army Depot	Ammunition Demilitarization Utilities.	$7,500,000

SEC. 2706. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI shall take effect on the later of—

(1) October 1, 1997; or

(2) the date of the enactment of this Act.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. INCREASE IN CEILING FOR MINOR LAND ACQUISITION PROJECTS.

(a) INCREASE.—Section 2672 of title 10, United States Code, is amended by striking out ''$200,000'' each place it appears in subsection (a) and inserting in lieu thereof ''$500,000''.

(b) CONFORMING AMENDMENTS.—(1) The section heading for such section is amended by striking out ''**$200,000**'' and inserting in lieu thereof ''**$500,000**''.

(2) The table of sections at the beginning of chapter 159 of such title is amended in the item relating to section 2672 by striking out ''$200,000'' and inserting in lieu thereof ''$500,000''.

SEC. 2802. SALE OF UTILITY SYSTEMS OF THE MILITARY DEPARTMENTS.

(a) IN GENERAL.—Chapter 159 of title 10, United States Code, is amended by adding at the end the following:

''§ 2695. Sale of utility systems

''(a) AUTHORITY.—The Secretary of the military department concerned may convey all right, title, and interest of the United States, or any lesser estate thereof, in and to all or part of a utility system located on or adjacent to a military installation under the jurisdiction of the Secretary to a municipal utility, private utility, regional or district utility, or cooperative utility or other appropriate entity.

''(b) SELECTION OF PURCHASER.—If more than one utility or entity referred to in subsection (a) notifies the Secretary concerned of an interest in a conveyance under that subsection, the Secretary shall carry out the conveyance through the use of competitive procedures.

''(c) CONSIDERATION.—

''(1) IN GENERAL.—The Secretary concerned shall accept as consideration for a conveyance under subsection (a) an amount equal to the fair market value (as determined by the Secretary) of the right, title, or interest conveyed.

''(2) FORM OF CONSIDERATION.—Consideration under this subsection may take the form of—

''(A) a lump sum payment; or

''(B) a reduction in charges for utility services provided the military installation concerned by the utility or entity concerned.

''(3) TREATMENT OF PAYMENTS.—

''(A) CREDITING.—A lump sum payment received under paragraph (2)(A) shall be credited, at the election of the Secretary—

''(i) to an appropriation of the military department concerned available for the procurement of the same utility services as are provided by the utility system conveyed under this section;

''(ii) to an appropriation of the military department available for carrying out energy savings projects or water conservation projects; or

''(iii) to an appropriation of the military department available for improvements to other utility systems on the installation concerned.

''(B) AVAILABILITY.—Amounts so credited shall be merged with funds in the appropriation to which credited and shall be available for the same purposes, and subject to the same conditions and limitations, as the appropriation with which merged.

''(d) INAPPLICABILITY OF CERTAIN CONTRACTING REQUIREMENTS.—Sections 2461, 2467, and 2468 of this title shall not apply to the conveyance of a utility system under subsection (a).

''(e) NOTICE AND WAIT REQUIREMENT.—The Secretary concerned may not make a conveyance under subsection (a) until—

''(1) the Secretary submits to the Committees on Armed Services and Appropriations of the Senate and the Committees on National Security and Appropriations of the House of Representatives an economic analysis (based upon accepted life-cycle costing procedures) demonstrating that—

''(A) the long-term economic benefit of the conveyance to the United States exceeds the long-term economic cost of the conveyance to the United States; and

''(B) the conveyance will reduce the long-term costs of the United States for utility services provided by the utility system concerned; and

''(2) a period of 21 days has elapsed after the date on which the economic analysis is received by the committees.

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

''(g) UTILITY SYSTEM DEFINED.—For purposes of this section:

''(1) IN GENERAL.—The term 'utility system' means the following:

''(A) A system for the generation and supply of electric power.

''(B) A system for the treatment or supply of water.

''(C) A system for the collection or treatment of wastewater.

''(D) A system for the generation and supply of steam, hot water, and chilled water.

''(E) A system for the supply of natural gas.

''(2) INCLUSIONS.—The term 'utility system' includes the following:

''(A) Equipment, fixtures, structures, and other improvements utilized in connection with a system referred to in paragraph (1).

''(B) Easements and rights-of-ways associated with a system referred to in that paragraph.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2695. Sale of utility systems.''.

SEC. 2803. ADMINISTRATIVE EXPENSES FOR CERTAIN REAL PROPERTY TRANSACTIONS.

(a) IN GENERAL.—(1) Chapter 159 of title 10, United States Code, as amended by section 2802 of this Act, is further amended by adding at the end the following:

''§ 2696. Administrative expenses relating to certain real property transactions

''(a) AUTHORITY TO COLLECT.—Upon entering into a transaction referred to in subsection (b) with a non-Federal person or entity, the Secretary of a military department may collect from the person or entity an amount equal to the administrative expenses incurred by the Secretary in entering into the transaction.

''(b) COVERED TRANSACTIONS.—Subsection (a) applies to the following transactions:

''(1) The exchange of real property.

''(2) The grant of an easement over, in, or upon real property of the United States.

''(3) The lease or license of real property of the United States.

''(c) USE OF AMOUNTS COLLECTED.—Amounts collected under subsection (a) for administrative expenses shall be credited to the appropriation, fund, or account from which such expenses were paid. Amounts so credited shall be merged with funds in such appropriation, fund, or account and shall be available for the same purposes and subject to the same limitations as the funds with which merged.''.

(2) The table of sections at the beginning of chapter 159 of such title, as so amended, is further amended by adding at the end the following:

''2696. Administrative expenses relating to certain real property transactions.''.

(b) CONFORMING AMENDMENT.—Section 2667(d)(4) of such title is amended by striking out ''to cover the administrative expenses of leasing for such purposes and''.

SEC. 2804. USE OF FINANCIAL INCENTIVES FOR ENERGY SAVINGS AND WATER COST SAVINGS.

(a) IN GENERAL.—Section 2865(b) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking out ''and financial incentives described in subsection (d)(2)'';

(2) in paragraph (2)—

(A) by striking out ''section 2866(b)'' in the matter preceding subparagraph (A) and inserting in lieu thereof ''section 2866(b)(2)''; and

(B) by striking out ''section 2866(b)'' in subparagraph (A) and inserting in lieu thereof ''section 2866(b)(2)''; and

(3) by adding at the end the following:

''(3)(A) Financial incentives received from gas or electric utilities under subsection (d)(2), and from utilities for water demand or conservation under section 2866(b)(1) of this title, shall be credited to an appropriation designated by the Secretary of Defense. Amounts so credited shall be merged with the appropriation to which credited and shall be available for the same purposes and the same period as the appropriation with which merged.

''(B) The Secretary shall include in the annual report under subsection (f) the amounts of financial incentives credited under this paragraph during the year of the report and the purposes for which such amounts were utilized in that year.''.

(b) CONFORMING AMENDMENT.—Section 2866(b) of such title is amended to read as follows:

''(b) USE OF FINANCIAL INCENTIVES AND WATER COST SAVINGS.—(1) Financial incentives received under subsection (a)(2) shall be used as provided in paragraph (3) of section 2865(b) of this title.

''(2) Water cost savings realized under subsection (a)(3) shall be used as provided in paragraph (2) of that section.''.

Subtitle B—Land Conveyances

SEC. 2811. MODIFICATION OF AUTHORITY FOR DISPOSAL OF CERTAIN REAL PROPERTY, FORT BELVOIR, VIRGINIA.

(a) REPEAL OF AUTHORITY TO CONVEY.—Section 2821 of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101–189; 103 Stat. 1658), as amended by section 2854 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 568), is repealed.

(b) TREATMENT AS SURPLUS PROPERTY.—(1) Notwithstanding any other provision of law, the real property described in paragraph (2) shall be deemed to be surplus property for purposes of section 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484).

(2) Paragraph (1) applies to a parcel of real property, including improvements thereon, at Fort Belvoir, Virginia, consisting of approximately 820 acres and known as the Engineer Proving Ground.

SEC. 2812. CORRECTION OF LAND CONVEYANCE AUTHORITY, ARMY RESERVE CENTER, ANDERSON, SOUTH CAROLINA.

(a) CORRECTION OF CONVEYEE.—Subsection (a) of section 2824 of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2793) is amended by striking out ''County of Anderson, South Carolina (in this section referred to as the 'County')'' and inserting in lieu thereof ''Board of Education, Anderson County, South Carolina (in this section referred to as the 'Board')''.

(b) CONFORMING AMENDMENTS.—Subsections (b) and (c) of such section are each amended by striking out ''County'' and inserting in lieu thereof ''Board''.

SEC. 2813. LAND CONVEYANCE, HAWTHORNE ARMY AMMUNITION DEPOT, MINERAL COUNTY, NEVADA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to Mineral County, Nevada (in this section referred to as the ''County''), all right, title, and interest of the United States in and to a parcel of excess real property, including improvements thereon, consisting of approximately 33.1 acres located at Hawthorne Army Ammunition Depot, Mineral County, Nevada, and commonly referred to as the Schweer Drive Housing Area.

(b) CONDITIONS OF CONVEYANCE.—The conveyance authorized by subsection (a) shall be subject to the following conditions:

(1) That the County accept the conveyed property subject to such easements and rights of way in favor of the United States as the Secretary considers appropriate.

(2) That the County, if the County sells any portion of the property conveyed under subsection (a) before the end of the 10-year period beginning on the date of enactment of this Act, pay to the United States an amount equal to the lesser of—

(A) the amount of sale of the property sold; or

(B) the fair market value of the property sold as determined without taking into account any improvements to such property by the County.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a), and of any easement or right of way granted under subsection (b)(1), shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the County.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a), and any easement or right of way granted under subsection (b)(1), as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2814. LONG-TERM LEASE OF PROPERTY, NAPLES, ITALY.

(a) AUTHORITY.—The Secretary of the Navy may acquire by long-term lease structures and real property relating to a regional hospital complex in Naples, Italy, that the Secretary determines to be necessary for purposes of the Naples Improvement Initiative.

(b) LEASE TERM.—Notwithstanding section 2675 of title 10, United States Code, the lease authorized by subsection (a) shall be for a term of not more than 20 years.

(c) EXPIRATION OF AUTHORITY.—The authority of the Secretary to enter into a lease under subsection (a) shall expire on September 30, 2002.

SEC. 2815. LAND CONVEYANCE, TOPSHAM ANNEX, NAVAL AIR STATION, BRUNSWICK, MAINE.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey, without consideration, to the Maine School Administrative District No. 75, Topsham, Maine (in this section referred to as the ''District''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 40 acres located at the Topsham Annex, Naval Air Station, Brunswick, Maine.

(b) CONDITION OF CONVEYANCE.—The conveyance under subsection (a) shall be subject to the condition that the District use the property conveyed for educational purposes.

(c) REVERSION.—If the Secretary determines at any time that the real property conveyed pursuant to this section is not being used for the purpose specified in subsection (b), all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

(d) INTERIM LEASE.—(1) Until such time as the real property described in subsection (a) is conveyed by deed, the Secretary may lease the property, together with the improvements thereon, to the District.

(2) As consideration for the lease under this subsection, the District shall provide such security services for the property covered by the lease, and carry out such maintenance work with respect to the property, as the Secretary shall specify in the lease.

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

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

SEC. 2816. LAND CONVEYANCE, NAVAL WEAPONS INDUSTRIAL RESERVE PLANT NO. 464, OYSTER BAY, NEW YORK.

(a) CONVEYANCE AUTHORIZED.—(1) The Secretary of the Navy may convey, without consideration, to the County of Nassau, New York (in this section referred to as the ''County''), all right, title, and interest of the United States in and to parcels of real property consisting of approximately 110 acres and comprising the Naval Weapons Industrial Reserve Plant No. 464, Oyster Bay, New York.

(2)(A) As part of the conveyance authorized in paragraph (1), the Secretary may convey to the County such improvements, equipment, fixtures, and other personal property (including special tooling equipment and special test equipment) located on the parcels as the Secretary determines to be not required by the Navy for other purposes.

(B) The Secretary may permit the County to review and inspect the improvements, equipment, fixtures, and other personal property located on the parcels for purposes of the conveyance authorized by this paragraph.

(b) CONDITION OF CONVEYANCE.—The conveyance of the parcels authorized in subsection (a) shall be subject to the condition that the County—

(1) use the parcels, directly or through an agreement with a public or private entity, for economic redevelopment purposes or such other public purposes as the County determines appropriate; or

(2) convey the parcels to an appropriate public or private entity for use for such purposes.

(c) REVERSIONARY INTEREST.—If during the 5-year period beginning on the date the Secretary makes the conveyance authorized under subsection (a) the Secretary determines that the conveyed real property is not being used for a purpose specified in subsection (b), all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(d) INTERIM LEASE.—(1) Until such time as the real property described in subsection (a) is conveyed by deed, the Secretary may lease the property, together with improvements thereon, to the County.

(2) As consideration for the lease under this subsection, the County shall provide such security services and fire protection services for the property covered by the lease, and carry out such maintenance work with respect to the property, as the Secretary shall specify in the lease.

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

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

SEC. 2817. LAND CONVEYANCE, CHARLESTON FAMILY HOUSING COMPLEX, BANGOR, MAINE.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the City of Bangor, Maine (in this section referred to as the ''City''), all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 19.8 acres, including improvements thereon, located in Bangor, Maine, and known as the Charleston Family Housing Complex.

(b) PURPOSE OF CONVEYANCE.—The purpose of the conveyance under subsection (a) is to facilitate the reuse of the real property, currently unoccupied, which the City proposes to use to provide housing opportunities for first-time home buyers.

(c) CONDITION OF CONVEYANCE.—The conveyance authorized by subsection (a) shall be subject to the condition that the City, if the City sells any portion of the property conveyed under subsection (a) before the end of the 10-year period beginning on the date of enactment of this Act, pay to the United States an amount equal to the lesser of—

(1) the amount of sale of the property sold; or

(2) the fair market value of the property sold as determined without taking into account any improvements to such property by the City.

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

(e) 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.

SEC. 2818. LAND CONVEYANCE, ELLSWORTH AIR FORCE BASE, SOUTH DAKOTA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the Greater Box Elder Area Economic Development Corporation, Box Elder, South Dakota (in this section referred to as the ''Corporation''), all right, title, and

interest of the United States in and to the parcels of real property located at Ellsworth Air Force Base, South Dakota, referred to in subsection (b).

(b) COVERED PROPERTY.—(1) Subject to paragraph (2), the real property referred to in subsection (a) is the following:

(A) A parcel of real property, together with any improvements thereon, consisting of approximately 53.32 acres and comprising the Skyway Military Family Housing Area.

(B) A parcel of real property, together with any improvements thereon, consisting of approximately 137.56 acres and comprising the Renal Heights Military Family Housing Area.

(C) A parcel of real property, together with any improvements thereon, consisting of approximately 14.92 acres and comprising the East Nike Military Family Housing Area.

(D) A parcel of real property, together with any improvements thereon, consisting of approximately 14.69 acres and comprising the South Nike Military Family Housing Area.

(E) A parcel of real property, together with any improvements thereon, consisting of approximately 14.85 acres and comprising the West Nike Military Family Housing Area.

(2) The real property referred to in subsection (a) does not include the portion of the real property referred to in paragraph (1)(B) that the Secretary determines to be required for the construction of an access road between the main gate of Ellsworth Air Force Base and an interchange on Interstate Route 90 located in the vicinity of mile marker 67 in South Dakota.

(c) CONDITIONS OF CONVEYANCE.—The conveyance of the real property referred to in subsection (b) shall be subject to the following conditions:

(1) That the Corporation, and any person or entity to which the Corporation transfers the property, comply in the use of the property with the applicable provisions of the Ellsworth Air Force Base Air Installation Compatible Use Zone Study.

(2) That the Corporation convey a portion of the real property referred to in paragraph (1)(A) of that subsection, together with any improvements thereon, consisting of approximately 20 acres to the Douglas School District, South Dakota, for use for education purposes.

(d) REVERSIONARY INTEREST.—If the Secretary determines that any portion of the real property conveyed under subsection (a) is not being utilized in accordance with the applicable provision of subsection (c), all right, title, and interest in and to that portion of the real property shall revert to the United States, and the United States shall have the right of immediate entry thereon.

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

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

Subtitle C—Other Matters

SEC. 2831. DISPOSITION OF PROCEEDS OF SALE OF AIR FORCE PLANT NO. 78, BRIGHAM CITY, UTAH.

Notwithstanding the provisions of section 204(h)(2)(A) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)(2)(A)), the entire amount deposited by the Administrator of General Services in the account in the Treasury under section 204 of that Act as a result of the sale of Air Force Plant No. 78, Brigham City, Utah, shall be available to the Secretary of the Air Force for maintenance and repair of facilities, or environmental restoration, at other industrial plants of the Air Force.

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.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for stockpile stewardship in carrying out weapons activities necessary for national security programs in the amount of $1,726,900,000, to be allocated as follows:

(1) For core stockpile stewardship, $1,243,100,000, to be allocated as follows:

(A) For operation and maintenance, $1,144,290,000.

(B) For the accelerated strategic computing initiative, $190,800,000.

(C) 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), $98,810,000, to be allocated as follows:

Project 97–D–102, Dual-Axis Radiographic Hydrodynamic facility, Los Alamos National Laboratory, Los Alamos, New Mexico, $46,300,000.

Project 96–D–102, stockpile stewardship facilities revitalization, Phase VI, various locations, $19,810,000.

Project 96–D–103, ATLAS, Los Alamos National Laboratory, Los Alamos, New Mexico, $13,400,000.

Project 96–D–105, Contained Firing Facility addition, Lawrence Livermore National Laboratory, Livermore, California, $19,300,000.

(2) For inertial confinement fusion, $414,800,000, to be allocated as follows:

(A) For operation and maintenance, $217,000,000.

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

Project 96–D–111, National Ignition Facility, Lawrence Livermore National Laboratory, Livermore, California, $197,800,000.

(3) For technology transfer and education, $69,000,000.

(b) STOCKPILE MANAGEMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for stockpile management in carrying out weapons activities necessary for national security programs in the amount of $2,033,050,000, to be allocated as follows:

(1) For operation and maintenance, $1,861,465,000.

(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), $171,585,000, to be allocated as follows:

Project 98–D–123, stockpile management restructuring initiative, tritium facility modernization and consolidation, Savannah River Site, Aiken, South Carolina, $11,000,000.

Project 98–D–124, stockpile management restructuring initiative, Y–12 consolidation, Oak Ridge, Tennessee, $6,450,000.

Project 98–D–125, Tritium Extraction Facility, Savannah River Site, Aiken, South Carolina, $9,650,000.

Project 98–D–126, accelerator production of tritium, various locations, $67,865,000.

Project 97–D–122, nuclear materials storage facility renovation, Los Alamos National Laboratory, Los Alamos, New Mexico, $9,200,000.

Project 97–D–124, steam plant wastewater treatment facility upgrade, Y–12 Plant, Oak Ridge, Tennessee, $1,900,000.

Project 96–D–122, sewage treatment quality upgrade, Pantex Plant, Amarillo, Texas, $6,900,000.

Project 96–D–123, retrofit heating, ventilation, and air conditioning and chillers for ozone protection, Y–12 Plant, Oak Ridge, Tennessee, $2,700,000.

Project 95–D–102, Chemical and Metallurgy Research Building upgrades project, Los Alamos National Laboratory, Los Alamos, New Mexico, $15,700,000.

Project 95–D–122, sanitary sewer upgrade, Y–12 Plant, Oak Ridge, Tennessee, $12,600,000.

Project 94–D–124, hydrogen fluoride supply system, Y–12 Plant, Oak Ridge, Tennessee, $1,400,000.

Project 94–D–125, upgrade life safety, Kansas City Plant, Kansas City, Missouri, $2,000,000.

Project 93–D–122, life safety upgrades, Y–12 Plant, Oak Ridge, Tennessee, $2,100,000.

Project 92–D–126, replace emergency notification systems, various locations, $3,200,000.

Project 88–D–122, facilities capability assurance program, various locations, $18,920,000.

(c) PROGRAM DIRECTION.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for program direction in carrying out weapons activities necessary for national security programs in the amount of $268,500,000.

SEC. 3102. ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.

(a) ENVIRONMENTAL RESTORATION.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for environmental restoration in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $1,748,073,000.

(b) WASTE MANAGEMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for waste management in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $1,559,644,000, to be allocated as follows:

(1) For operation and maintenance, $1,478,876,000.

(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), $80,768,000, to be allocated as follows:

Project 98–D–401, H-tank farm storm water systems upgrade, Savannah River Site, Aiken, South Carolina, $1,000,000.

Project 97–D–402, tank farm restoration and safe operations, Richland, Washington, $13,961,000.

Project 96–D–408, waste management upgrades, various locations, $8,200,000.

Project 95–D–402, install permanent electrical service, Waste Isolation Pilot Plant, Carlsbad, New Mexico, $176,000.

Project 95–D–405, industrial landfill V and construction/demolition landfill VII, Y–12 Plant, Oak Ridge, Tennessee, $3,800,000.

Project 95–D–407, 219–S secondary containment upgrade, Richland, Washington, $2,500,000.

Project 94–D–404, Melton Valley storage tank capacity increase, Oak Ridge National Laboratory, Oak Ridge, Tennessee, $1,219,000.

Project 94–D–407, initial tank retrieval systems, Richland, Washington, $15,100,000.

Project 93–D–187, high-level waste removal from filled waste tanks, Savannah River Site, Aiken, South Carolina, $17,520,000.

Project 92–D–172, hazardous waste treatment and processing facility, Pantex Plant, Amarillo, Texas, $5,000,000.

Project 89–D–174, replacement high-level waste evaporator, Savannah River Site, Aiken, South Carolina, $1,042,000.

Project 86–D–103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, Livermore, California, $11,250,000.

(c) TECHNOLOGY DEVELOPMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for technology development in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $252,881,000.

(d) NUCLEAR MATERIAL AND FACILITY STABILIZATION.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for nuclear material and facility stabilization in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $1,265,481,000, to be allocated as follows:

(1) For operation and maintenance, $1,181,114,000.

(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), $84,367,000, to be allocated as follows:

Project 98–D–453, plutonium stabilization and handling system for plutonium finishing plant, Richland, Washington, $8,136,000.

Project 98–D–700, road rehabilitation, Idaho National Engineering and Environmental Laboratory, Idaho, $500,000.

Project 97–D–450, actinide packaging and storage facility, Savannah River Site, Aiken, South Carolina, $18,000,000.

Project 97–D–451, B-Plant safety class ventilation upgrades, Richland, Washington, $2,000,000.

Project 97–D–470, environmental monitoring laboratory, Savannah River Site, Aiken, South Carolina, $5,600,000.

Project 97–D–473, health physics site support facility, Savannah River Site, Aiken, South Carolina, $4,200,000.

Project 96–D–406, spent nuclear fuels canister storage and stabilization facility, Richland, Washington, $16,744,000.

Project 96–D–461, electrical distribution upgrade, Idaho National Engineering and Environmental Laboratory, Idaho, $2,927,000.

Project 96–D–464, electrical and utility systems upgrade, Idaho Chemical Processing Plant, Idaho National Engineering and Environmental Laboratory, Idaho, $14,985,000.

Project 96–D–471, chlorofluorocarbon heating, ventilation, and air conditioning and chiller retrofit, Savannah River Site, Aiken, South Carolina, $8,500,000.

Project 95–D–155, upgrade site road infrastructure, Savannah River Site, Aiken, South Carolina, $2,173,000.

Project 95–D–456, security facilities consolidation, Idaho Chemical Processing Plant, Idaho National Engineering and Environmental Laboratory, Idaho, $602,000.

(e) POLICY AND MANAGEMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for policy and management in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $18,104,000.

(f) ENVIRONMENTAL MANAGEMENT SCIENCE PROGRAM.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for environmental science and risk policy in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $40,000,000.

(g) PROGRAM DIRECTION.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for program direction in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $373,251,000.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for other defense activities in carrying out programs necessary for national security in the amount of $1,582,981,000, to be allocated as follows:

(1) For verification and control technology, $458,200,000, to be allocated as follows:

(A) For nonproliferation and verification research and development, $210,000,000.

(B) For arms control, $214,600,000.

(C) For intelligence, $33,600,000.

(2) For nuclear safeguards and security, $47,200,000.

(3) For security investigations, $20,000,000.

(4) For emergency management, $27,700,000.

(5) For program direction, nonproliferation, and national security, $84,900,000.

(6) For environment, safety and health, defense, $54,000,000.

(7) For worker and community transition assistance:

(A) For assistance, $65,800,000.

(B) For program direction, $4,700,000.

(8) For fissile materials disposition:

(A) For operation and maintenance, $99,451,000.

(B) For program direction, $4,345,000.

(9) For naval reactors development, $683,000,000, to be allocated as follows:

(A) For program direction, $20,080,000.

(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), $14,000,000, to be allocated as follows:

Project 98–D–200, site laboratory/facility upgrade, various locations, $5,700,000.

Project 97–D–201, advanced test reactor secondary coolant system refurbishment, Idaho National Engineering and Environmental Laboratory, Idaho, $4,100,000.

Project 95–D–200, laboratory systems and hot cell upgrades, various locations, $1,100,000.

Project 90–N–102, expended core facility dry cell project, Naval Reactors Facility, Idaho, $3,100,000.

(10) For the Chernobyl shutdown initiative, $2,000,000.

(11) For nuclear technology research and development, $25,000,000.

(12) For nuclear security, $4,000,000.

(13) For the Office of Hearings and Appeals, $2,685,000.

SEC. 3104. DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 to carry out environmental management privatization projects in connection with national security programs in the amount of $215,000,000, to be allocated as follows:

Project 98–PVT–1, contact handled transuranic waste transportation, Carlsbad, New Mexico, $29,000,000.

Project 98–PVT–4, spent nuclear fuel dry storage, Idaho Falls, Idaho, $27,000,000.

Project 98–PVT–7, waste pits remedial action, Fernald, Ohio, $25,000,000.

Project 98–PVT–11, spent nuclear fuel transfer and storage, Savannah River, South Carolina, $25,000,000.

Project 97–PVT–1, tank waste remediation system phase 1, Hanford, Washington, $109,000,000.

SEC. 3105. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of $190,000,000.

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, at any time during the construction of any general plant project authorized by this title, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds $2,000,000, the Secretary shall immediately furnish a complete report to the congressional defense committees explaining the reasons for the cost variation.

SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.

(a) IN GENERAL.—(1) Except as provided in paragraph (2), construction on a construction project may not be started or additional obligations incurred in connection with the project above the total estimated cost, whenever the current estimated cost of the construction project, which is authorized by sections 3101, 3102, or 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 time 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 time period as the authorization to which the amounts are transferred.

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

(3) The authority provided by this subsection to transfer authorizations may only be used to provide funds for items relating to activities necessary for national security programs that have a higher priority than the items from which the funds are transferred.

(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 OF 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 report 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 the 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 those funds authorized to be appropriated for advance planning and construction design under sections 3101, 3102, or 3103, 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, to 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.

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

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

SEC. 3128. AVAILABILITY OF FUNDS.

When so specified in an appropriation Act, amounts appropriated for operation and maintenance or for plant projects may remain available until expended.

Subtitle C—Program Authorizations, Restrictions, and Limitations

SEC. 3131. DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION PROJECTS.

(a) LIMITATION ON CONTRACTS.—Funds authorized to be appropriated by section 3104 for a project referred to in that section are available for a contract under the project only if the contract—

(1) is awarded on a competitive basis;

(2) requires the contractor to construct or acquire any equipment or facilities required to carry out the contract before the commencement of the provision of goods or services under the contract;

(3) requires the contractor to bear any of the costs of the design, construction, acquisition, and operation of such equipment or facilities that arise before the commencement of the provision of goods or services under the contract; and

(4) provides for payment to the contractor under the contract only upon the meeting of performance objectives specified in the contract.

(b) NOTICE AND WAIT.—The Secretary of Energy may not enter into a contract or option to enter into a contract, or otherwise incur any contractual obligation, under a project authorized by section 3104 until 30 days after the date which the Secretary submits to the congressional defense committees a report with respect to the contract. The report shall set forth—

(1) the anticipated costs and fees of the Department under the contract, including the anticipated maximum amount of such costs and fees;

(2) any performance objectives specified in the contract;

(3) the anticipated dates of commencement and completion of the provision of goods or services under the contract;

(4) the allocation between the Department and the contractor of any financial, regulatory, or environmental obligations under the contract;

(5) any activities planned or anticipated to be required with respect to the project after completion of the contract;

(6) the site services or other support to be provided the contractor by the Department under the contract;

(7) the goods or services to be provided by the Department or contractor under the contract, including any additional obligations to be borne by the Department or contractor with respect to such goods or services;

(8) the schedule for the contract;

(9) the costs the Department would otherwise have incurred in obtaining the goods or services covered by the contract if the Department had not proposed to obtain the goods or services under this section;

(10) an estimate and justification of the cost savings, if any, to be realized through the contract, including the assumptions underlying the estimate;

(11) the effect of the contract on any ancillary schedules applicable to the facility concerned, including milestones in site compliance agreements; and

(12) the plans for maintaining financial and programmatic accountability for activities under the contract.

(c) COST VARIATIONS.—(1) The Secretary may not enter into a contract under a project referred to in paragraph (2), or incur additional obligations attributable to the capital portion of the cost of such a contract, whenever the current estimated cost of the project exceeds the amount of the estimated cost of the project as shown in the most recent budget justification data submitted to Congress.

(2) Paragraph (1) applies to an environmental management privatization project that is—

(A) authorized by section 3104; or

(B) carried out under section 3103 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2824).

(d) USE OF FUNDS FOR TERMINATION OF CONTRACT.—Not less than 15 days before the Secretary obligates funds available for a project authorized by section 3104 to terminate the contract or contracts under the project, the Secretary shall notify the congressional defense committees of the Secretary's intent to obligate the funds for that purpose.

(e) ANNUAL REPORT ON CONTRACTS.—Not later than February 28 of each year, the Secretary shall submit to the congressional defense committees a report on the activities, if any, carried out under each contract under a project authorized by section 3104 during the preceding year. The report shall include an update with respect to each such contract of the matters specified under subsection (b)(1) as of the date of the report.

(f) REPORT ON CONTRACTING WITHOUT SUFFICIENT APPROPRIATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to the congressional defense committees a report assessing whether, and under what circumstances, the Secretary could enter into contracts under defense environmental management privatization projects in the absence of sufficient appropriations to meet obligations under such contracts without thereby violating the provisions of section 1341 of title 31, United States Code.

SEC. 3132. INTERNATIONAL COOPERATIVE STOCKPILE STEWARDSHIP PROGRAMS.

(a) FUNDING PROHIBITION.—No funds authorized to be appropriated or otherwise available to the Department of Energy for fiscal year 1998 may be obligated or expended to conduct any activities associated with international cooperative stockpile stewardship.

(b) EXCEPTIONS.—Subsection (a) does not apply to the following:

(1) Activities conducted between the United States and the United Kingdom.

(2) Activities conducted between the United States and France.

(3) Activities carried out under title III of this Act relating to cooperative threat reduction with states of the former Soviet Union.

SEC. 3133. MODERNIZATION OF ENDURING NUCLEAR WEAPONS COMPLEX.

(a) FUNDING.—Subject to subsection (b), of the funds authorized to be appropriated to the Department of Energy pursuant to section 3101, $15,000,000 shall be available for carrying out the program described in section 3137(a) of the National Defense Authorization Act for Fiscal Year 1996 (42 U.S.C. 2121 note).

(b) LIMITATION ON AVAILABILITY.—None of the funds available under subsection (a) for carrying out the program referred to in that subsection may be obligated or expended until 30 days after the date of the receipt by Congress of the report required under subsection (c).

(c) REPORT ON ALLOCATION OF FUNDS.—Not later than 30 days after the date of enactment of this Act, the Secretary of Energy shall submit to the congressional defense committees a report setting forth the proposed allocation among specific Department of Energy sites of the funds available under subsection (a).

SEC. 3134. TRITIUM PRODUCTION.

(a) FUNDING.—Subject to subsection (c), of the funds authorized to be appropriated to the Department of Energy pursuant to section 3101, $262,000,000 shall be available for activities related to tritium production.

(b) ACCELERATION OF TRITIUM PRODUCTION.—(1) Not later than June 30, 1998, the Secretary of Energy shall make a final decision on the technologies to be utilized, and the accelerated schedule to be adopted, for tritium production in order to meet the requirements in the Nuclear Weapons Stockpile Memorandum relating to tritium production, including the tritium production date of 2005 specified in the Nuclear Weapons Stockpile Memorandum.

(2) In making the final decision, the Secretary shall take into account the following:

(A) The requirements for tritium production specified in the Nuclear Weapons Stockpile Memorandum, including, in particular, the requirements for the so-called ''upload hedge'' component of the nuclear weapons stockpile.

(B) The ongoing activities of the Department of Energy relating to the evaluation and demonstration of technologies under the accelerator program and the commercial light water reactor program.

(C) The potential liabilities and benefits of each potential technology for tritium production, including—

(i) regulatory and other barriers that might prevent the production of tritium using the technology by the production date referred to in subsection (a);

(ii) potential difficulties, if any, in licensing the technology;

(iii) the variability, if any, in tritium production rates using the technology; and

(iv) any other benefits (including scientific or research benefits or the generation of revenue) associated with the technology.

(c) REPORT.—If the Secretary determines that it is not possible to make the final decision by the date specified in subsection (b), the Secretary shall submit to the congressional defense committees on that date a report that explains in detail why the final decision cannot be made by that date.

(d) LIMITATION ON AVAILABILITY OF FUNDS.—The Secretary may not obligate or expend any funds authorized to be appropriated or otherwise made available for the Department of Energy by this Act for the purpose of evaluating or utilizing any technology for the production of tritium other than a commercial light water reactor or an accelerator until the later of—

(1) July 30, 1998; or

(2) the date that is 30 days after the date on which the Secretary makes a final decision under subsection (b).

SEC. 3135. PROCESSING, TREATMENT, AND DISPOSITION OF SPENT NUCLEAR FUEL RODS AND OTHER LEGACY NUCLEAR MATERIALS AT THE SAVANNAH RIVER SITE.

(a) FUNDING.—Of the funds authorized to be appropriated pursuant to section 3102(d), not more than $47,000,000 shall be available for the implementation of a program to accelerate the receipt, processing (including the H-canyon restart operations), reprocessing, separation, reduction, deactivation, stabilization, isolation, and interim storage of high level nuclear waste associated with Department of Energy spent fuel rods, foreign spent fuel rods, and other nuclear materials that are located at the Savannah River Site.

(b) REQUIREMENT FOR CONTINUING OPERATIONS AT SAVANNAH RIVER SITE.—The Secretary of Energy shall continue operations and maintain a high state of readiness at the F-canyon and H-canyon facilities at the Savannah River Site and shall provide technical staff necessary to operate and maintain such facilities at that state of readiness.

SEC. 3136. LIMITATIONS ON USE OF FUNDS FOR LABORATORY DIRECTED RESEARCH AND DEVELOPMENT PURPOSES.

(a) GENERAL LIMITATIONS.—(1) No funds authorized to be appropriated or otherwise made available to the Department of Energy in any fiscal year after fiscal year 1997 for weapons activities may be obligated or expended for activities under the Department of Energy Laboratory Directed Research and Development Program, or under any Department of Energy technology transfer program or cooperative research and development agreement, unless such activities under such program or agreement support the national security mission of the Department of Energy.

(2) No funds authorized to be appropriated or otherwise made available to the Department of Energy in any fiscal year after fiscal year 1997 for environmental restoration, waste management, or nuclear materials and facilities stabilization may be obligated or expended for activities under the Department of Energy Laboratory Directed Research and Development Program, or under any Department of Energy technology transfer program or cooperative research and development agreement, unless such activities support the environmental restoration mission, waste management mission, or materials stabilization mission, as the case may be, of the Department of Energy.

(b) LIMITATION IN FISCAL YEAR 1998 PENDING SUBMITTAL OF ANNUAL REPORT.—Not more than 30 percent of the funds authorized to be appropriated or otherwise made available to the Department of Energy in fiscal year 1998 for laboratory directed research and development may be obligated or expended for such research and development until the Secretary of Energy submits to the congressional defense committees the report required by section 3136(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2831; 42 U.S.C. 7257b) in 1998.

(c) SUBMITTAL DATE FOR ANNUAL REPORT ON LABORATORY DIRECTED RESEARCH AND DEVELOPMENT PROGRAM.—Section 3136(b)(1) of the National Defense Authorization Act for Fiscal Year 1997 (42 U.S.C. 7257b(1)) is amended by striking out ''The Secretary of Energy shall annually submit'' and inserting in lieu thereof ''Not later than February 1 each year, the Secretary of Energy shall submit''.

(d) ASSESSMENT OF FUNDING LEVEL FOR LABORATORY DIRECTED RESEARCH AND DEVELOPMENT.—The Secretary shall include in the report submitted under such section 3136(b)(1) in 1998 an assessment of the funding required to carry out laboratory directed research and development, including a recommendation for the percentage of the funds provided to Government-owned, contractor-operated laboratories for national security activities that should be made available for such research and development under section 3132(c) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1832; 42 U.S.C. 7257a(c)).

(e) DEFINITION.—In this section, the term ''laboratory directed research and development'' has the meaning given that term in section 3132(d) of the National Defense Authorization Act for Fiscal Year 1991 (42 U.S.C. 7257a(d)).

SEC. 3137. PERMANENT AUTHORITY FOR TRANSFERS OF DEFENSE ENVIRONMENTAL MANAGEMENT FUNDS.

(a) PERMANENT AUTHORITY.—Section 3139 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2832) is amended—

(1) by striking out subsection (g); and

(2) by redesignating subsection (h) as subsection (g).

(b) EXEMPTION FROM REPROGRAMMING REQUIREMENTS.—Subsection (c) of that section is amended by striking out ''The requirements of section 3121'' and inserting in lieu thereof ''No recurring limitation on reprogramming of Department of Energy funds contained in an annual authorization Act for national defense''.

(c) DEFINITIONS.—Subsection (f)(1) of that section is amended by striking out ''any of the following:'' and all that follows and inserting in lieu thereof ''any program or project of the Department of Energy relating to environmental restoration and waste management activities necessary for national security programs of the Department.''.

(d) REPORT.—Subsection (g) of that section, as redesignated by subsection (a)(2), is amended—

(1) by striking out ''September 1, 1997,'' and inserting in lieu thereof ''November 1 each year'';

(2) by inserting ''during the preceding fiscal year'' after ''in subsection (b)''; and

(3) by striking out the second sentence.

(e) CONFORMING AMENDMENT.—The section heading of that section is amended by striking out ''**TEMPORARY AUTHORITY RELATING TO**'' and inserting in lieu thereof ''**AUTHORITY FOR**''.

SEC. 3138. PROHIBITION ON RECOVERY OF CERTAIN ADDITIONAL COSTS FOR ENVIRONMENTAL RESPONSE ACTIONS ASSOCIATED WITH THE FORMERLY UTILIZED SITE REMEDIAL ACTION PROJECT PROGRAM.

(a) PROHIBITION.—The Department of Energy may not recover from a party described in subsection (b) any costs of response actions, for an actual or threatened release of hazardous substances that occurred before the date of enactment of this Act, at a site included in the Formerly Utilized Site Remedial Action Project program other than

the costs stipulated in a written, legally binding agreement with the party with respect to the site as referred to in that subsection.

(b) COVERED PARTIES.—A party referred to in subsection (a) is any party that has entered into a written, legally binding agreement with the Department before August 28, 1996, which agreement stipulates a formula for the sharing by the party and the Department of the costs of response actions at a site referred to in that subsection.

Subtitle D—Other Matters

SEC. 3151. ADMINISTRATION OF CERTAIN DEPARTMENT OF ENERGY ACTIVITIES.

(a) PROCEDURES FOR PRESCRIBING REGULATIONS.—Section 501 of the Department of Energy Organization Act (42 U.S.C. 7191) is amended—

(1) by striking out subsections (b) and (d);

(2) by redesignating subsections (c), (e), (f), and (g) as subsections (b), (c), (d), and (e), respectively; and

(3) in subsection (c), as so redesignated, by striking out ''subsections (b), (c), and (d)'' and inserting in lieu thereof ''subsection (b)''.

(b) ADVISORY COMMITTEES.—(1) Section 624 of the Department of Energy Organization Act (42 U.S.C. 7234) is amended—

(A) by striking out ''(a)''; and

(B) by striking out subsection (b).

(2) Section 17 of the Federal Energy Administration Act of 1974 (15 U.S.C. 776) is repealed.

SEC. 3152. MODIFICATION AND EXTENSION OF AUTHORITY RELATING TO APPOINTMENT OF CERTAIN SCIENTIFIC, ENGINEERING, AND TECHNICAL PERSONNEL.

(a) REPEAL OF REQUIREMENT FOR EPA STUDY.—Section 3161 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 3095; 42 U.S.C. 7231 note) is amended—

(1) by striking out subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(b) EXTENSION OF AUTHORITY.—Paragraph (1) of subsection (c) of such section, as so redesignated, is amended by striking out ''September 30, 1997'' and inserting in lieu thereof ''September 30, 1999''.

SEC. 3153. ANNUAL REPORT ON PLAN AND PROGRAM FOR STEWARDSHIP, MANAGEMENT, AND CERTIFICATION OF WARHEADS IN THE NUCLEAR WEAPONS STOCKPILE.

(a) IN GENERAL.—(1) Not later than March 15, 1998, the Secretary of Energy shall submit to the congressional defense committees a plan and program for maintaining the warheads in the nuclear weapons stockpile (including stockpile stewardship, stockpile management, and program direction).

(2) Not later than March 15 of each year after 1998, the Secretary shall submit to the congressional defense committees an update of the plan and program submitted under paragraph (1) current as of the date of submittal of the updated plan and program.

(3) The plan and program, and each update of the plan and program, shall be consistent with the programmatic and technical requirements of the Nuclear Weapons Stockpile Memorandum current as of the date of submittal of the plan and program or update.

(b) ELEMENTS.—The plan and program, and each update of the plan and program, shall set forth the following:

(1) The numbers of warheads (including active and inactive warheads) for each type of warhead in the nuclear stockpile.

(2) The current age of each warhead type and any plans for stockpile life extensions and modifications or replacement of each warhead type.

(3) The process by which the Secretary is assessing the lifetime and requirements for life extension or replacement of the nuclear and non-nuclear components of the warheads (including active and inactive warheads) in the nuclear stockpile.

(4) The process used in recertifying the safety, reliability, and performance of each warhead type (including active and inactive warheads) in the nuclear weapons stockpile.

(5) Any concerns which would affect the recertification of the safety, security, or reliability of warheads (including active and inactive warheads) in the nuclear stockpile.

(c) FORM.—The Secretary shall submit the plan and program, and each update of the plan and program, in unclassified form, but may include a classified annex.

SEC. 3154. SUBMITTAL OF BIENNIAL WASTE MANAGEMENT REPORTS.

Section 3153(b)(2)(B) of the National Defense Authorization Act for Fiscal Year 1994 (42 U.S.C. 7274k(b)(2)(B)) is amended by striking out ''odd-numbered year after 1995'' and inserting in lieu thereof ''odd-numbered year after 1997''.

SEC. 3155. REPEAL OF OBSOLETE REPORTING REQUIREMENTS.

(a) ANNUAL REPORT ON ACTIVITIES OF THE ATOMIC ENERGY COMMISSION.—(1) Section 251 of the Atomic Energy Act of 1954 (42 U.S.C. 2016) is repealed.

(2) The table of sections at the beginning of that Act is amended by striking out the item relating to section 251.

(b) ANNUAL REPORT ON WEAPONS ACTIVITIES BUDGETS.—Section 3156 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2841; 42 U.S.C. 7271c) is repealed.

(c) ANNUAL UPDATE OF MASTER PLAN FOR NUCLEAR WEAPONS STOCKPILE.—Section 3153 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 624; 42 U.S.C. 2121 note) is repealed.

(d) ANNUAL REPORT ON WEAPONS ACTIVITIES BUDGETS.—Section 3159 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 626; 42 U.S.C. 7271b note) is repealed.

(e) ANNUAL REPORT ON STOCKPILE STEWARDSHIP PROGRAM.—Section 3138 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1946; 42 U.S.C. 2121 note) is amended—

(1) by striking out subsections (d) and (e);

(2) by redesignating subsections (f), (g), and (h) as subsections (d), (e), and (f), respectively; and

(3) in subsection (e), as so redesignated, by striking out ''and the 60-day period referred to in subsection (e)(2)(A)(ii)''.

(f) ANNUAL REPORT ON DEVELOPMENT OF TRITIUM PRODUCTION CAPACITY.—Section 3134 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2639) is repealed.

(g) ANNUAL REPORT ON RESEARCH RELATING TO DEFENSE WASTE CLEANUP TECHNOLOGY PROGRAM.—Section 3141 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1679; 42 U.S.C. 7274a) is amended—

(1) by striking out subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(h) QUARTERLY REPORT ON MAJOR DOE NATIONAL SECURITY PROGRAMS.—Section 3143 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1681; 42 U.S.C. 7271a) is repealed.

(i) ANNUAL REPORT ON NUCLEAR TEST BAN READINESS PROGRAM.—Section 1436 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456; 102 Stat. 2075; 42 U.S.C. 2121 note) is amended by striking out subsection (e).

SEC. 3156. COMMISSION ON SAFEGUARDING AND SECURITY OF NUCLEAR WEAPONS AND MATERIALS AT DEPARTMENT OF ENERGY FACILITIES.

(a) ESTABLISHMENT.—There is hereby established a commission to be known as the Commission on Safeguards and Security at Department of Energy Facilities (in this section referred to as the ''Commission'').

(b) ORGANIZATIONAL MATTERS.—(1)(A) The Commission shall be composed of eight members appointed from among individuals in the public and private sectors who have significant experience in matters relating to the safeguarding and security of nuclear weapons and materials, as follows:

(i) Two shall be appointed by the chairman of the Committee on Armed Services of the Senate, in consultation with the ranking member of the committee.

(ii) One shall be appointed by the ranking member of the Committee on Armed Services of the Senate, in consultation with the chairman of the committee.

(iii) Two shall be appointed by the chairman of the Committee on National Security of the House of Representatives, in consultation with the ranking member of the committee.

(iv) One shall be appointed by the ranking member of the Committee on National Security of the House of Representatives, in consultation with the chairman of the committee.

(v) Two shall be appointed by the Secretary of Energy.

(B) Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(C) The chairman of the Commission shall be designated from among the members of the Commission by the chairman of the Committee on Armed Services of the Senate, in consultation with the chairman of the Committee on National Security of the House of Representatives, the ranking member of the committee on Armed Services of the Senate, and the ranking member of the Committee on National Security of the House of Representatives.

(D) Members shall be appointed not later than 60 days after the date of enactment of this Act.

(2) The members of the Commission shall establish procedures for the activities of the Commission, including procedures for calling meetings, requirements for quorums, and the manner of taking votes.

(c) DUTIES.—(1) The Commission shall—

(A) visit various Department facilities, including the Rocky Flats Plant, Colorado, Los Alamos National Laboratory, New Mexico, the Savannah River Site, South Carolina, the Pantex Plant, Texas, Oak Ridge National Laboratory, Tennessee, and the Hanford Reservation, Washington, in order to assess the adequacy of safeguards and security with respect to nuclear weapons and materials at such facilities;

(B) evaluate the specific concerns with respect to the safeguarding and security of nuclear weapons and materials raised in the report of the Office of Safeguards and Security of the Department of Energy entitled ''Status of Safeguards and Security for 1996''; and

(C) review applicable orders and other requirements governing the safeguarding and security of nuclear weapons and materials at Department facilities.

(d) REPORT.—(1) Not later than February 15, 1998, the Commission shall submit to the Secretary and to the congressional defense committees a report on the review conducted under subsection (c).

(2) The report may include—

(A) recommendations regarding any modifications of policy or procedures applicable

to Department facilities that the Commission considers appropriate to provide adequate safeguards and security for nuclear weapons and materials at such facilities without impairing the mission of such facilities;

(B) recommendations for modifications in funding priorities necessary to ensure basic funding for the safeguarding and security of such weapons and materials at such facilities; and

(C) such other recommendations for additional legislation or administrative action as the Commission considers appropriate.

(e) PERSONNEL MATTERS.—(1)(A) Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for Level IV of the Executive Schedule under section 53115 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission.

(B) All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(3)(A) The Commission may, without regard to the civil service laws and regulations, appoint and terminate such personnel as may be necessary to enable the Commission to perform its duties.

(B) The Commission may fix the compensation of the personnel of the Commission without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(4) Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil status or privilege.

(f) APPLICABILITY OF FACA.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the activities of the Commission.

(g) TERMINATION.—The Commission shall terminate 30 days after the date on which the Commission submits its report under subsection (d).

(h) FUNDING.—Of the amounts authorized to be appropriated pursuant to section 3101, not more that $500,000 shall be available for the activities of the Commission under this section. Funds made available to the Commission under this section shall remain available until expended.

SEC. 3157. MODIFICATION OF AUTHORITY ON COMMISSION ON MAINTAINING UNITED STATES NUCLEAR WEAPONS EXPERTISE.

(a) COMMENCEMENT OF ACTIVITIES.—Subsection (b)(1) of section 3162 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2844; 42 U.S.C. 2121 note) is amended—

(1) in subparagraph (C), by adding at the end the following new sentence: ''The chairman may be designated once five members of the Commission have been appointed under subparagraph (A).''; and

(2) by adding at the end the following:

''(E) The Commission may commence its activities under this section upon the designation of the chairman of the Commission under subparagraph (C).''.

(b) DEADLINE FOR REPORT.—Subsection (d) of that section is amended by striking out ''March 15, 1998,'' and inserting in lieu thereof ''March 15, 1999,''.

SEC. 3158. LAND TRANSFER, BANDELIER NATIONAL MONUMENT.

(a) TRANSFER OF ADMINISTRATIVE JURISDICTION.—The Secretary of Energy shall transfer to the Secretary of the Interior administrative jurisdiction over a parcel of real property consisting of approximately 4.47 acres as depicted on the map entitled ''Boundary Map, Bandelier National Monument'', No. 315/80,051, dated March 1995.

(b) BOUNDARY MODIFICATION.—The boundary of the Bandelier National Monument established by Proclamation No. 1322 (16 U.S.C. 431 note) is modified to include the real property transferred under subsection (a).

(c) PUBLIC AVAILABILITY OF MAP.—The map described in subsection (a) shall be on file and available for public inspection in the Lands Office at the Southwest System Support Office of the National Park Service, Santa Fe, New Mexico, and in the office of the Superintendent of Bandelier National Monument.

(d) ADMINISTRATION.—The real property and interests in real property transferred under subsection (a) shall be—

(1) administered as part of Bandelier National Monument; and

(2) subject to all laws applicable to the Bandelier National Monument and all laws generally applicable to units of the National Park System.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 1998, $17,500,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

SEC. 3301. DEFINITIONS.

In this title:

(1) The term ''National Defense Stockpile'' means the stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c).

(2) The term ''National Defense Stockpile Transaction Fund'' means the fund in the Treasury of the United States established under section 9(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(a)).

SEC. 3302. AUTHORIZED USES OF STOCKPILE FUNDS.

(a) OBLIGATIONS AUTHORIZED.—During fiscal year 1998, the National Defense Stockpile Manager may obligate up to $60,000,000 of the funds in the National Defense Stockpile Transaction Fund established under subsection (a) of section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h) for the authorized uses of such funds under subsection (b)(2) of such section.

(b) ADDITIONAL OBLIGATIONS.—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in subsection (a) if the National Defense Stockpile Manager notifies Congress that extraordinary or emergency conditions necessitate the additional obligations. The National Defense Stockpile Manager may make the additional obligations described in the notification after the end of the 45-day period beginning on the date Congress receives the notification.

(c) LIMITATIONS.—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.

SEC. 3303. AUTHORITY TO DISPOSE OF CERTAIN MATERIALS IN NATIONAL DEFENSE STOCKPILE.

(a) DISPOSAL REQUIRED.—Subject to subsection (c), the President shall dispose of materials contained in the National Defense Stockpile and specified in the table in subsection (b) so as to result in receipts to the United States in amounts equal to—

(1) $9,222,000 by the end of fiscal year 1998;

(2) $134,840,000 by the end of fiscal year 2002; and

(3) $295,886,000 by the end of fiscal year 2007.

(b) LIMITATION ON DISPOSAL QUANTITY.—The total quantities of materials authorized for disposal by the President under subsection (a) may not exceed the amounts set forth in the following table:

Authorized Stockpile Disposals

Material for disposal	Quantity
Berylium Copper Master Alloy.	7,387 short tons
Chromium Metal	8,511 short tons
Cobalt	14,058,014 pounds
Columbium Carbide	21,372 pounds
Columbium Ferro	249,395 pounds
Diamond, Bort	61,543 carats
Diamond, Dies	25,473 pieces
Diamond, Stone	3,047,900 carats
Germanium	28,200 kilograms
Indium	14,248 troy ounces
Palladium	1,249,485 troy ounces
Platinum	442,641 troy ounces
Tantalum, Carbide Powder.	22,688 pounds contained
Tantalum, Minerals	1,751,364 pounds contained
Tantalum, Oxide	123,691 pounds contained
Titanium Sponge	34,831 short tons
Tungsten, Ores & Concentrate.	76,358,235 pounds
Tungsten, Carbide	2,032,954 pounds
Tungsten, Metal Powder	1,899,283 pounds
Tungsten, Ferro	2,024,143 pounds

(c) MINIMIZATION OF DISRUPTION AND LOSS.—The President may not dispose of materials under subsection (a) to the extent that the disposal will result in—

(1) undue disruption of the usual markets of producers, processors, and consumers of the materials proposed for disposal; or

(2) avoidable loss to the United States.

(d) RELATIONSHIP TO OTHER DISPOSAL AUTHORITY.—The disposal authority provided in subsection (a) is new disposal authority and is in addition to, and shall not affect, any other disposal authority provided by law regarding the materials specified in such subsection.

SEC. 3304. RETURN OF SURPLUS PLATINUM FROM THE DEPARTMENT OF THE TREASURY.

(a) RETURN OF PLATINUM TO STOCKPILE.—Subject to subsection (b), the Secretary of the Treasury, upon the request of the Secretary of Defense, shall return to the Secretary of Defense for sale or other disposition platinum of the National Defense Stockpile that has been loaned to the Department of the Treasury by the Secretary of Defense, acting as the stockpile manager. The quantity requested and transferred shall be any quantity that the Secretary of Defense determines appropriate for sale or other disposition.

(b) ALTERNATIVE TRANSFER OF FUNDS.—The Secretary of the Treasury, with the concurrence of the Secretary of Defense, may transfer to the Secretary of Defense funds in a total amount that is equal to the fair market value of any platinum requested under subsection (a) and not returned. A transfer of funds under this subsection shall be a substitute for a return of platinum under subsection (a). Upon a transfer of funds as a substitute for a return of platinum, the platinum shall cease to be part of the National

Defense Stockpile. A transfer of funds under this subsection shall be charged to any appropriation for the Department of the Treasury and shall be credited to the National Defense Stockpile Transaction Fund.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated to the Secretary of Energy $117,000,000 for fiscal year 1998 for the purpose of carrying out activities under chapter 641 of title 10, United States Code, relating to the naval petroleum reserves (as defined in section 7420(2) of such title). Funds appropriated pursuant to such authorization shall remain available until expended.

SEC. 3402. LEASING OF CERTAIN OIL SHALE RESERVES.

(a) REQUIREMENT TO LEASE.—The Secretary of Energy may lease, subject to valid existing rights, the United States interest in Oil Shale Reserves Numbered 1, 2, and 3 to one or more private entities for the purpose of providing for the exploration of such reserves for, and the development and production of, petroleum.

(b) MAXIMIZATION OF FINANCIAL RETURN TO THE UNITED STATES.—A lease under this section shall be made under terms that result in the maximum practicable financial return to the United States, without regard to production limitations provided under chapter 641 of title 10, United States Code.

(c) DISPOSITION OF WELLS, GATHERING LINES, AND EQUIPMENT.—A lease of a reserve under subsection (a) may include the sale or other disposition, at fair market value, of any well, gathering line, or related equipment owned by the United States that is located at the reserve and is suitable for use in the exploration, development, or production of petroleum on the reserve.

(d) DISPOSITION OF ROYALTIES AND OTHER PROCEEDS.—All royalties and other proceeds accruing to the United States from a lease under this section shall be disposed of in accordance with section 7433 of title 10, United States Code.

(e) INAPPLICABILITY OF CERTAIN SECTIONS OF TITLE 10, UNITED STATES CODE.—The following provisions of chapter 641 of title 10, United States Code, do not apply to the leasing of a reserve under this section nor to a reserve while under a lease entered into under this section: section 7422(b), subsections (d), (e), (g), and (k) of section 7430, section 7431, and section 7438(c)(1).

(f) DEFINITIONS.—In this section:

(1) The term ''Oil Shale Reserves Numbered 1, 2, and 3'' means the oil shale reserves identified in section 7420(2) of title 10, United States Code, as Oil Shale Reserve Numbered 1, Oil Shale Reserve Numbered 2, and Oil Shale Reserve Numbered 3.

(2) The term ''petroleum'' has the meaning given such term in section 7420(3) of such title.

SEC. 3403. REPEAL OF REQUIREMENT TO ASSIGN NAVY OFFICERS TO OFFICE OF NAVAL PETROLEUM AND OIL SHALE RESERVES.

Section 2 of Public Law 96–137 (42 U.S.C. 7156a) is repealed.

TITLE XXXV—PANAMA CANAL COMMISSION

Subtitle A—Authorization of Expenditures From Revolving Fund

SEC. 3501. SHORT TITLE.

This subtitle may be cited as the ''Panama Canal Commission Authorization Act for Fiscal Year 1998''.

SEC. 3502. AUTHORIZATION OF EXPENDITURES.

(a) IN GENERAL.—Subject to subsection (b), the Panama Canal Commission is authorized to use amounts in the Panama Canal Revolving Fund to make such expenditures within the limits of funds and borrowing authority available to it in accordance with law, and to make such contracts and commitments, as may be necessary under the Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.) for the operation, maintenance, improvement, and administration of the Panama Canal for fiscal year 1998.

(b) LIMITATIONS.—For fiscal year 1998, the Panama Canal Commission may expend from funds in the Panama Canal Revolving Fund not more than $85,000 for official reception and representation expenses, of which—

(1) not more than $23,000 may be used for official reception and representation expenses of the Supervisory Board of the Commission;

(2) not more than $12,000 may be used for official reception and representation expenses of the Secretary of the Commission; and

(3) not more than $50,000 may be used for official reception and representation expenses of the Administrator of the Commission.

SEC. 3503. PURCHASE OF VEHICLES.

Notwithstanding any other provision of law, the funds available to the Commission shall be available for the purchase and transportation to the Republic of Panama of passenger motor vehicles, the purchase price of which shall not exceed $22,000 per vehicle.

SEC. 3504. EXPENDITURES ONLY IN ACCORDANCE WITH TREATIES.

Expenditures authorized under this subtitle may be made only in accordance with the Panama Canal Treaties of 1977 and any law of the United States implementing those treaties.

Subtitle B—Facilitation of Panama Canal Transition

SEC. 3511. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This subtitle may be cited as the ''Panama Canal Transition Facilitation Act of 1997''.

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.).

SEC. 3512. DEFINITIONS RELATING TO CANAL TRANSITION.

Section 3 (22 U.S.C. 3602) is amended by adding at the end the following new subsection:

''(d) For purposes of this Act:

''(1) The term 'Canal Transfer Date' means December 31, 1999, such date being the date specified in the Panama Canal Treaty of 1977 for the transfer of the Panama Canal from the United States of America to the Republic of Panama.

''(2) The term 'Panama Canal Authority' means the entity created by the Republic of Panama to succeed the Panama Canal Commission as of the Canal Transfer Date.''.

PART I—TRANSITION MATTERS RELATING TO COMMISSION OFFICERS AND EMPLOYEES

SEC. 3521. AUTHORITY FOR THE ADMINISTRATOR OF THE COMMISSION TO ACCEPT APPOINTMENT AS THE ADMINISTRATOR OF THE PANAMA CANAL AUTHORITY.

(a) AUTHORITY FOR DUAL ROLE.—Section 1103 (22 U.S.C. 3613) is amended by adding at the end the following new subsection:

''(c) The Congress consents, for purposes of the 8th clause of article I, section 9 of the Constitution of the United States, to the acceptance by the individual serving as Administrator of the Commission of appointment by the Republic of Panama to the position of Administrator of the Panama Canal Authority. Such consent is effective only if that individual, while serving in both such positions, serves as Administrator of the Panama Canal Authority without compensation, except for payments by the Republic of Panama of travel and entertainment expenses, including per diem payments.''.

(b) WAIVER OF CERTAIN CONFLICT-OF-INTEREST STATUTES.—Such section is further amended by adding at the end the following new subsections:

''(d) The Administrator, with respect to participation in any matter as Administrator of the Panama Canal Commission (whether such participation is before, on, or after the date of the enactment of the Panama Canal Transition Facilitation Act of 1997), shall not be subject to section 208 of title 18, United States Code, insofar as the matter relates to prospective employment as Administrator of the Panama Canal Authority.

''(e) If the Republic of Panama appoints as the Administrator of the Panama Canal Authority the individual serving as the Administrator of the Commission and if that individual accepts the appointment—

''(1) the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611 et seq.), shall not apply to that individual with respect to service as the Administrator of the Panama Canal Authority;

''(2) that individual, with respect to participation in any matter as the Administrator of the Panama Canal Commission, is not subject to section 208 of title 18, United States Code, insofar as the matter relates to service as, or performance of the duties of, the Administrator of the Panama Canal Authority; and

''(3) that individual, with respect to official acts performed as the Administrator of the Panama Canal Authority, is not subject to the following:

''(A) Sections 203 and 205 of title 18, United States Code.

''(B) Effective upon termination of the individual's appointment as Administrator of the Panama Canal Commission at noon on the Canal Transfer Date, section 207 of title 18, United States Code.

''(C) Sections 501(a) and 502(a)(4) of the Ethics in Government Act of 1978 (5 U.S.C. App.), with respect to compensation received for, and service in, the position of Administrator of the Panama Canal Authority.''.

SEC. 3522. POST-CANAL TRANSFER PERSONNEL AUTHORITIES.

(a) WAIVER OF CERTAIN POST-EMPLOYMENT RESTRICTIONS FOR COMMISSION PERSONNEL BECOMING EMPLOYEES OF THE PANAMA CANAL AUTHORITY.—Section 1112 (22 U.S.C. 3622) is amended by adding at the end the following new subsection:

''(e) Effective as of the Canal Transfer Date, section 207 of title 18, United States Code, shall not apply to an individual who is an officer or employee of the Panama Canal Authority, but only with respect to official acts of that individual as an officer or employee of the Authority and only in the case of an individual who was an officer or employee of the Commission and whose employment with the Commission was terminated at noon on the Canal Transfer Date.''.

(b) CONSENT OF CONGRESS FOR ACCEPTANCE BY RESERVE AND RETIRED MEMBERS OF THE ARMED FORCES OF EMPLOYMENT BY PANAMA CANAL AUTHORITY.—Such section is further amended by adding after subsection (e), as added by subsection (a), the following new subsection:

''(f)(1) The Congress consents to the following persons accepting civil employment (and compensation for that employment) with the Panama Canal Authority for which the consent of the Congress is required by the last

paragraph of section 9 of article I of the Constitution of the United States, relating to acceptance of emoluments, offices, or titles from a foreign government:

''(A) Retired members of the uniformed services.

''(B) Members of a reserve component of the armed forces.

''(C) Members of the Commissioned Reserve Corps of the Public Health Service.

''(2) The consent of the Congress under paragraph (1) is effective without regard to subsection (b) of section 908 of title 37, United States Code (relating to approval required for employment of Reserve and retired members by foreign governments).''.

SEC. 3523. ENHANCED AUTHORITY OF COMMISSION TO ESTABLISH COMPENSATION OF COMMISSION OFFICERS AND EMPLOYEES.

(a) REPEAL OF LIMITATIONS ON COMMISSION AUTHORITY.—The following provisions are repealed:

(1) Section 1215 (22 U.S.C. 3655), relating to basic pay.

(2) Section 1219 (22 U.S.C. 3659), relating to salary protection upon conversion of pay rate.

(3) Section 1225 (22 U.S.C. 3665), relating to minimum level of pay and minimum annual increases.

(b) SAVINGS PROVISION.—Section 1202 (22 U.S.C. 3642) is amended by adding at the end the following new subsection:

''(c) In the case of an individual who is an officer or employee of the Commission on the day before the date of the enactment of the Panama Canal Transition Facilitation Act of 1997 and who has not had a break in service with the Commission since that date, the rate of basic pay for that officer or employee on or after that date may not be less than the rate in effect for that officer or employee on the day before that date of enactment except—

''(1) as provided in a collective bargaining agreement;

''(2) as a result of an adverse action against the officer or employee; or

''(3) pursuant to a voluntary demotion.''.

(c) CROSS-REFERENCE AMENDMENTS.—(1) Section 1216 (22 U.S.C. 3656) is amended by striking out ''1215'' and inserting in lieu thereof ''1202''.

(2) Section 1218 (22 U.S.C. 3658) is amended by striking out ''1215'' and ''1217'' and inserting in lieu thereof ''1202'' and ''1217(a)'', respectively.

SEC. 3524. TRAVEL, TRANSPORTATION, AND SUBSISTENCE EXPENSES FOR COMMISSION PERSONNEL NO LONGER SUBJECT TO FEDERAL TRAVEL REGULATION.

(a) REPEAL OF APPLICABILITY OF TITLE 5 PROVISIONS.—(1) Section 1210 (22 U.S.C. 3650) is amended by striking out subsections (a), (b), and (c).

(2) Section 1224 (22 U.S.C. 3664) is amended—

(A) by striking out paragraph (10); and

(B) by redesignating paragraphs (11) through (20) as paragraphs (10) through (19), respectively.

(b) CONFORMING AMENDMENTS.—(1) Section 1210 is further amended—

(A) by redesignating subsection (d)(1) as subsection (a) and in that subsection striking out ''paragraph (2)'' and inserting in lieu thereof ''subsection (b)''; and

(B) by redesignating subsection (d)(2) as subsection (b) and in that subsection—

(i) striking out ''Notwithstanding paragraph (1), an'' and inserting in lieu thereof ''An''; and

(ii) striking out ''referred to in paragraph (1)'' and inserting in lieu thereof ''who is a citizen of the Republic of Panama''.

(2) The heading of such section is amended to read as follows:

''AIR TRANSPORTATION''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1999.

SEC. 3525. ENHANCED RECRUITMENT AND RETENTION AUTHORITIES.

(a) RECRUITMENT, RELOCATION, AND RETENTION BONUSES.—Section 1217 (22 U.S.C. 3657) is amended—

(1) by redesignating subsection (c) as subsection (e);

(2) in subsection (e) (as so redesignated), by striking out ''for the same or similar work performed in the United States by individuals employed by the Government of the United States'' and inserting in lieu thereof ''of the individual to whom the compensation is paid''; and

(3) by inserting after subsection (b) the following new subsections:

''(c)(1) The Commission may pay a recruitment bonus to an individual who is newly appointed to a position with the Commission, or a relocation bonus to an employee of the Commission who must relocate to accept a position, if the Commission determines that the Commission would be likely, in the absence of such a bonus, to have difficulty in filling the position.

''(2) A recruitment or relocation bonus may be paid to an employee under this subsection only if the employee enters into an agreement with the Commission to complete a period of employment with the Commission established by the Commission. If the employee voluntarily fails to complete such period of employment or is separated from service in such employment as a result of an adverse action before the completion of such period, the employee shall repay the entire amount of the bonus received by the employee.

''(3) A relocation bonus under this subsection may be paid as a lump sum. A recruitment bonus under this subsection shall be paid on a pro rata basis over the period of employment covered by the agreement under paragraph (2). A bonus under this subsection may not be considered to be part of the basic pay of an employee.

''(d)(1) The Commission may pay a retention bonus to an employee of the Commission if the Commission determines that—

''(A) the employee has unusually high or unique qualifications and those qualifications make it essential for the Commission to retain the employee for a period specified by the Commission ending not later than the Canal Transfer Date, or the Commission otherwise has a special need for the services of the employee making it essential for the Commission to retain the employee for a period specified by the Commission ending not later than the Canal Transfer Date; and

''(B) the employee would be likely to leave employment with the Commission before the end of that period if the retention bonus is not paid.

''(2) A retention bonus under this subsection—

''(A) shall be in a fixed amount;

''(B) shall be paid on a pro rata basis (over the period specified by the Commission as essential for the retention of the employee), with such payments to be made at the same time and in the same manner as basic pay; and

''(C) may not be considered to be part of the basic pay of an employee.

''(3) A decision by the Commission to exercise or to not exercise the authority to pay a bonus under this subsection shall not be subject to review under any statutory procedure or any agency or negotiated grievance procedure except under any of the laws referred to in section 2302(d) of title 5, United States Code.''.

(b) EDUCATIONAL SERVICES.—Section 1321(e)(2) (22 U.S.C. 3731(e)(2)) is amended by striking out ''and persons'' and inserting in lieu thereof '', to other Commission employees when determined by the Commission to be necessary for their recruitment or retention, and to other persons''.

SEC. 3526. TRANSITION SEPARATION INCENTIVE PAYMENTS.

Chapter 2 of title I (22 U.S.C. 3641 et seq.) is amended by adding at the end of subchapter III the following new section:

''TRANSITION SEPARATION INCENTIVE PAYMENTS

''SEC. 1233. (a) In applying to the Commission and employees of the Commission the provisions of section 663 of the Treasury, Postal Service, and General Government Appropriations Act, 1997 (as contained in section 101(f) of division A of Public Law 104–208; 110 Stat. 3009–383), relating to voluntary separation incentives for employees of certain Federal agencies (in this section referred to as 'section 663')—

''(1) the term 'employee' shall mean an employee of the Commission who has served in the Republic of Panama in a position with the Commission for a continuous period of at least three years immediately before the employee's separation under an appointment without time limitation and who is covered under the Civil Service Retirement System or the Federal Employees' Retirement System under subchapter III of chapter 83 or chapter 84, respectively, of title 5, United States Code, other than—

''(A) an employee described in any of subparagraphs (A) through (F) of subsection (a)(2) of section 663; or

''(B) an employee of the Commission who, during the 24-month period preceding the date of separation, has received a recruitment or relocation bonus under section 1217(c) of this Act or who, within the 12-month period preceding the date of separation, received a retention bonus under section 1217(d) of this Act;

''(2) the strategic plan under subsection (b) of section 663 shall include (in lieu of the matter specified in subsection (b)(2) of that section)—

''(A) the positions to be affected, identified by occupational category and grade level;

''(B) the number and amounts of separation incentive payments to be offered; and

''(C) a description of how such incentive payments will facilitate the successful transfer of the Panama Canal to the Republic of Panama;

''(3) a separation incentive payment under section 663 may be paid to a Commission employee only to the extent necessary to facilitate the successful transfer of the Panama Canal by the United States of America to the Republic of Panama as required by the Panama Canal Treaty of 1977;

''(4) such a payment—

''(A) may be in an amount determined by the Commission not to exceed $25,000; and

''(B) may be made (notwithstanding the limitation specified in subsection (c)(2)(D) of section 663) in the case of an eligible employee who voluntarily separates (whether by retirement or resignation) during the 90-day period beginning on the date of the enactment of this section or during the period beginning on October 1, 1998, and ending on December 31, 1998;

''(5) in the case of not more than 15 employees who (as determined by the Commission) are unwilling to work for the Panama Canal Authority after the Canal Transfer Date and who occupy critical positions for which (as determined by the Commission) at least two years of experience is necessary to ensure that seasoned managers are in place on and after the Canal Transfer Date, such a payment (notwithstanding paragraph (4))—

''(A) may be in an amount determined by the Commission not to exceed 50 percent of the basic pay of the employee; and

''(B) may be made (notwithstanding the limitation specified in subsection (c)(2)(D) of section 663) in the case of such an employee who voluntarily separates (whether by retirement or resignation) during the 90-day period beginning on the date of the enactment of this section; and

''(6) the provisions of subsection (f) of section 663 shall not apply.

''(b) A decision by the Commission to exercise or to not exercise the authority to pay a transition separation incentive under this section shall not be subject to review under any statutory procedure or any agency or negotiated grievance procedure except under any of the laws referred to in section 2302(d) of title 5, United States Code.''.

SEC. 3527. LABOR-MANAGEMENT RELATIONS.

Section 1271 (22 U.S.C. 3701) is amended by adding at the end the following new subsection:

''(c)(1) This subsection applies to any matter that becomes the subject of collective bargaining between the Commission and the exclusive representative for any bargaining unit of employees of the Commission during the period beginning on the date of the enactment of this subsection and ending on the Canal Transfer Date.

''(2)(A) The resolution of impasses resulting from collective bargaining between the Commission and any such exclusive representative during that period shall be conducted in accordance with such procedures as may be mutually agreed upon between the Commission and the exclusive representative (without regard to any otherwise applicable provisions of chapter 71 of title 5, United States Code). Such mutually agreed upon procedures shall become effective upon transmittal by the Chairman of the Commission to the Congress of notice of the agreement to use those procedures and a description of those procedures.

''(B) The Federal Services Impasses Panel shall not have jurisdiction to resolve any impasse between the Commission and any such exclusive representative in negotiations over a procedure for resolving impasses.

''(3) If the Commission and such an exclusive representative do not reach an agreement concerning a procedure for resolving impasses with respect to a bargaining unit and transmit notice of the agreement under paragraph (2) on or before July 1, 1998, the following shall be the procedure by which collective bargaining impasses between the Commission and the exclusive representative for that bargaining unit shall be resolved:

''(A) If bargaining efforts do not result in an agreement, the parties shall request the Federal Mediation and Conciliation Service to assist in achieving an agreement.

''(B) If an agreement is not reached within 45 days after the date on which either party requests the assistance of the Federal Mediation and Conciliation Service in writing (or within such shorter period as may be mutually agreed upon by the parties), the parties shall be considered to be at an impasse and shall request the Federal Services Impasses Panel of the Federal Labor Relations Authority to decide the impasse.

''(C) If the Federal Services Impasses Panel fails to issue a decision within 90 days after the date on which its services are requested (or within such shorter period as may be mutually agreed upon by the parties), the efforts of the Panel shall be terminated.

''(D) In such a case, the Chairman of the Panel (or another member in the absence of the Chairman) shall immediately determine the matter by a drawing (conducted in such manner as the Chairman (or, in the absence of the Chairman, such other member) determines appropriate) between the last offer of the Commission and the last offer of the exclusive representative, with the offer chosen through such drawing becoming the binding resolution of the matter.

''(4) In the case of a notice of agreement described in paragraph (2)(A) that is transmitted to the Congress as described in the second sentence of that paragraph after July 1, 1998, the impasse resolution procedures covered by that notice shall apply to any impasse between the Commission and the other party to the agreement that is unresolved on the date on which that notice is transmitted to the Congress.''.

SEC. 3528. AVAILABILITY OF PANAMA CANAL REVOLVING FUND FOR SEVERANCE PAY FOR CERTAIN EMPLOYEES SEPARATED BY PANAMA CANAL AUTHORITY AFTER CANAL TRANSFER DATE.

(a) AVAILABILITY OF REVOLVING FUND.—Section 1302(a) (22 U.S.C. 3712(a)) is amended by adding at the end the following new paragraph:

''(10) Payment to the Panama Canal Authority, not later than the Canal Transfer Date, of such amount as is computed by the Commission to be the future amount of severance pay to be paid by the Panama Canal Authority to employees whose employment with the Authority is terminated, to the extent that such severance pay is attributable to periods of service performed with the Commission before the Canal Transfer Date (and assuming for purposes of such computation that the Panama Canal Authority, in paying severance pay to terminated employees, will provide for crediting of periods of service with the Commission).''.

(b) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) by striking out ''for—'' in the matter preceding paragraph (1) and inserting in lieu thereof ''for the following purposes:'';

(2) by capitalizing the initial letter of the first word in each of paragraphs (1) through (9);

(3) by striking out the semicolon at the end of each of paragraphs (1) through (7) and inserting in lieu thereof a period; and

(4) by striking out ''; and'' at the end of paragraph (8) and inserting in lieu thereof a period.

PART II—TRANSITION MATTERS RELATING TO OPERATION AND ADMINISTRATION OF CANAL

SEC. 3541. ESTABLISHMENT OF PROCUREMENT SYSTEM AND BOARD OF CONTRACT APPEALS.

Title III of the Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.) is amended by inserting after the title heading the following new chapter:

''CHAPTER 1—PROCUREMENT

''PROCUREMENT SYSTEM

''SEC. 3101. (a) PANAMA CANAL ACQUISITION REGULATION.—(1) The Commission shall establish by regulation a comprehensive procurement system. The regulation shall be known as the 'Panama Canal Acquisition Regulation' (in this section referred to as the 'Regulation') and shall provide for the procurement of goods and services by the Commission in a manner that—

''(A) applies the fundamental operating principles and procedures in the Federal Acquisition Regulation;

''(B) uses efficient commercial standards of practice; and

''(C) is suitable for adoption and uninterrupted use by the Republic of Panama after the Canal Transfer Date.

''(2) The Regulation shall contain provisions regarding the establishment of the Panama Canal Board of Contract Appeals described in section 3102.

''(b) SUPPLEMENT TO REGULATION.—The Commission shall develop a Supplement to the Regulation (in this section referred to as the 'Supplement') that identifies both the provisions of Federal law applicable to procurement of goods and services by the Commission and the provisions of Federal law waived by the Commission under subsection (c).

''(c) WAIVER AUTHORITY.—(1) Subject to paragraph (2), the Commission shall determine which provisions of Federal law should not apply to procurement by the Commission and may waive those laws for purposes of the Regulation and Supplement.

''(2) For purposes of paragraph (1), the Commission may not waive—

''(A) section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423);

''(B) the Contract Disputes Act of 1978 (41 U.S.C. 601 et seq.), other than section 10(a) of such Act (41 U.S.C 609(a)); or

''(C) civil rights, environmental, or labor laws.

''(d) CONSULTATION WITH ADMINISTRATOR FOR FEDERAL PROCUREMENT POLICY.—In establishing the Regulation and developing the Supplement, the Commission shall consult with the Administrator for Federal Procurement Policy.

''(e) EFFECTIVE DATE.—The Regulation and the Supplement shall take effect on the date of publication in the Federal Register, or January 1, 1999, whichever is earlier.

''PANAMA CANAL BOARD OF CONTRACT APPEALS

''SEC. 3102. (a) ESTABLISHMENT.—(1) The Secretary of Defense, in consultation with the Commission, shall establish a board of contract appeals, to be known as the Panama Canal Board of Contract Appeals, in accordance with section 8 of the Contract Disputes Act of 1978 (41 U.S.C. 607). Except as otherwise provided by this section, the Panama Canal Board of Contract Appeals (in this section referred to as the 'Board') shall be subject to the Contract Disputes Act of 1978 (41 U.S.C. 601 et seq.) in the same manner as any other agency board of contract appeals established under that Act.

''(2) The Board shall consist of three members. At least one member of the Board shall be licensed to practice law in the Republic of Panama. Individuals appointed to the Board shall take an oath of office, the form of which shall be prescribed by the Secretary of Defense.

''(b) EXCLUSIVE JURISDICTION TO DECIDE APPEALS.—Notwithstanding section 10(a)(1) of the Contract Disputes Act of 1978 (41 U.S.C. 609(a)(1)) or any other provision of law, the Board shall have exclusive jurisdiction to decide an appeal from a decision of a contracting officer under section 8(d) of such Act (41 U.S.C. 607(d)).

''(c) EXCLUSIVE JURISDICTION TO DECIDE PROTESTS.—The Board shall decide protests submitted to it under this subsection by interested parties in accordance with subchapter V of title 31, United States Code. Notwithstanding section 3556 of that title, section 1491(b) of title 28, United States Code, and any other provision of law, the Board shall have exclusive jurisdiction to decide such protests. For purposes of this subsection—

''(1) except as provided in paragraph (2), each reference to the Comptroller General in sections 3551 through 3555 of title 31, United States Code, is deemed to be a reference to the Board;

''(2) the reference to the Comptroller General in section 3553(d)(3)(C)(ii) of such title is deemed to be a reference to both the Board and the Comptroller General;

''(3) the report required by paragraph (1) of section 3554(e) of such title shall be submitted to the Comptroller General as well as the committees listed in such paragraph;

''(4) the report required by paragraph (2) of such section shall be submitted to the Comptroller General as well as Congress; and

''(5) section 3556 of such title shall not apply to the Board, but nothing in this subsection shall affect the right of an interested party to file a protest with the appropriate contracting officer.

''(d) PROCEDURES.—The Board shall prescribe such procedures as may be necessary for the expeditious decision of appeals and protests under subsections (b) and (c).

''(e) COMMENCEMENT.—The Board shall begin to function as soon as it has been established and has prescribed procedures under subsection (d), but not later than January 1, 1999.

''(f) TRANSITION.—The Board shall have jurisdiction under subsection (b) and (c) over any appeals and protests filed on or after the date on which the Board begins to function. Any appeals and protests filed before such date shall remain before the forum in which they were filed.

''(g) OTHER FUNCTIONS.—The Board may perform functions similar to those described in this section for such other matters or activities of the Commission as the Commission may determine and in accordance with regulations prescribed by the Commission.''.

SEC. 3542. TRANSACTIONS WITH THE PANAMA CANAL AUTHORITY.

Section 1342 (22 U.S.C. 3752) is amended—

(1) by designating the text of the section as subsection (a); and

(2) by adding at the end the following new subsections:

''(b) The Commission may provide office space, equipment, supplies, personnel, and other in-kind services to the Panama Canal Authority on a nonreimbursable basis.

''(c) Any executive department or agency of the United States may, on a reimbursable basis, provide to the Panama Canal Authority materials, supplies, equipment, work, or services requested by the Panama Canal Authority, at such rates as may be agreed upon by that department or agency and the Panama Canal Authority.''.

SEC. 3543. TIME LIMITATIONS ON FILING OF CLAIMS FOR DAMAGES.

(a) FILING OF ADMINISTRATIVE CLAIMS WITH COMMISSION.—Sections 1411(a) (22 U.S.C. 3771(a)) and 1412 (22 U.S.C. 3772) are each amended in the last sentence by striking out ''within 2 years after'' and all that follows through ''of 1985,'' and inserting in lieu thereof ''within one year after the date of the injury or the date of the enactment of the Panama Canal Transition Facilitation Act of 1997,''.

(b) FILING OF JUDICIAL ACTIONS.—The penultimate sentence of section 1416 (22 U.S.C. 3776) is amended—

(1) by striking out ''one year'' the first place it appears and inserting in lieu thereof ''180 days''; and

(2) by striking out ''claim, or'' and all that follows through ''of 1985,'' and inserting in lieu thereof ''claim or the date of the enactment of the Panama Canal Transition Facilitation Act of 1997,''.

SEC. 3544. TOLLS FOR SMALL VESSELS.

Section 1602(a) (22 U.S.C. 3792(a)) is amended—

(1) in the first sentence, by striking out ''supply ships, and yachts'' and inserting in lieu thereof ''and supply ships''; and

(2) by adding at the end the following new sentence: ''Tolls for small vessels (including yachts), as defined by the Commission, may be set at rates determined by the Commission without regard to the preceding provisions of this subsection.''.

SEC. 3545. DATE OF ACTUARIAL EVALUATION OF FECA LIABILITY.

Section 5(a) of the Panama Canal Commission Compensation Fund Act of 1988 (22 U.S.C. 3715c(a)) is amended by striking out ''Upon the termination of the Panama Canal Commission'' and inserting in lieu thereof ''By March 31, 1998''.

SEC. 3546. APPOINTMENT OF NOTARIES PUBLIC.

Section 1102a (22 U.S.C. 3612a) is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following new subsection:

''(g)(1) The Commission may appoint any United States citizen to have the general powers of a notary public to perform, on behalf of Commission employees and their dependents outside the United States, any notarial act that a notary public is required or authorized to perform within the United States. Unless an earlier expiration is provided by the terms of the appointment, any such appointment shall expire three months after the Canal Transfer Date.

''(2) Every notarial act performed by a person acting as a notary under paragraph (1) shall be as valid, and of like force and effect within the United States, as if executed by or before a duly authorized and competent notary public in the United States.

''(3) The signature of any person acting as a notary under paragraph (1), when it appears with the title of that person's office, is prima facie evidence that the signature is genuine, that the person holds the designated title, and that the person is authorized to perform a notarial act.''.

SEC. 3547. COMMERCIAL SERVICES.

Section 1102b (22 U.S.C. 3612b) is amended by adding at the end the following new subsection:

''(e) The Commission may conduct and promote commercial activities related to the management, operation, or maintenance of the Panama Canal. Any such commercial activity shall be carried out consistent with the Panama Canal Treaty of 1977 and related agreements.''.

SEC. 3548. TRANSFER FROM PRESIDENT TO COMMISSION OF CERTAIN REGULATORY FUNCTIONS RELATING TO EMPLOYMENT CLASSIFICATION APPEALS.

Sections 1221(a) and 1222(a) (22 U.S.C. 3661(a), 3662(a)) are amended by striking out ''President'' and inserting in lieu thereof ''Commission''.

SEC. 3549. ENHANCED PRINTING AUTHORITY.

Section 1306 (22 U.S.C. 3714b) is amended by striking out ''Section 501'' and inserting in lieu thereof ''Sections 501 through 517 and 1101 through 1123''.

SEC. 3550. TECHNICAL AND CONFORMING AMENDMENTS.

(a) CLERICAL AMENDMENTS.—The table of contents in section 1 is amended—

(1) by striking out the item relating to section 1210 and inserting in lieu thereof the following:

''Sec. 1210. Air transportation.'';

(2) by striking out the items relating to sections 1215, 1219, and 1225;

(3) by inserting after the item relating to section 1232 the following new item:

''Sec. 1233. Transition separation incentive payments.'';

and

(4) by inserting after the item relating to the heading of title III the following:

''CHAPTER 1—PROCUREMENT

''Sec. 3101. Procurement system.

''Sec. 3102. Panama Canal Board of Contract Appeals.''.

(b) AMENDMENT TO REFLECT PRIOR CHANGE IN COMPENSATION OF ADMINISTRATOR.—Section 5315 of title 5, United States Code, is amended by striking out the following:

''Administrator of the Panama Canal Commission.''.

(c) AMENDMENTS TO REFLECT CHANGE IN TRAVEL AND TRANSPORTATION EXPENSES AUTHORITY.—(1) Section 5724(a)(3) of title 5, United States Code, is amended by striking out '', the Commonwealth of Puerto Rico,'' and all that follows through ''Panama Canal Act of 1979'' and inserting in lieu thereof ''or the Commonwealth of Puerto Rico''.

(2) Section 5724a(j) of such title is amended—

(A) by inserting ''and'' after ''Northern Mariana Islands,''; and

(B) by striking out ''United States, and'' and all that follows through the period at the end and inserting in lieu thereof ''United States.''.

(3) The amendments made by this subsection shall take effect on January 1, 1999.

(d) MISCELLANEOUS TECHNICAL AMENDMENTS.—

(1) Section 3(b) (22 U.S.C. 3602(b)) is amended by striking out ''the Canal Zone Code'' and all that follows through ''other laws'' and inserting in lieu thereof ''laws of the United States and regulations issued pursuant to such laws''.

(2)(A) The following provisions are each amended by striking out ''the effective date of this Act'' and inserting in lieu thereof ''October 1, 1979'': sections 3(b), 3(c), 1112(b), and 1321(c)(1).

(B) Section 1321(c)(2) is amended by striking out ''such effective date'' and inserting in lieu thereof ''October 1, 1979''.

(C) Section 1231(c)(3)(A) (22 U.S.C. 3671(c)(3)(A)) is amended by striking out ''the day before the effective date of this Act'' and inserting in lieu thereof ''September 30, 1979''.

(3) Section 1102a(h), as redesignated by section 3546(a)(1), is amended by striking out ''section 1102B'' and inserting in lieu thereof ''section 1102b''.

(4) Section 1110(b)(2) (22 U.S.C. 3620(b)(2)) is amended by striking out ''section 16 of the Act of August 1, 1956 (22 U.S.C. 2680a),'' and inserting in lieu thereof ''section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927)''.

(5) Section 1212(b)(3) (22 U.S.C. 3652(b)(3)) is amended by striking out ''as last in effect before the effective date of section 3530 of the Panama Canal Act Amendments of 1996'' and inserting in lieu thereof ''as in effect on September 22, 1996''.

(6) Section 1243(c)(2) (22 U.S.C. 3681(c)(2)) is amended by striking out ''retroactivity'' and inserting in lieu thereof ''retroactively''.

(7) Section 1341(f) (22 U.S.C. 3751(f)) is amended by striking out ''sections 1302(c)'' and inserting in lieu thereof ''sections 1302(b)''.

By Mr. COVERDELL:

S. 925. A bill to provide authority for women' business centers to enter into contracts with Federal departments and agencies to provide specific assistance to women and other underserved small business concerns; to the Committee on Small Business.

THE WOMEN'S SMALL BUSINESS PROGRAMS ACT OF 1997

Mr. COVERDELL. Mr. President, I rise today to introduce the Support for Women's Small Business Programs Act of 1997. As a member of the Senate's Small Business Committee, I have focused on helping small businesses succeed in an increasingly competitive environment. Women-owned small businesses have made impressive strides in recent years. To me, this is no surprise.

Women-owned businesses are an increasingly important part of our Nation's economy. In 1996, they accounted for an estimated $2.3 trillion in sales and employed one out of every four workers totaling 18.5 million employees. According to the National Foundation of Women Business Owners, the growth of women-owned business continues to outpace overall business growth nearly 2 to 1. In my home State of Georgia, there are 143,045 women-owned businesses both full time and part time.

I believe it is important the Federal Government continue to support the development of these small businesses and assist them in overcoming the unique challenges facing them. Currently, the Office of Women Business Ownership administers women's demonstration sites where women-owned small businesses can find critical support. These demonstration women business development centers at these sites are required to be completely self-sufficient a short period of time. I hope we succeed in the coming Small Business Administration reauthorization legislation to make these centers permanent.

My legislation is simple. It allows these women business development centers to enter into contracts with other Federal departments and agencies to provide specific assistance to small business concerns. It expands their pool of available resources they can use to nurture women-owned small business.

I have been working with the Senate Small Business Committee on this matter, and it is my understanding this proposal will become part of this year s SBA Reauthorization bill. I look forward to working with the committee to ensure the Federal Government provides women's business centers this critical support.

By Mr. HARKIN (for himself and Mrs. MURRAY):

S. 926. A bill to amend the Internal Revenue Code of 1986 to expand the child and dependent care credit, and for other purposes; to the Committee on Finance.

THE WORKING FAMILY CHILD CARE TAX RELIEF ACT OF 1997

Mr. HARKIN. Mr. President, today, I rise to introduce the Working Family Child Care Tax Relief Act of 1977. This legislation is targeted to those families most in need of a tax break—working families with child or dependent adult care expenses. The need for child care continues to grow, 60 percent of women in the workforce have children under 6 years of age. Moreover, hard working families throughout Iowa and across America are struggling to meet the escalating costs of child care. A family with a preschool-age child spent an average of $15 more per week on child care in 1993 than in 1986. Currently, average child care costs for a working family in Iowa run about $3,000 to $6,000 per year.

Today, there is a child care tax credit available for many working families—but that credit hasn't been increased since 1982—and it wasn't even adequate then. Inflation has reduced the value of the credit by about 60 percent since it was last adjusted in 1982. Under current law, families with $10,000 in adjusted gross income are eligible for a 30-percent credit on the first $2,400 in child care expenses for one child or $4,800 for two children. The credit phases down to 20 percent at $28,000 and all incomes above that level. Because the child care tax credit is not refundable, few families actually qualify for the full 30 percent credit under current law. Families with an income of less than $10,000 do not have a tax liability against which they can apply the credit.

This legislation would expand the child care tax credit and make it available for more working families. The amount of child care expenses eligible for the credit would be increased to $4,000 for one child or other dependent and $8,000 for two or more dependents. For example, my proposal would provide a 30-percent refundable credit for working couples with an adjusted gross income of up to $50,000 on the first $8,000 in child care expenses for two or more children or other dependents. For families earning between $50,000 and $80,000, the credit gradually phases down to current level. Families earning more than $80,000 would be eligible for the same level of benefits they receive under current law.

Although we must continue our efforts to reach a balanced budget, we must also realize that American families with child or dependent care expenses deserve a tax break. But I am not talking about doling out huge new tax breaks for those on top who don't need it. This legislation is targeted directly to families in the middle—they are not on welfare and they are not rich. They work hard, they care about their families and their jobs, and they deserve a break.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 926

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the ''Working Family Child Care Tax Relief Act of 1997''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 2. EXPANSION OF CHILD AND DEPENDENT CARE CREDIT.

(a) INCRESE IN CREDIT.—Paragraph (2) of section 21(a) (relating to credit for expenses for household and dependent care services necessary for gainful employment) is amended to read as follows:

''(2) APPLICABLE PERCENTAGE DEFINED.—For purposes of paragraph (1), the term 'applicable percentage' means 30 percent reduced (but not below 20 percent) by 1 percentage point for each $3,000 (or fraction thereof) by which the taxpayer's adjusted gross income exceeds $50,000.''

(b) INCREASE IN MAXIMUM AMOUNT CREDITABLE.—

(1) IN GENERAL.—Section 21(c) (relating to dollar limit on amount creditable) is amended—

(A) by striking ''$2,400'' in paragraph (1) and inserting ''$4,000'', and

(B) by striking ''$4,800'' in paragraph (2) and inserting ''$8,000''.

(2) PHASEOUT FOR TAXPAYERS WITH ADJUSTED GROSS INCOME IN EXCESS OF $50,000.—

(A) IN GENERAL.—Section 21(c) is amended by adding at the end the following new paragraph:

''(2) LIMITATION BASED ON ADJUSTED GROSS INCOME.—If the taxpayer's adjusted gross income for the taxable year exceeds $50,000, the applicable dollar amount under paragraph (1) shall be reduced as follows:

''(A) the $4,000 amount under paragraph (1)(A) shall be reduced (but not below $2,400) by $53.33 for each $1,000 (or fraction thereof) of such excess.

''(B) the $8,000 amount under paragraph (1)(B) shall be reduced (but not below $4,800) by $106.66 for each $1,000 (or fraction thereof) of such excess.''

(2) CONFORMING AMENDMENTS.—Section 21(c), as amended by subsection 9(b), is amended—

(A) by striking ''The amount'' and inserting:

''(1) IN GENERAL.—The amount'',

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

(C) by striking ''paragraph (1) or (2)'' and inserting ''subparagraph (A) or (B)''.

(c) CREDIT MADE REFUNDABLE.—

(1) IN GENERAL.—Section 21 (relating to credit for expenses for household and dependent care services), as amended by this section, is transferred to subpart C of part IV of subchapter A of chapter 1, inserted after section 35, and redesignated as section 36.

(2) CONFORMING AMENDMENTS.—

(A) Section 129 is amended—

(i) by striking ''21(e)'' in subsection (a)(2)(C) and inserting ''36(e)'',

(ii) by striking ''21(d)(2)'' in subsection (b)(2) and inserting ''36(d)(2)'', and

(iii) by striking ''21(b)(2)'' in subsection (e)(1) and inserting ''36(b)(2)''.

(B) Section 213(e) is amended by striking ''section 21'' and inserting ''section 36''.

(3) CLERICAL AMENDMENTS.—

(A) The table of sections for subpart A of part IV of subchapter A of chapter 1 is amended by striking the item relating to section 21.

(B) The table of sections for subpart C of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

''Sec. 36. Expenses for household and dependent care services necessary for gainful employment.''

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1997.

By Ms. SNOWE (for herself, Mr. HOLLINGS, Mr. GREGG, Mr. KERRY, Mr. BREAUX, Mr. REED, and Mr. GLENN):

S. 927. A bill to reauthorize the Sea Grant Program.

THE OCEAN AND COASTAL RESEARCH REVITALIZATION ACT OF 1997

Ms. SNOWE. Mr. President, today I am introducing legislation to reauthorize the National Sea Grant College Program. I am pleased to be joined in this effort by Senator HOLLINGS, the ranking member on the Committee on Commerce, Science, and Transportation, and by Senators GREGG, KERRY, REED, GLENN, and BREAUX.

Since its establishment in 1966, the National Sea Grant College Program has provided an invaluable service to the citizens of our Nation, and particularly to those who depend on our Nation's coastal and marine resources. Sea Grant operates programs in concert with 29 academic institutions covering the entire marine coastline of the United States, the Great Lakes region, and Puerto Rico. It serves as a kind of cooperative research and extension program for States and localities with a direct interest in ocean, coastal, and Great Lakes resources. Sea Grant is unique in the breadth of its programs, bringing together the natural and social sciences as well as educational institutions, the private sector, and State and local governments. By facilitating these interactions across institutional boundaries, Sea Grant makes important contributions to the development of management programs that effectively address both resource conservation and the needs of communities who use these resources.

In my home State of Maine, the decline in groundfish populations has had a devastating impact on the fishing community. The joint Maine/New Hampshire Sea Grant Program has supported research looking at the economic and social impacts of this decline, as well as biological investigations into the ecology of the fisheries. With the results of these studies, Maine has been able to mitigate some of the losses these citizens have suffered. Management programs have been adapted to better account for the needs of local residents and the vagaries of an ever-changing ocean. In all of their programs, Maine Sea Grant has consistently reinvested in local communities, providing knowledge and tools for working with the sea.

I know from my colleagues that the work I have witnessed in Maine is representative of the quality work Sea Grant programs are doing across the country. The wealth of benefits Sea Grant provides comes from a small Federal investment. By requiring matching grants, State Sea Grant Programs use their partnerships with industry and academia to generate a high return on every Federal dollar expended. This investment, in turn, helps to stimulate industry productivity and increase the efficiency of coastal management programs. In these cost-conscious times, Sea Grant is a model of being able to do more with less.

This legislation will allow Sea Grant to continue its work by reauthorizing the program for 3 years. It caps the national administrative costs of the program at 5 percent of the total budget, and it repeals an international program and a postdoctoral fellowship program which have never been funded. The bill also responds to a National Research Council Report by clarifying the responsibilities of the Sea Grant director and streamlining the process for reviewing State program proposals.

This bill is supported by the Sea Grant Association, whose membership includes many of the land grant universities and other institutions with an interest in the program, and it was drafted in close consultation with the Clinton administration. The legislation is deserving of broad bipartisan support in the Senate, and I look forward to working with my colleagues for its quick passage. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 927

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This act may be cited as the ''Ocean and Coastal Research Revitalization Act of 1997''.

SEC. 2. AMENDMENT OF NATIONAL SEA GRANT COLLEGE PROGRAM ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment or repeal to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National Sea Grant College Program Act (33 U.S.C. 1121 et seq.).

SEC. 3. FINDINGS.

(a) Section 202(a)(1) (33 U.S.C. 1121(a)(1)) is amended—

(1) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(2) by inserting after subparagraph (C) the following:

''(D) encourage the development of forecast and analysis systems for coastal hazards;''.

(b) Section 202(a)(6) (33 U.S.C. 1121(a)(6)) is amended by striking the second sentence and inserting the following: ''The most cost-effective way to promote such activities is through continued and increased Federal support of the establishment, development, and operation of programs and projects by sea grant colleges, sea grant institutes, and other institutions.''.

SEC. 4. DEFINITIONS.

(a) Section 203 (33 U.S.C. 1122) is amended—

(1) in paragraph (3)—

(A) by striking ''their university or'' and inserting ''his or her''; and

(B) by striking ''college, programs, or regional consortium'' and inserting ''college or sea grant institute'';

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

''(4) The term 'field related to ocean, coastal, and Great Lakes resources' means any discipline or field, including marine affairs, resource management, technology, education, or science, which is concerned with or likely to improve the understanding, assessment, development, utilization, or conservation of ocean, coastal, or Great Lakes resources.'';

(3) by redesignating paragraphs (6) through (15) as paragraphs (7) through (16), respectively, and inserting after paragraph (5) the following:

''(6) The term 'institution' means any public or private institution of higher education, institute, laboratory, or State or local agency.'';

(4) by striking ''regional consortium, institution of higher education, institute, or laboratory'' in paragraph (10) (as redesignated) and inserting ''institute or other institution'';

(5) by striking paragraphs (11) through (16) (as redesignated) and inserting after paragraph (10) the following:

''(11) The term 'project' means any individually described activity in a field related to ocean, coastal, and Great Lakes resources involving research, education, training, or advisory services administered by a person with expertise in such a field.

''(12) The term 'sea grant college' means any institution, or any association or alliance of two or more such institutions, designated as such by the Secretary under section 207 (33 U.S.C. 1126) of this Act.

''(13) The term 'sea grant institute' means any institution, or any association or alliance of two or more such institutions, designated as such by the Secretary under section 207 (33 U.S.C. 1126) of this Act.

''(14) The term 'sea grant program' means a program of research and outreach which is administered by one or more sea grant colleges or sea grant institutes.

''(15) The term 'Secretary' means the Secretary of Commerce, acting through the Under Secretary of Commerce for Oceans and Atmosphere.

''(16) The term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Mariana Islands, or any other territory or possession of the United States.''.

(b) The Act is amended—

(1) in section 209(b) (33 U.S.C. 1128(b)), as amended by this Act, by striking '', the Under Secretary,''; and

(2) by striking ''Under Secretary'' every other place it appears and inserting ''Secretary''.

SEC. 5. NATIONAL SEA GRANT COLLEGE PROGRAM.

Section 204 (33 U.S.C. 1123) is amended to read as follows:

''SEC. 204. NATIONAL SEA GRANT COLLEGE PROGRAM.

''(a) PROGRAM MAINTENANCE.—The Secretary shall maintain within the Administration, a program to be known as the national sea grant college program. The national sea grant college program shall be administered by a national sea grant office within the Administration.

''(b) PROGRAM ELEMENTS.—The national sea grant college program shall consist of the financial assistance and other activities authorized in this subchapter, and shall provide support for the following elements—

''(1) sea grant programs which comprise a national sea grant college program network, including international projects conducted within such programs;

''(2) administration of the national sea grant college program and this Act by the national sea grant office, the Administration, and the panel;

''(3) the fellowship program under section 208; and

''(4) any national strategic investments developed with the approval of the panel, the sea grant colleges, and the sea grant institutes.

''(c) RESPONSIBILITIES OF THE SECRETARY.—

''(1) The Secretary, in consultation with the panel, sea grant colleges, and sea grant

institutes, shall develop a long-range strategic plan which establishes priorities for the national sea grant college program and which provides an appropriately balanced response to local, regional, and national needs.

''(2) Within 6 months of the date of enactment of the Ocean and Coastal Research Revitalization Act of 1997, the Secretary, in consultation with the panel, sea grant colleges, and sea grant institutes, shall establish guidelines related to the activities and responsibilities of sea grant colleges and sea grant institutes. Such guidelines shall include requirements for the conduct of merit review by the sea grant colleges and sea grant institutes of proposals for grants and contracts to be awarded under section 205, providing, at a minimum, for standardized documentation of such proposals and peer review of all research projects.

''(3) The Secretary shall by regulation prescribe the qualifications required for designation of sea grant colleges and sea grant institutes under section 207.

''(4) To carry out the provisions of this subchapter, the Secretary may—

''(A) appoint, assign the duties, transfer, and fix the compensation of such personnel as may be necessary, in accordance with civil service laws; except that one position in addition to the Director may be established without regard to the provisions of Title 5 governing appointments to the competitive service, at a rate payable under section 5376 of title 5, United States Code;

''(B) make appointments with respect to temporary and intermittent services to the extent authorized by section 3109 of title 5, United States Code;

''(C) publish or arrange for the publication of, and otherwise disseminate, in cooperation with other offices and programs in the Administration and without regard to section 501 of title 44, any information of research, educational, training or other value in fields related to ocean, coastal, or Great Lakes resources;

''(D) enter into contracts, cooperative agreements, and other transactions without regard to section 5 of title 41, United States Code;

''(E) notwithstanding section 1342 of title 31, United States Code, accept donations and voluntary and uncompensated services;

''(F) accept funds from other Federal departments and agencies, including agencies within the Administration, to pay for and add to grants made and contracts entered into by the Secretary;

''(G) promulgate such rules and regulations as may be necessary and appropriate.

''(d) DIRECTOR OF THE NATIONAL SEA GRANT COLLEGE PROGRAM.—

''(1) The Secretary shall appoint, as the Director of the National Sea Grant College Program, a qualified individual who has appropriate administrative experience and knowledge or expertise in fields related to ocean, coastal, and Great Lakes resources. The Director shall be appointed and compensated, without regard to the provisions of title 5 governing appointments in the competitive service, at a rate payable under section 5376 of title 5, United States Code.

''(2) Subject to the supervision of the Secretary, the Director shall administer the national sea grant college program and oversee the operation of the national sea grant office. In addition to any other duty prescribed by law or assigned by the Secretary, the Director shall—

''(A) facilitate and coordinate the development of a long-range strategic plan under subsection (c)(1);

''(B) advise the Secretary with respect to the expertise and capabilities which are available within or through the national sea grant college program and encourage the use of such expertise and capabilities, on a cooperative or other basis, by other offices and activities within the Administration, and other Federal departments and agencies;

''(C) advise the Secretary on the designation of sea grant colleges and sea grant institutes, and, if appropriate, on the termination or suspension of any such designation; and

''(D) encourage the establishment and growth of sea grant programs, and cooperation and coordination with other Federal activities in fields related to ocean, coastal, and Great Lakes resources.

''(3) With respect to sea grant colleges and sea grant institutes, the Director shall—

''(A) evaluate the programs of sea grant colleges and sea grant institutes, using the priorities, guidelines, and qualifications established by the Secretary;

''(B) subject to the availability of appropriations, allocate funding among sea grant colleges and sea grant institutes so as to—

''(i) promote healthy competition among sea grant colleges and institutes;

''(ii) encourage successful implementation of sea grant programs; and

''(iii) to the maximum extent consistent with other provisions of this Act, provide a stable base of funding for sea grant colleges and institutes; and

''(C) ensure compliance with the guidelines for merit review under subsection (c)(2).''.

SEC. 6. REPEAL OF SEA GRANT INTERNATIONAL PROGRAM.

Section 3 of the Sea Grant Program Improvement Act of 1976 (33 U.S.C. 1124a) is repealed.

SEC. 7. SEA GRANT COLLEGES AND SEA GRANT INSTITUTES.

Section 207 (33 U.S.C. 1126) is amended to read as follows:

''SEC. 207. SEA GRANT COLLEGES AND SEA GRANT INSTITUTES.

''(a) DESIGNATION.—

''(1) A sea grant college or sea grant institute shall meet the following qualifications:

''(A) have an existing broad base of competence in fields related to ocean, coastal, and Great Lakes resources;

''(B) make a long-term commitment to the objective in section 202(b), as determined by the Secretary;

''(C) cooperate with other sea grant colleges and institutes and other persons to solve problems or meet needs relating to ocean, coastal, and Great Lakes resources;

''(D) have received financial assistance under section 205 of this title (33 U.S.C. 1124); and

''(E) meet such other qualifications as the Secretary, in consultation with the panel, considers necessary or appropriate.

''(2) The Secretary may designate an institution, or an association or alliance of two or more such institutions, as a sea grant college if the institution, association, or alliance —

''(A) meets the qualifications in paragraph (1); and

''(B) maintains a program of research, advisory services, training, and education in fields related to ocean, coastal, and Great Lakes resources.

'(3) The Secretary may designate an institution, or an association or alliance of two or more such institutions, as a sea grant institute if the institution, association, or alliance—

''(A) meets the qualifications in paragraph (1); and ''(B) maintains a program which includes, at a minimum, research and advisory services.

''(b) EXISTING DESIGNEES.—Any institution, or association or alliance of two or more such institutions, designated as a sea grant college or awarded institutional program status by the Director prior to the date of enactment of this Act, shall not have to reapply for designation as a sea grant college or sea grant institute, respectively, after the date of enactment of this act, if the Director determines that the institution, or assocation or alliance of institutions, meets the qualifications in subsection (a).

''(c) SUSPENSION OR TERMINATION OF DESIGNATION.—The Secretary may, for cause and after an opportunity for hearing, suspend or terminate any designation under subsection (a).

''(d) DUTIES.—Subject to any regulations prescribed or guidelines established by the Secretary, it shall be the responsibility of each sea grant college and sea grant institute—

''(1) to develop and implement, in consultation with the Secretary and the panel, a program that is consistent with the guidelines and priorities established under section 204(c); and

''(2) to conduct a merit review of all proposals for grants and contracts to be awarded under section 205.''.

SEC. 8. REPEAL OF POSTDOCTORAL FELLOWSHIP PROGRAM.

Section 208(c) (33 U.S.C. 208(c)) is repealed.

SEC. 9. SEA GRANT REVIEW PANEL.

(a) Section 209(a)(33 U.S.C. 1128(a)) is amended—

(1) by striking ''; commencement date''; and

(2) by striking the second sentence.

(b) Section 209(b)(33 U.S.C. 1128(b)) is amended—

(1) by striking ''The Panel'' and inserting ''The panel'';

(2) by striking ''and section 3 of the Sea Grant College Program Improvement Act of 1976'' in paragraph (1); and

(3) by striking ''regional consortia'' in paragraph (3) and inserting ''institutes''.

(c) Section 209(c)(33 U.S.C. 1128(c)) is amended—

(1) in paragraph (1) by striking ''college, sea grant regional consortium, or sea grant program'' and inserting ''college or sea grant institute'';

(2) by striking paragraph (5)(A) and inserting the following:

''(A) receive compensation at a rate established by the Secretary, not to exceed the maximum daily rate payable under section 5376 of title 5, United States Code, when actually engaged in the performance of duties for such panel; and''.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) GRANTS, CONTRACTS, AND FELLOWSHIPS.—Section 212(a) (33 U.S.C. 1131(a)) is amended to read as follows:

''(a) AUTHORIZATION.—There is authorized to be appropriated to carry out this Act—

(1) $55,400,000 for fiscal year 1998;

''(2) $56,500,000 for fiscal year 1999;

''(3) $57,600,000 for fiscal year 2000;

''(4) $58,800,000 for fiscal year 2001; and

''(5) $59,900,000 for fiscal year 2002.''.

(b) LIMITATION ON CERTAIN FUNDING.—Section 212(b)(1)(33 U.S.C. 1131(b)(1)) is amended to read as follows:

''(b) PROGRAM ELEMENTS.—

''(1) LIMITATION.—Of the amount appropriated for each fiscal year under subsection (a), no more than 6 percent may be used to fund both the program element contained in section 204(b)(2) and any small business innovation research.''.

Mr. HOLLINGS. Mr. President, I am pleased to join my colleagues in introducing this important bill to reauthorize the National Sea Grant College Program. Last year marked the 30th anniversary of the Sea Grant Program, so it is especially fitting that we propose

legislation today that will revitalize the program and continue its effective operation into the next century.

At its core, Sea Grant is a program that brings competitive, high-quality science to bear on problems affecting our Nation's oceans and coasts. Sea Grant's top priority is creating new economic opportunities by forging alliances among academia, government, and industry to transfer information and technology into the hands of people who can truly use it. For example, Sea Grant led the development of hybrid striped bass aquaculture, which has grown from a university demonstration project to a $6 million fish farming industry in just 6 years. In addition, Sea Grant has an extraordinary record of success in balancing development with sound marine conservation, working with citizen-volunteers to clean beaches and monitor environmental quality, and promoting the effective management of fisheries and other marine resources for the benefit of future generations.

Sea Grant is a national leader in the field of marine biotechnology, which has shown enormous promise in truly revolutionizing our use of marine resources. Marine biotechnology research funded by Sea Grant has already succeeded in discovering new pharmaceuticals from the sea, developing new, environmentally-friendly products with a wide range of applications, improving fisheries management and stock assessments through advances at the molecular level, and enhancing environmental remediation through the development of compounds that combat oil spills and other toxic substances in the marine environment. In South Carolina, a study on how the Eastern oyster builds its shell laid the groundwork for the development of alternatives to non-biodegradable water treatment compounds and detergent additives. Based on this research, the Donlor Corporation was formed to synthesize and market these new materials. The company's 50,000 square foot plant will soon begin operations.

A results-oriented point of exchange, Sea Grant brings Federal and State managers together providing an opportunity for local and regional needs to receive national attention. Conversely, national initiatives are placed on local and regional agendas. This legislation will bolster such exchanges by giving members of the Sea Grant network throughout the country a larger voice in planning national initiatives.

Moreover, Sea Grant is training the next century's leaders in marine policy. Sea Grant graduate student fellowships give marine policy training to tomorrow's scientists and managers. Efforts like South Carolina's Sea Partners, a joint program sponsored by the South Carolina Sea Grant Consortium and the U.S. Coast Guard, reach out to kindergarten through high school students regarding the problem of marine pollution. Through such programs, young people become interested in ocean and coastal issues and develop life-long respect for conserving the marine environment.

Mr. President, more than a quarter-century ago, the Stratton Commission outlined a seminal vision for the benefits this Nation could derive from the oceans and coasts. The Sea Grant Program has played a vital part in realizing this vision through the application of sound scientific research to problems affecting our publicly-owned marine resources. The legislation we are introducing today will strengthen the Sea Grant Program, improve the procedures by which it operates, clarify the respective roles of the Federal Government and the universities that participate in the program, and reduce administrative costs. I urge all of my colleagues to join me in supporting this important program and this excellent bill.

By Mr. JEFFORDS:

S. 928. A bill to provide for a regional education and workforce training system in the metropolitan Washington area, to improve the school facilities of the District of Columbia, and to fund such activities in part by an income tax on nonresident workers in the District of Columbia, to be offset by tax credits; to the Committee on Finance.

THE METROPOLITAN WASHINGTON EDUCATION AND WORKFORCE TRAINING ACT OF 1997

Mr. JEFFORDS. Mr. President, I am introducing legislation today to address a problem that has enormous significance for the future of this Nation and the prosperity of our citizens. This legislation will create a regional Education and Workforce Training Partnership for the Washington Metropolitan Area. The partnership created in the Washington Metropolitan region would serve as a national model and would address the infrastructure crisis that exists in the District of Columbia Public Schools. Let me take a moment to explain the importance of this legislation as a national model.

We face a national economic crisis if we fail to prepare our workforce for the high-paying technology jobs of the future. As a nation, we are currently enjoying an extended period of economic strength, and that is terrific. But we mustn't be lulled into a false sense of complacency. We have all read and digested the theory of how the foundation of our economy is shifting from a manufacturing base to what is now called the global knowledge economy. In the global knowledge economy, the ability to use critical thinking skills with advanced technology and information will be at a premium. Technology proficiency will be required to get and keep a good job. Now, I ask you, are we really prepared as a nation to be a leader in the global knowledge economy? Will our workers be surpassed by the workforces of our competitors overseas?

At present there are 190,000 unfilled high-skilled information technology jobs at large and mid-sized U.S. companies. These vacancies are almost equally divided between information technology (IT) and non-IT companies that rely heavily on advanced technology skills to get the job done. This shows us, that as we approach the 21st century technology skills are a must.

In the Washington Metropolitan Area alone there are at least 50,000 jobs—with an average annual salary of $40,000—that cannot be filled by the local labor market. Local area students are not being prepared to fill these jobs. Companies have complained to me in meeting after meeting that they are forced to recruit from other States or from other countries to try and find people for these positions—and that tactic is entirely too cost-prohibitive.

The Metropolitan Washington Education and Workforce Training Improvement Act of 1997 authorizes the establishment of a regional education and work force training partnership. This partnership is to be composed of 13 members representing business and education, together with a government official from the District of Columbia, Maryland, and Virginia. The partnership will chart a course for reforms and investments in education and work force training for the D.C. metropolitan area, making recommendations to the Secretaries of Education and Labor for grants to fund specific activities so that the skills of the regional work force will meet the needs of the regions employers.

By filling the 50,000 IT jobs in the Washington metropolitan area an additional $3.5 billion annually would be injected into the region's economy. And, the partnership created by this legislation with its unique focus on business-education collaboration, would serve as a model for other regions in the Nation that are facing the same pending crisis in labor market shortage and economic development.

In addition, this legislation will fulfill another long awaited promise that we as national leaders living and working in Washington must see through. I believe we have an obligation to make the Nation's Capital a model of what education must be as we enter the next century. The D.C. schools have made administrative progress recently, but the infrastructure problems are still appalling—requiring, according to a 1996 GSA report, an additional $2 billion for reconstruction and repair of dilapidated buildings. We must not let the students of the District of Columbia be sentenced to learning in buildings that would be found in a war zone. We owe more to the students of our Nation's Capital.

I want to be clear that this legislation would provide initial Federal funding to help finance the bonding required to reconstruct the D.C. school infrastructure. No funds would be used towards the present school administration as they have adequate receipts. The legislation would also provide funding for the D.C. school reform legislation passed by the Congress last session.

I want to see this Metropolitan Washington Education and Workforce Training Act enacted to help correct our regional labor market shortage and to serve as a model for the Nation. Through this legislation we can help fill the high-paying jobs we have available in this region, known as the Golden Crescent of Maryland, Virginia, and the District, and in so doing we will make our capital's education system one that is effective and one we can be proud of. I urge my colleagues to join me in this important effort.

ADDITIONAL COSPONSORS

S. 15

At the request of Mr. DASCHLE, the name of the Senator from South Dakota [Mr. JOHNSON] was added as a cosponsor of S. 15, a bill to control youth violence, crime, and drug abuse, and for other purposes.

S. 28

At the request of Mr. THURMOND, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 28, a bill to amend title 17, United States Code, with respect to certain exemptions from copyright, and for other purposes.

S. 70

At the request of Mrs. BOXER, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 70, a bill to apply the same quality and safety standards to domestically manufactured handguns that are currently applied to imported handguns.

S. 146

At the request of Mr. ROCKEFELLER, the names of the Senator from New Mexico [Mr. BINGAMAN] and the Senator from Illinois [Ms. MOSELEY-BRAUN] were added as cosponsors of S. 146, a bill to permit medicare beneficiaries to enroll with qualified provider-sponsored organizations under title XVIII of the Social Security Act, and for other purposes.

S. 224

At the request of Mr. WARNER, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of S. 224, a bill to amend title 10, United States Code, to permit covered beneficiaries under the military health care system who are also entitled to medicare to enroll in the Federal Employees Health Benefits program, and for other purposes.

S. 230

At the request of Mr. THURMOND, the name of the Senator from Alabama [Mr. SESSIONS] was added as a cosponsor of S. 230, a bill to amend section 1951 of title 18, United States Code (commonly known as the Hobbs Act], and for other purposes.

S. 231

At the request of Mr. BINGAMAN, the name of the Senator from New Mexico [Mr. DOMENICI] was added as a cosponsor of S. 231, a bill to establish the National Cave and Karst Research Institute in the State of New Mexico, and for other purposes.

S. 387

At the request of Mr. HATCH, the name of the Senator from Oregon [Mr. WYDEN] was added as a cosponsor of S. 387, a bill to amend the Internal Revenue Code of 1986 to provide equity to exports of software.

S. 389

At the request of Mr. ABRAHAM, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 389, a bill to improve congressional deliberation on proposed Federal private sector mandates, and for other purposes.

S. 460

At the request of Mr. BOND, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 460, a bill to amend the Internal Revenue Code of 1986 to increase the deduction for health insurance costs of self-employed individuals, to provide clarification for the deductibility of expenses incurred by a taxpayer in connection with the business use of the home, to clarify the standards used for determining that certain individuals are not employees, and for other purposes.

S. 524

At the request of Mr. DASCHLE, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 524, a bill to amend title XVIII of the Social Security Act to remove the requirement of an X-ray as a condition of coverage of chiropractic services under the medicare program.

S. 535

At the request of Mr. MCCAIN, the names of the Senator from Arkansas [Mr. HUTCHINSON] and the Senator from Connecticut [Mr. LIEBERMAN] were added as cosponsors of S. 535, a bill to amend the Public Health Service Act to provide for the establishment of a program for research and training with respect to Parkinson's disease.

S. 578

At the request of Mr. DASCHLE, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 578, a bill to permit an individual to be treated by a health care practitioner with any method of medical treatment such individual requests, and for other purposes.

S. 674

At the request of Mr. CHAFEE, the name of the Senator from Rhode Island [Mr. REED] was added as a cosponsor of S. 674, a bill to amend title XIX of the Social Security Act to encourage States to expand health coverage of low income children and pregnant women and to provide funds to promote outreach efforts to enroll eligible children under health insurance programs.

S. 727

At the request of Mrs. FEINSTEIN, the names of the Senator from Maine [Ms. SNOWE] and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of S. 727, a bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for annual screening mammography for women 40 years of age or older if the coverage or plans include coverage for diagnostic mammography.

S. 843

At the request of Mr. HATCH, the names of the Senator from Washington [Mr. GORTON] and the Senator from New York [Mr. D'AMATO] were added as cosponsors of S. 843, a bill to amend the Internal Revenue Code of 1986 to simplify certain rules relating to the taxation of United States business operating abroad, and for other purposes.

S. 859

At the request of Mr. KYL, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 859, a bill to repeal the increase in tax on social security benefits.

S. 872

At the request of Mr. ROBERTS, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 872, a bill to amend the Internal Revenue Code of 1986 to provide for the nonrecognition of gain for sale of stock to certain farmers' cooperatives, and for other purposes.

S. 891

At the request of Mr. ABRAHAM, the names of the Senator from New Hampshire [Mr. SMITH] and the Senator from Oklahoma [Mr. NICKLES] were added as cosponsors of S. 891, a bill to require Federal agencies to assess the impact of policies and regulations on families, and for other purposes.

S. 896

At the request of Mr. BENNETT, his name was added as a cosponsor of S. 896, a bill to restrict the use of funds for new deployments of anti-personnel landmines, and for other purposes.

S. 904

At the request of Mr. BREAUX, the names of the Senator from Connecticut [Mr. LIEBERMAN] and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of S. 904, a bill to amend title XVIII of the Social Security Act to provide medicare beneficiaries with choices, and for other purposes.

AMENDMENT NO. 382

At the request of Mr. SARBANES his name was added as a cosponsor of Amendment No. 382 proposed to S. 903, an original bill to consolidate the foreign affairs agencies of the United States, to authorize appropriations for the Department of State for fiscal years 1998 and 1999, and to provide for reform of the United Nations, and for other purposes.

AMENDMENT NO. 384

At the request of Mr. HELMS the name of the Senator from Oregon [Mr. SMITH] was added as a cosponsor of Amendment No. 384 proposed to S. 903,

an original bill to consolidate the foreign affairs agencies of the United States, to authorize appropriations for the Department of State for fiscal years 1998 and 1999, and to provide for reform of the United Nations, and for other purposes.

SENATE CONCURRENT RESOLUTION 33—RELATING THE USE OF THE CAPITOL GROUNDS FOR THE NATIONAL SAFE KIDS CAMPAIGN

Mr. DODD (for himself and Mr. ABRAHAM) submitted the following resolution; which was referred to the Committee on Rules and Administration.

S. CON. RES. 33

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. USE OF CAPITOL GROUNDS FOR NATIONAL SAFE KIDS CAMPAIGN SAFE KIDS BUCKLE UP SAFETY CHECK.

The National SAFE KIDS Campaign and its auxiliary may sponsor a public event on the Capitol Grounds on August 27 and August 28, 1997, or on such other date as the Speaker of the House of Representatives and the President pro tempore of the Senate may jointly designate.

SEC. 2. TERMS AND CONDITIONS.

(a) IN GENERAL.—The event authorized under section 1 shall be free of admission charge to the public and arranged not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police.

(b) EXPENSES AND LIABILITIES.—The National SAFE KIDS Campaign and its auxiliary shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. EVENT PREPARATIONS.

(a) STRUCTURES AND EQUIPMENT.—Subject to the approval of the Architect of the Capitol, the National SAFE KIDS Campaign and its agents are authorized to erect upon the Capitol Grounds any stage, sound amplification devices, and other related structures and equipment required for the event authorized under section 1.

(b) ADDITIONAL ARRANGEMENTS.—The Architect of the Capitol and the Capitol Police Board are authorized to make any other reasonable arrangements as may be required to plan for or administer the event.

Mr. DODD. Mr. President, I rise today along with Senator ABRAHAM to introduce a resolution that will allow the National Safe Kids Campaign to use a small portion of the Capitol Hill grounds to provide a very important community service, a Car Seat Check-Up event. This initiative, called Safe Kids Buckle-Up, is a joint project of the National Safe Kids Campaign and the General Motors Corporation. Its purpose is to educate families about the importance of buckling up on every ride. Child passenger safety has received significant attention in the past year, and this program will provide parents and care givers with the essential information they need to ensure that their children are safely restrained in an automobile.

Motor vehicle crashes are the leading cause of unintentional injury-related death to children ages 14 and under, yet 40 percent of kids are still riding unrestrained! More disturbing is the fact that, of the children who are buckled up, eight out of ten are restrained incorrectly. Each year more than 1400 children die in automobile accidents, and an additional 280,000 are injured. Tragically, most of these injuries could have been prevented. Child safety seats are proven life savers, reducing the risk of death by 69 percent for infants and 47 percent for toddlers.

It will take a nationwide effort to combat this problem. Safe Kids Buckle-Up will be part of such effort. It is a national grassroots effort that will disseminate key safety messages through the more than 200 Safe Kids Coalitions, health and education outlets—such as hospitals and community health centers—and GM dealerships in all 50 states. Additionally, educational workshops and Car Seat Check Up events will be available at participating GM dealerships.

On August 28, 1997, this program will be launched here at the Capitol, highlighted by a Car Seat Check Up for Federal employees, Congressional members and staff, and others from the metropolitan area. This event will kick off Labor Day weekend—one of the biggest travel weekends of the year. I am honored to be supporting this event and the overall program with my friend and colleague Senator ABRAHAM. We urge our colleagues to support this Congressional Resolution allowing this event to take place. Protecting our children is a critical national priority that deserves national attention.

SENATE RESOLUTION 100—RELATIVE TO THE EDUCATION OF AMERICAN INDIANS AND ALASKA NATIVES

Mr. DOMENICI (for himself, Mr. CAMPBELL, Mr. INOUYE, Mr. JOHNSON, Mr. DORGAN, and Mr. WELLSTONE) submitted the following resolution; which was referred to the Committee on Indian Affairs:

S. RES. 100

Whereas, there exists a unique legal and political relationship between the United States and tribal governments and a unique Federal responsibility to American Indians and Alaska Natives; and

Whereas, under law and practice, the United States has undertaken a trust responsibility to protect and preserve Indian tribes, Indians, and tribal assets and resources; and

Whereas, the federal government's commitment to Indian education has been recognized, reinforced and carried out through most treaties with Indian tribes, Congressional legislation, numerous court decisions and presidential executive orders; and

Whereas, this Federal responsibility includes working with tribal governments and their members to improve the education of tribal members; and

Whereas, the 1990 Census shows the poverty rate for American Indians and Alaska Natives was nearly twice the national average—31 percent of Indians live below the poverty level, compared to 13 percent of the total population. Nearly 38 percent of Indian children above the age of 5 were living below the poverty level in 1990, compared with 11 percent of non-minority children; and

Whereas, the development of tribal economies is dependent on physical infrastructure, capital investment, and highly developed human capital and an educated labor force; and

Whereas, excellence in educational facilities and services is a key to building the skills necessary for Indian people to develop vibrant tribal economies; and

Whereas, ever-increasing regional, national, and international economic competition demands that Indians have every competitive advantage accruing from achieving excellence in education; and

Whereas, there are approximately 600,000 American Indian and Alaska Native children attending schools in this country. An estimated 87% of these children attend public schools located on or near reservations and in urban areas; another 10% attend schools funded by the Bureau of Indian Affairs (BIA) and an estimated 3 percent attend private schools; and

Whereas, these schools have experienced an increase in student population of 3–4 percent in the past five years, however, annual funding for the education of Indian children has not increased proportionately; and

Whereas, U.S. Census data shows that the Indian and Alaska Native population has increased significantly in the past three decades. Primary growth concentrations are at ages 5 through 19; and

Whereas, the 1994 National Assessment of Education Progress (NAEP) showed over 50 per cent of American Indian fourth graders scored below the basic level in reading proficiency, compared with 42 percent of all students; and

Whereas, American Indian students have the highest dropout rate of any racial ethnic group (36 percent) and the lowest high school completion and college attendance rates of any minority group. As of 1990, only 66 percent of American Indians aged 25 years or older were high school graduates, compared to 78 percent of the general population; and

Whereas, the demonstrated need for improvements to Indian schools and colleges is acute as reflected in the great disparity between average annual college funding per student of $2,900 for Indian students, and $6,200 for non-Indians in America, and the Federal Government should assist in bringing the Indian schools and colleges up to parity with the rest of America; and

Whereas, tribal scholarship programs nationally are only able to serve an estimated 40 percent of the eligible college student population and funding for graduate scholarships has been cut in half in the past two years; and

Whereas, there is a major backlog of $680 million in funding need for facilities construction, maintenance and repair for the 185 BIA-funded schools as well as for public schools located on and near Indian reservations; and

Whereas, there exists an alarming decline in the use of Native languages indigenous to the United States. A 1969 Senate Committee report stated that in 1969 there were 300 separate languages still being spoken. In 1996, the number had dropped to 206 still being spoken. These languages are spoken nowhere else in the world; and

Whereas, despite these alarming statistics, funding for the education of Indian and Alaska Native students has been reduced substantially in the past three years. The U.S. Congress in FY 1996 eliminated discretionary education programs in the Office of Indian Education budget which had funded adult education, research and demonstration programs, the Indian Fellowship Program and teacher training and professional development projects. At the same time, funding for reservation-based education programs in the BIA budget was reduced by more than $100 million in the FY 1996 budget. Now, therefore, be it

Resolved, That it is the sense of the United States Senate:

(1) that the Senate recognizes and supports the federal government's legal and moral commitment to the education of American Indian and Alaska Native children, which is a part of treaties, Executive Orders, court decisions and public laws which have been enacted by the House and Senate of the United States government.

(2) that funding for all bills, including reauthorizing legislation in the 105th Congress with specific programs for American Indians and Alaska Natives be funded at levels sufficient to meet the ever-increasing educational and economic demands facing Indian people on reservations, urban communities and Alaska Native villages.

(3) that the Senate recognizes the adult literacy needs of American Indians and Alaska Natives through the inclusion of tribal provisions in the Administration's proposal to reauthorize the Adult Education Act.

(4) that the Administration's bill for reauthorization of the Higher Education Act of 1965, P.L. 102–325, preserve the original purpose and intent of the Tribally-Controlled Community Colleges Act and promote access to higher education opportunities for American Indians and Alaska Natives.

(5) that during the 105th Congress' reauthorization of agricultural research programs, the needs of Tribal Colleges as designated land-grant institutions must be given close attention, through amendments to the Educational Equity in Land-grant Status Act of 1994.

(6) that early childhood programs such as Head Start (P.L. 103–252) and Healthy Start contain resources needed to meet a growing number of American Indian and Alaska Native children whose rate of growth exceeds the national average.

(7) that the Senate recognizes the need for development and implementation of a government-wide policy on Indian education which addresses the needs of American Indian and Alaska Native people.

Mr. DOMENICI. Mr. President, today I am submitting a resolution that recognizes the large disparity between funding for Indian tribal colleges and mainstream colleges. Unfortunately, tribal colleges and technical vocational schools are barely able to keep up with growing enrollments. While many Indian colleges, like Crownpoint Institute of Technology, perform valiantly and have solid records of job placement, they are struggling to educate Indian students with roughly half the resources available to other colleges around the country. Indian colleges receive on average of $2,972 per year per pupil, compared with $6,200 per year for mainstream community colleges.

My statement analyzes this situation further and concludes that the 105th Congress should pay more attention to Indian education as we reauthorize important education legislation like the Carl D. Perkins Vocational Education and Applied Technology Act, the Higher Education Act, and the Tribally-Controlled Community Colleges Act. Hopefully, Senators will review this resolution and come to the conclusion that we are not doing right by Indian colleges and Indian junior colleges, and we could do a much a better job of educating Indians in America.

Mr. President, Indian education remains far behind standard education in America. There are many reasons for this sad state of affairs. The problem is particularly acute among Indian colleges, where the average annual expenditure per student is $2,972 per year compared to $6,200 per year for mainstream community colleges.

It may surprise my colleagues, who may assume that the Bureau of Indian Affairs is primarily in charge of Indian education. The fact is that 87 percent of Indian students in America in grades K–12, are in public schools. Only 10 percent of all school age American Indians are in schools funded by the U.S. Department of the Interior's Bureau of Indian Affairs.

While younger Indians are among America's fastest growing population, funding for their schooling gets further behind every year. While most elementary school Indian students are clearly in public schools, their educational attainments remain far behind most non-Indian students. In the federally funded Indian colleges we are seeing much larger student bodies; they are fed by both the public and Federal school systems.

Federal funding for Indian schools simply has not kept pace with the population growth among Indians, and we are seeing this problem is particularly acute among Indian tribal colleges.

I thank my colleagues, Senator INOUYE, vice chairman of the Senate Committee on Indian Affairs and Senator CAMPBELL, the committee's chairman, for joining me today to alert the Senate to this large disparity in education for American Indians.

Most Americans and many of my Senate colleagues know, that, despite recent income and job increases due to Indian gaming activities, American Indians remain at the bottom by most measures of social and economic well-being. Thirty-one percent live below the poverty line; almost four times as many Indian children over the age of 5 live in poverty compared to non-minority children; life expectancy is the lowest among all ethnic groups; and housing conditions remain substandard for the most part.

In terms of educational attainment, half of all American Indians in the fourth grade—in both BIA and public schools—read below the expected proficiency level, compared to 42 percent of all students who are below this level. American Indian students have the highest dropout level of any racial ethnic group at 36 percent. They also have the lowest high school completion rate and the lowest rate of college attendance. Only 66 percent of all American Indians are high school graduates compared to 78 percent in the general population.

Mr. President, our resolution is really quite simple. We are asking the U.S. Senate to take note of this large disparity in educating American Indians. We ask that the Senate reaffirm the Federal Government responsibility for the education of American Indian and Alaska Native children. This obligation is spelled out in treaties, court decisions, Presidential Executive orders, and public laws. Our resolution delineates several key pieces of legislation that will be pending before the Senate in this Congress. Included in this list are the Higher Education Act of 1965, the Tribally-Controlled Community Colleges Act, the Educational Equity in Land-grant Status Act of 1994, and Head Start and Healthy Start.

In addition, when the Senate considers reauthorization of such national education acts as the Adult Education Act, the Carl D. Perkins Vocational Education and Applied Technology Act, and the Individuals With Disabilities Act, we simply ask that special attention be paid to the great needs of American Indian students.

We also need to consider the establishment of a governmentwide policy on Indian education that will better coordinate and address their educational needs, so that more of our citizens will be better prepared for life in the 21st century. It is our intention to work closely with the appropriate Senate committees to raise the level of educational attainment of American Indians for greater participation in our expanding economy. We hope to bring the funding disparity to a close within a few years. We can hardly expect Indian children to be well educated on less than half the resources we spend on the average American student.

I urge my colleagues to join in this effort to become aware of the educational needs of American Indians and to help us find ways to close the gap.

Mr. JOHNSON. Mr. President, I want to express my strong support for the Sense of the Senate Resolution on Indian Education submitted by Senator DOMENICI today. I am an original cosponsor of this resolution because of my strong commitment to prioritizing education for every American, and to bring attention to the ongoing inadequacies of education facilities and consistently feeble investment in student potential throughout Indian country.

I have witnessed first-hand the devastating effects of poverty and unemployment that too often result from stunted academic growth. There are nine federally recognized tribes in South Dakota, whose members collectively make up one of the largest Native American populations in any state. At the same time, South Dakota has three of the ten poorest counties in the nation, all of which are within reservation boundaries. Unemployment on these extremely rural reservations averages above 50%. Yet economic depression on rural Indian reservations is not unique to my state.

I encourage my colleagues to join me in supporting this Resolution because Native Americans across the nation have been, and continue to be, disproportionately affected by both poverty and low educational achievement. In 1990, over 36% of Indian children ages 5–17 were living below the poverty

level. The high school completion rate for Native Americans aged 20 to 24 was 12.5% below the national average. Indian students, on average, have scored far lower on the National Assessment for Education Progress indicators than all other students. In 1994, the combined average score for Indian students on the Scholastic Achievement Test was 65 points lower than the average for all students. These problems are compounded by the grave school facilities and construction backlog facing Indian Country. Currently, $680 million is needed for facilities construction, maintenance, and repair for the 185 BIA-funded schools and for public schools located on and near Indian reservations. These statistics reflect the continued neglect of America's underserved Indian population and are unacceptable.

Congress must continue to promote the self-determination and self-sufficiency of Indian communities, in keeping with our special trust responsibility to sovereign Indian nations. Education at every level is absolutely vital to this effort. Education is the cornerstone of the success of great nations and is a basic right of all persons. At a time when education is at the top of the agenda both at the White House and in Congress, we must work together to focus national attention on education, on and off reservations. Our goal must be the creation of academic environments where every student will have the opportunity to reach their full potential and acquire the knowledge and skills necessary to create better opportunities for themselves and their children.

With this Resolution, Senator DOMENICI is calling on the Congress to bring equity to education for all students of every age nationwide. Mr. President, I am extremely pleased that my colleague has recognized the national need to improve education in Indian Country. Senator DOMENICI has developed this legislation in close consultation with Indian leaders, and I urge my colleagues to join in supporting this resolution.

SENATE RESOLUTION 101—AUTHORIZING THE SENATE LEGAL COUNSEL TO REPRESENT THE MEMBERS, OFFICERS, AND EMPLOYEES OF THE SENATE

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to.

S. RES. 101

Whereas, in the case of *Douglas R. Page* v. *Richard Shelby, et al.*, C.A. No. 97–0068, pending in the United States District Court for the District of Columbia, the plaintiff has named all Members of the Senate, and the Secretary, the Sergeant at Arms, and the Parliamentarian, of the Senate, as defendants;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C §§ 288b(a) and 288c(a)(1), the Senate may direct its counsel to defend Members, officers, and employees of the Senate in civil actions relating to their official responsibilities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent the Members, officers, and employee of the Senate who are defendants in the case of *Douglas R. Page* v. *Richard Shelby, et al.*

AMENDMENTS SUBMITTED

THE FOREIGN AFFAIRS REFORM AND RESTRUCTURING ACT OF 1997

BENNETT AMENDMENT NO. 392

Mr. BENNETT proposed an amendment to the bill (S. 903) to consolidate the foreign affairs agencies of the United States, to authorize appropriations for the Department of State for fiscal years 1998 and 1999, and to provide for reform of the United Nations, and for other purposes; as follows:

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

SEC. . SENSE OF THE SENATE ON ENFORCEMENT OF THE IRAN-IRAQ ARMS NON-PROLIFERATION ACT OF 1992 WITH RESPECT TO THE ACQUISITION BY IRAN OF C–802 CRUISE MISSILES.

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

(1) The United States escort vessel U.S.S. Stark was struck by a cruise missile, causing the death of 37 United States sailors.

(2) The China National Precision Machinery Import Export Corporation is marketing the C–802 model cruise missile for use against escort vessels such as the U.S.S. Stark.

(3) The China National Precision Machinery Import Export Corporation has delivered 60 C–802 cruise missiles to Iran for use by vessels of the Iranian Revolutionary Guard Navy.

(4) Iran is acquiring land batteries to launch C–802 cruise missiles which will provide its armed forces with a weapon of greater range, reliability, accuracy, and mobility than before.

(5) Iran has acquired air launched C–802IC cruise missiles giving it a 360 degree attack capability.

(6) 15,000 members of the United States Armed Forces are stationed within range of the C–802 cruise missiles being acquired by Iran.

(7) The Department of State believes that "[t]hese cruise missiles pose new, direct threats to deployed United States forces".

(8) The delivery of cruise missiles to Iran is a violation of the Iran-Iraq Arms Non-Proliferation Act of 1992 (50 U.S.C. 1701 note).

(9) The Clinton Administration "has concluded at present that the known types [of C–802 cruise missiles] are not of a destabilizing number and type".

(b) SENSE OF SENATE.—It is the sense of the Senate to urge the Clinton Administration to enforce the provisions of the Iran-Iraq Arms Non-Proliferation Act of 1992 with respect to the acquisition by Iran of C–802 model cruise missiles.

SARBANES AMENDMENT NO. 393

Mr. SARBANES proposed an amendment to the bill, S. 903, supra; as follows:

On page 160, strike line 18 and all that follows through line 7 on page 162.

ENZI AMENDMENT NO. 394

Mr. ENZI proposed an amendment to the bill, S. 903, supra; as follows:

At an appropriate place in the bill, insert the new section as follows:

SEC. . LIMITATION ON THE USE OF UNITED STATES FUNDS FOR CERTAIN UNITED NATIONS ACTIVITIES.

(a) Notwithstanding any other provision of law, no United States funds shall be used by the United Nations, or any affiliated international organization, for the purpose of promulgating rules or recommendations, or negotiating or entering into treaties, that would require or recommend that the United States Congress, or any Federal Agency which is funded by the U.S. Congress, make changes to United States environmental laws, rules, or regulations that would impose additional costs on American consumers or businesses.

(b) Any violation of subsection (a) by the United Nations or any affiliated organization shall result in an immediate fifty percent reduction of all funds paid by the United States to the United Nations for the fiscal year in which the violation occurs and for all subsequent years until the United Nations or affiliated organizations revokes or repeals such rule, regulation, or treaty described in subsection (a).

FEINGOLD (AND OTHERS) AMENDMENT NO. 395

Mr. FEINGOLD (for himself, Mr. HARKIN, and Mr. WYDEN) proposed an amendment to the bill, S. 903, supra; as follows:

Strike sections 321 through 326 and insert the following:

"SEC. 321.—INTERNATIONAL BROADCASTING.—The Broadcasting Board of Governors and the Director of the International Broadcasting Bureau shall continue to have the responsibilities set forth in title III of the Foreign Relations Authorization Act, fiscal years 1994 and 1995 (22 U.S.C. 6201 et seq.), except that, as further set forth in chapter 3 of this title, references in that Act to the United States Information Agency shall be deemed to refer to the Department of State, and references in that Act to the Director of the United States Information Agency shall be deemed to refer to the Under Secretary of the State for Public Diplomacy."

SMITH OF OREGON (AND OTHERS) AMENDMENT NO. 396

Mr. SMITH of Oregon (for himself, Mr. THOMAS, and Mr. HELMS) proposed an amendment to the bill, S. 903, supra; as follows:

At the appropriate place in the bill, insert the following new section, and renumber the remaining sections accordingly:

SEC. . SENSE OF THE SENATE ON PERSECUTION OF CHRISTIAN MINORITIES IN THE PEOPLE'S REPUBLIC OF CHINA.

(a) The Senate finds that—

(1) Chinese law requires all religious congregations, including Christian congregations, to "register" with the Bureau of Religious Affairs, and Christian congregations, depending on denominational affiliation, to be monitored by either the "Three Self Patriotic Movement Committee of the Protestant Churches of China," the "Chinese Christian Council," the "Chinese Patriotic Catholic Association," or the "Chinese Catholic Bishops College;"

(2) the manner in which these registration requirements are implemented and enforced allows the government to exercise direct

control over all congregations and their religious activities, and also discourages congregants who fear government persecution and harassment on account of their religious beliefs;

(3) in the past several years, unofficial Protestant and Catholic communities have been targeted by the Chinese government in an effort to force all churches to register with the government or face forced dissolution;

(4) this campaign has resulted in the beating and harassment of congregants by Chinese public security forces, the closure of churches, and numerous arrests, fines, and criminal and administrative sentences. For example, as reported by credible American and multinational nongovernmental organizations,

—in February 1995, 500 to 600 evangelical Christians from Jiangsu and Zhejiang Provinces met in Huaian, Jiangsu Province. Public Security Bureau personnel broke up the meeting, beat several participants, imprisoned several of the organizers, and levied severe fines on others;

—in April 1996 government authorities in Shanghai closed more than 300 home churches or meeting places;

—from January through May, 1996, security forces fanned out through northern Hebei Province, a Catholic stronghold, in order to prevent an annual attendance at a major Marian shrine by arresting clergy and lay Catholics and confining prospective attendees to their villages.

—a communist party document dated November 20, 1996 entitled ''The Legal Procedures for Implementing the Eradication of the Illegal Activities of the Underground Catholic Church'' details steps for eliminating the Catholic movement in Chongren, Xian, Fuzhou and Jiangxi Provinces and accuses believers of ''seriously disturbing the social order and affecting [the] political stability'' of the country; and

—in March 1997, public security officials raided the home of the ''underground'' Bishop of Shanghai, confiscating religious articles and $2,500 belonging to the church;

(b) It is, therefore, the sense of the Senate that—

(1) the government of the People's Republic of China be urged to release from incarceration all those held for participation in religious activities outside the aegis of the official churches, and cease prosecuting or detaining those who participate in such religious activities;

(2) the government of the People's Republic of China be urged to abolish its present church registration process;

(3) the government of the People's Republic of China fully adhere to the religious principles protected by the U.N. Universal Declaration of Human Rights; and

(4) the Administration should raise the United States' concerns over the persecution of Protestant and Catholic believers with the government of the People's Republic of China, including at the proposed state visit by President Jiang Zemin to the United States, and at other high-level meetings which may take place.

HUTCHISON AMENDMENT NO. 397

Mrs. HUTCHISON proposed an amendment to the bill, S. 903, supra; as follows:

At the end of title XVI, add the following (and conform the table of contents accordingly:)

SEC. . SENSE OF CONGRESS REGARDING THE NORTH ATLANTIC TREATY ORGANIZATION.

(a) FINDINGS.—Congress finds the following:

(1) The West's victory in the Cold War dramatically changed the political and national security landscape in Europe;

(2) The unity, resolve, and strength of the North Atlantic Treaty Organization was the principal factor behind that victory;

(3) The North Atlantic Treaty was signed in April 1949 and created the most successful defense alliance in history;

(4) The President of the United States and leaders of other NATO countries have indicated their intention to enlarge alliance membership to include at least three new countries;

(5) The Senate expressed its approval of the enlargement process by voting 81–16 in favor of the NATO Enlargement Facilitation Act of 1996.

(6) The United States is bound by Article Five of the North Atlantic Treaty to respond to an attack on any NATO member as it would to an attack on the United States itself;

(7) Although the prospect of NATO membership has provided the impetus for several countries to resolve long standing disputes, the North Atlantic Treaty does not provide for a formal dispute resolution process by which members can resolve differences among themselves without undermining Article Five obligations.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the North Atlantic Treaty Organization should consider a formal dispute resolution process within the Alliance prior to its December 1997 ministerial meeting.

MURKOWSKI AMENDMENT NO. 398

Mr. MURKOWSKI proposed an amendment to the bill, S. 903, supra; as follows:

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

SEC. . COORDINATOR FOR TAIWAN AFFAIRS.

(a) IN GENERAL.—Section 6 of the Taiwan Relations Act (22 U.S.C. 3305) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

''(c)(1) There shall be in the Department of State a Coordinator for Taiwan Affairs who shall be appointed by the President, by and with the advice and consent of the Senate.

''(2) The Coordinator shall be responsible to the Secretary of State, under the direction of the President, for the coordination of all activities of the United States Government that relate to the American Institute on Taiwan.''.

(b) EXECUTIVE SCHEDULE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

''Coordinator for Taiwan Affairs.''.

HELMS (AND BIDEN) AMENDMENT NO. 399

Mr. HELMS (for himself and Mr. BIDEN) proposed an amendment to the bill, S. 903, supra; as follows:

On page 108, line 8, before the word ''Director'', insert the words ''Attorney General and the''.

On page 137, line 11, after the word ''the'', insert ''United States Head of Delegation to the''.

On page 137, line 12, strike ''a resolution'' and insert ''resolutions''.

On page 137, line 13, add after ''Nations'' the words ''and the OSCE''.

On page 77, strike line 24; and

On page 78, strike lines 3–4.

On page 185, strike lines 24 and 25, and on page 186, strike lines 1–6, and redsignate sections (B) and (C) of section 2211(8), as (A) and (B), respectively.

On page 23, beginning on line 19, strike ''United'' and all that follows through ''1997'' on line 20 and insert ''Foreign Affairs Agencies Consolidation Act of 1997''.

On page 26, line 13, insert ''and'' after the semicolon.

On page 47, line 11, strike ''agency'' and insert ''Agency''.

On page 63, line 23, strike ''Act'' and insert ''title''.

On page 70, line 22, strike ''Act'' and insert ''title''.

On page 71, line 1, strike ''Act'' and insert ''title''.

On page 72, line 5, strike ''Act'' and insert ''title''.

On page 74, line 11, strike ''Act'' and insert ''title''.

On page 77, line 2, strike ''Act'' and insert ''title''.

On page 86, line 6, insert ''OF'' after ''JUDICIAL REVIEW''.

On page 100, line 5, strike ''(a) GRANT AUTHORITY.—''.

On page 102, line 6, insert double quotation marks immediately before ''(1)''.

On page 102, line 8, insert double quotation marks immediately before ''(2)''.

On page 102, line 10, insert double quotation marks immediately before ''(A)''.

On page 102, line 13, insert double quotation marks immediately before ''(B)''.

On page 102, line 17, insert double quotation marks immediately before ''(3)''.

On page 113, line 19, strike ''and'' and insert ''or''.

On page 122, line 13, strike ''÷''.

On page 156, line 18, strike ''United Nations led'' and insert ''United Nations-led''.

On page 178, line 10, strike ''peacekeeping operation'' and insert ''United Nations peace operation''.

On page 197, line 18, strike ''chapter'' and insert ''title''.

On page 198, line 8, strike ''chapter'' and insert ''title''.

Redesignate sections 1141 through 1151 as sections 1131 through 1141, respectively.

Redesignate sections 1161 through 1166 as sections 1151 through 1156, respectively

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MURKOWSKI (AND ROCKEFELLER) AMENDMENT NO. 400–401

Mr. HELMS (for Mr. MURKOWSKI, for himself and Mr. ROCKEFELLER) proposed an amendment to the bill, S. 903, supra; as follows:

After appropriate place in the bill, insert the following:

SEC. . JAPAN-UNITED STATES FRIENDSHIP COMMISSION.

(a) RELIEF FROM RESTRICTION OF INTERCHANGEABILITY OF FUNDS.—

(1) Section 6(4) of the Japan-United States Friendship Act (22 U.S.C. 2905(4) is amended by striking ''needed, except'' and all that follows through ''United States'' and inserting ''needed''.

(2) The second sentence of section 7(b) of the Japan-United States Friendship Act (22 U.S.C. 2906(b)) is amended to read as follows: ''Such investment may be made only in interest-bearing obligations of the United States, in obligations guaranteed as to both principal and interest by the United States, in interest-bearing obligations of Japan, or in obligations guaranteed as to both principal and interest by Japan.''.

(b) REVISION OF NAME OF COMMISSION.—

(1) The Japan-United States Friendship Commission is hereby designated as the ''United States-Japan Commission''. Any reference in any provision of law, Executive order, regulation, delegation of authority, or other document to the Japan-United States Friendship Commission shall be deemed to

be a reference to the United States-Japan Commission.

(2) The Japan-United States Friendship Act (22 U.S.C. 2901 et seq.) is amended by striking ''Japan-United States Friendship Commission'' each place it appears and inserting ''United States-Japan Commission''.

(3) The heading of section 4 of the Japan-United States Friendship Act (22 U.S.C. 2903) is amended to read as follows:

''UNITED STATES-JAPAN COMMISSION''.

(c) REVISION OF NAME OF TRUST FUND.—

(1) The Japan-United States Friendship Trust Fund is hereby designated as the ''United States-Japan Trust Fund''. Any reference in any provision of law, Executive order, regulation, delegation of authority, or other document to the Japan-United States Friendship Trust Fund shall be deemed to be a reference to the United States-Japan Trust Fund.

(2)(A) Subsection (a) of section 3 of the Japan-United States Friendship Act (22 U.S.C. 2902) is amended by striking ''Japan-United States Friendship Trust Fund'' and inserting ''United States-Japan Trust Fund''.

(B) The section heading of that section is amended to read as follows:

''UNITED STATES-JAPAN TRUST FUND''.

On page 118, between line 16 and 17, insert the following:

SEC. 1215. SENSE OF THE SENATE ON USE OF FUNDS IN JAPAN-UNITED STATES FRIENDSHIP TRUST FUND.

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

(1) The funds used to create the Japan-United States Friendship Trust Fund established under section 3 of the Japan-United States Friendship Act (22 U.S.C. 2902) originated from payments by the Government of Japan to the Government of the United States.

(2) Among other things, amounts in the Fund were intended to be used for cultural and educational exchanges and scholarly research.

(3) The Japan-United States Friendship Commission was created to manage the Fund and to fulfill a mandate agreed upon by the Government of Japan and the Government of the United States.

(4) The statute establishing the Commission includes provisions which make the availability of funds in the Fund contingent upon appropriations of such funds.

(5) These provisions impair the operations of the Commission and hinder it from fulfilling its mandate in a satisfactory manner.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the Japan-United States Friendship Commission shall be able to use amounts in the Japan-United States Friendship Trust Fund in pursuit of the original mandate of the Commission; and

(2) the Office of Management and Budget should—

(A) review the statute establishing the Commission; and

(B) submit to Congress a report on whether or not modifications to the statute are required in order to permit the Commission to pursue fully its original mandate and to use amounts in the Fund as contemplated at the time of the establishment of the Fund.

GRAHAM (AND MCCAIN) AMENDMENT NO. 402

Mr. HELMS (for Mr. GRAHAM for himself and Mr. MCCAIN) proposed an amendment to the bill, S. 903, supra; as follows:

At the appropriate place, insert the following:

SEC. . AVIATION SAFETY.

It is the sense of Congress that the need for cooperative efforts in transportation and aviation safety be placed on the agenda for the Summit of the Americas to be held in Santiago, Chile, in March 1998. Since April 1996, when ministers and transportation officials from 23 countries in the Western Hemisphere met in Santiago, Chile, in order to develop the Hemispheric Transportation Initiative, aviation safety and transportation standardization has become an increasingly important issue. The adoption of comprehensive Hemisphere-wide measures to enhance transportation safety, including standards for equipment, infrastructure, and operations as well as harmonization of regulations relating to equipment, operations, and transportation safety are imperative. This initiative will increase the efficiency and safety of the current system and consequently facilitate trade.

ABRAHAM AMENDMENT NO. 403

Mr. HELMS (for Mr. ABRAHAM) proposed an amendment to the bill, S. 903, supra; as follows:

At the end of title XVI of division B, add the following:

SEC. . SENSE OF THE SENATE ON UNITED STATES POLICY TOWARD THE PEOPLE'S REPUBLIC OF CHINA.

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

(1) As the world's leading democracy, the United States cannot ignore the Government of the People's Republic of China's record on human rights and religious persecution.

(2) According to Amnesty International, ''A fifth of the world's people are ruled by a government that treats fundamental human rights with contempt. Human rights violations continue on a massive scale.''.

(3) According to Human Rights Watch/Asia reported that: ''Unofficial Christian and Catholic communities were targeted by the government during 1996. A renewed campaign aimed at forcing all churches to register or face dissolution, resulted in beating and harassment of congregants, closure of churches, and numerous arrests, fines, and sentences. In Shanghai, for example, more than 300 house churches or meeting points were closed down by the security authorities in April alone.''.

(4) The People's Republic of China's compulsory family planning policies include forced abortions.

(5) China's attempts to intimidate Taiwan and the activities of its military, the People's Liberation Army, both in the United States and abroad, are of major concern.

(6) The Chinese government has threatened international stability through its weapons sales to regimes, including Iran and Iraq, that sponsor terrorism and pose a direct threat to American military personnel and interests.

(7) The efforts of two Chinese companies, the China North Industries Group (NORINCO) and the China Poly Group (POLY), deserve special rebuke for their involvement in the sale of AK–47 machine guns to California street gangs.

(8) Allegations of the Chinese government's involvement in our political system may involve both civil and criminal violations of our laws.

(9) The Senate is concerned that China may violate the 1984 Sino-British Joint Declaration transferring Hong Kong from British to Chinese rule by limiting political and economic freedom in Hong Kong.

(10) The Senate strongly believes time has come to take steps that would signal to Chinese leaders that religious persecution, human rights abuses, forced abortions, military threats and weapons proliferation, and attempts to influence American elections are unacceptable to the American people.

(11) The United States should signal its disapproval of Chinese government actions through targeted sanctions, while at the same time encouraging worthwhile economic and cultural exchanges that can lead to positive change in China.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the United States should—

(1) limit the granting of United States visas to Chinese government offices who work in entities the implementation of China's laws and directives on religious practices and coercive family planning, and those officials materially involved in the massacre of Chinese students in Tiananmen square;

(2) limit United States taxpayer subsidies for the Chinese government through multilateral development institutions such as the World Bank, Asian Development Bank, and the International Monetary Fund;

(3) publish a list of all companies owned in part or wholly by the People's Liberation Army (PLA) of the Chinese government who export to, or have an office in, the United States;

(4) consider imposing targeted sanctions on NORINCO and POLY by not allowing them to export to, nor to maintain a physical presence in, the United States for a period of one year; and

(5) promote democratic values in China by increasing United States Government funding of Radio Free Asia, the National Endowment for Democracy's programs in China and existing student, cultural, and legislative exchange programs between the United States and the People's Republic of China.

FEINSTEIN AMENDMENT NO. 404

Mr. HELMS (for Mrs. FEINSTEIN) proposed an amendment to the bill, S. 903, supra; as follows:

At the appropriate place insert the following:

(a) FINDINGS.—

(1) The establishment of the rule of law is a necessary prerequisite for the success of democratic governance and the respect for human rights.

(2) In recent years efforts by the United States and U.S.-based organizations, including the National Endowment for Democracy, have been integral to legal training and the promotion of the rule of law in China drawing upon both western and Chinese experience and tradition.

(3) The National Endowment for Democracy has already begun to work on these issues, including funding a project to enable independent scholars in China to conduct research on constitutional reform issues and the Hong Kong-China Law Database Network.

(b) SENSE OF THE SENATE.—In is the Sense of the Senate to encourage the National Endowment for Democracy to expand its activities in China and Hong Kong, on projects which encourage the rule of law, including the study and dissemination of information on comparative constitutions, federalism, civil codes of law, civil and penal code reform, legal education, freedom of the press, and contracts.

D'AMATO AMENDMENT NO. 405

Mr. HELMS (for Mr. D'AMATO) proposed an amendment to the bill, S. 903, supra; as follows:

At the appropriate place insert the following:

SEC. . CONCERNING THE PALESTINIAN AUTHORITY.

(a) Congress finds that—

(1) The Palestinian Authority Justice Minister Freih Abo Medein announced in April 1997 that anyone selling land to Jews was committing a crime punishable by death;

(2) Since this announcement, three Palestinians were allegedly murdered in the Jerusalem and Ramallah areas for, selling real estate to Jews;

(3) Israeli police managed to foil the attempted abduction of a fourth person;

(4) Israeli security services have acquired evidence indicating that the intelligence services of the Palestinian Authority were directly involved in at least two of these murders;

(5) Subsequent statements by high-ranking Palestinian Authority officials have justified * * * murders, further encouraging this intolerable policy;

(b) It is the Sense of the Congress that—

(1) The Secretary of State should thoroughly investigate the Palestinian Authority's role in any killings connected with this policy and should immediately report its findings to the Congress;

(2) The Palestinian Authority, with Yasser Arafat as its chairman, must immediately issue a public and unequivocal statement denouncing these acts and reversing this policy.

(3) This policy is an affront to all those who place high value on peace and basic human rights; and

(4) The United States should review the provision of assistance to the Palestinian Authority in light of this policy.

HOLLINGS (AND MURRAY) AMENDMENT NO. 406

Mr. HELMS (for Mr. HOLLINGS, for himself and Mrs. MURRAY) proposed an amendment to the bill, S. 903, supra; as follows:

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

SEC. . Of the amounts authorized to be appropriated pursuant to section 1101 in this Act, up to $90,000,000 are authorized to be appropriated for the renovation, acquisition and construction of housing and secure diplomatic facilities at the United States Embassy Beijing and the United States Consulate in Shanghai, People's Republic of China.

FEINGOLD AMENDMENT NO. 407

Mr. HELMS (for Mr. FEINGOLD) proposed an amendment to the bill, S. 903, surpra; as follows:

On page 20, beginning on line 4, strike all through page 24, line 8, and insert the following:

(1) in paragraph (1), by striking ''the United States Information Agency'' and inserting ''the Broadcasting Board of Governors''; and

(2) in paragraph (2), by striking ''the United States Information Agency,'' and inserting ''the Broadcasting Board of Governors,''.

(c) EXECUTIVE SCHEDULE.—Section 5315 of title 5, United States code, is amended—

(1) by striking the following:

''Inspector General, United States Information Agency.''; and

(2) by inserting the following:

''Inspector General, Broadcasting Board of Governors.''.

(d) AMENDMENTS TO PUBLIC LAW 103–236.—Subsections (i) and (j) of section 308 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6207 (i) and (j)) are amended—

(1) by striking ''Inspector General of the United States Information Agency'' each place it appears and inserting ''Inspector General of the Broadcasting Board of Governors''; and

(2) by striking ''the Director of the United States Information Agency,''.

(e) TRANSFER OF FUNCTION.—

(1) IN GENERAL.—Except as provided in paragraph (2), there are transferred to the Office of the Inspector General of the Department of State and the Foreign Service the functions that the Office of Inspector General of the United States Information Agency exercised before the effective date of this title (including all related functions of the Inspector General of the United States Information Agency).

(2) TRANSFER TO INSPECTOR GENERAL OF BROADCASTING BOARD OF GOVERNORS.—There are transferred to the Inspector General of the Broadcasting Board of Governors the functions (including related functions) that the Office of Inspector General of the United States Information Agency exercised with respect to the International Broadcasting Bureau, Voice of America, WORLDNET TV and Film Service, the office of Cuba Broadcasting, and RFE/RL, Incorporated, before the effective date of this title.

(f) TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.—The Director of the Office of Management and Budget, in consultation with the Secretary of State, is authorized to make such incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of this section.

SEC. 315. INTERIM TRANSFER OF FUNCTIONS.

(a) INTERIM TRANSFER.—Except as otherwise provided in this division, there are transferred to the Secretary of State the following functions of the United States Information Agency exercised as of the day before the effective date of this section:

(1) The functions exercised by the Office of Public Liaison of the Agency.

(2) The functions exercised by the Office of Congressional and Intergovernmental Affairs of the Agency.

(b) EFFECTIVE DATE.—This section shall take effect on the earlier of—

(1) October 1, 1998, or

(2) the date of the proposed transfer of functions described in this section pursuant to the reorganization plan described in section 601.

CHAPTER 3—INTERNATIONAL BROADCASTING

SEC. 321. CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSE.

Congress finds that—

(1) it is the policy of the United States to promote the right of freedom of opinion and expression, including the freedom ''to seek, receive, and impart information and ideas through any media and regardless of frontiers,'' in accordance with Article 19 of the Universal Declaration of Human Rights;

(2) open communication of information and ideas among the peoples of the world contributes to international peace and stability and the promotion of such communication is in the interests of the United States;

(3) it is in the interest of the United States to support broadcasting to other nations consistent with the requirements of this chapter and the United States International Broadcasting Act of 1994; and

(4) international broadcasting is, and should remain, an essential instrument of United States foreign policy.

SEC. 322. CONTINUED EXISTENCE OF BROADCASTING BOARD OF GOVERNORS.

Section 304(a) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6203(a)) is amended to read as follows:

''(a) CONTINUED EXISTENCE WITHIN EXECUTIVE BRANCH.—

''(1) IN GENERAL.—The Broadcasting Board of Governors shall continue to exist within the Executive branch of Government as an entity described in section 104 of title 5, United States Code.

''(2) RETENTION OF EXISTING BOARD MEMBERS.—The members of the Broadcasting Board of Governors appointed by the President pursuant to subsection (b)(1)(A) before the effective date of the Foreign Affairs Agencies Consolidation Act of 1997 and holding office as of that date shall serve the remainder of their terms of office without reappointment.

''(3) ESTABLISHMENT OF INSPECTOR GENERAL OF BROADCASTING BOARD OF GOVERNORS.—There shall be established an Inspector General of the Broadcasting Board of Governors.

''(4) INSPECTOR GENERAL AUTHORITIES.—The Inspector General of the Broadcasting Board of Governors shall exercise the same authorities with respect to the Broadcasting Board of Governors as the Inspector General of the Department of State and the Foreign Service exercises under section 209 of the Foreign Service Act of 1980 with respect to the Department of State. The Inspector General of the Broadcasting Board of Governors, in carrying out the functions of the Inspector General, shall respect the professional independence and integrity of all the broadcasters covered by this title.''.

GRAMS (AND WELLSTONE) AMENDMENT NO. 408

Mr. HELMS (for Mr. GRAMS, for himself and Mr. WELLSTONE) proposed an amendment to the bill, S. 903, supra; as follows:

At the end of section 2101(a) of the bill, insert the following: ''Of the funds made available under this subsection $3,000,000 for the fiscal year 1998 and $3,000,000 for the fiscal year 1999 are authorized to be appropriated only for a United States contribution to the United Nations Voluntary Fund for Victims of Torture.''.

MCCAIN AMENDMENT NO. 409

Mr. HELMS (for Mr. MCCAIN) proposed an amendment to the bill, S. 903, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . ELIGIBILITY FOR REFUGEE STATUS.

Section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997 (Public Law 104–208; 110 Stat. 3009–171) is amended—

(1) in subsection (a)—

(A) by striking ''For purposes'' and inserting ''Notwithstanding any other provision of law, for purposes''; and

(B) by striking ''fiscal year 1997'' and inserting ''fiscal years 1997 and 1998''; and

(2) by amending subsection (b) to read as follows:

''(b) ALIENS COVERED.—

''(1) IN GENERAL.—An alien described in this subsection is an alien who—

''(A) is the son or daughter of a qualified national;

''(B) is 21 years of age or older; and

''(C) was unmarried as of the date of acceptance of the alien's parent for resettlement under the Orderly Departure Program.

''(2) QUALIFIED NATIONAL.—For purposes of paragraph (1), the term 'qualified national' means a national of Vietnam who—

''(A)(i) was formerly interned in a reeducation camp in Vietnam by the Government of the Socialist Republic of Vietnam; or

''(ii) is the widow or widower of an individual described in clause (i); and

''(B)(i) qualified for refugee processing under the reeducation camp internees subprogram of the Orderly Departure Program; and

''(ii) on or after April 1, 1995, is accepted—

''(I) for resettlement as a refugee; or

''(II) for admission as an immigrant under the Orderly Departure Program.''.

COVERDELL (AND KERRY) AMENDMENT NO. 410

Mr. HELMS (for Mr. COVERDELL, for himself and Mr. KERRY) proposed an amendment to the bill, S. 903, supra; as follows:

On page 89, between lines 9 and 10, insert the following:

SEC. 1128. COUNTERDRUG AND ANTI-CRIME ACTIVITIES OF THE DEPARTMENT OF STATE.

(a) COUNTERDRUG AND LAW ENFORCEMENT STRATEGY.—

(1) REQUIREMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary of State shall establish, implement, and submit to Congress a comprehensive, long-term strategy to carry out the counterdrug responsibilities of the Department of State in a manner consistent with the National Drug Control Strategy. The strategy shall involve all elements of the Department in the United States and abroad.

(2) OBJECTIVES.—In establishing the strategy, the Secretary shall—

(A) coordinate with the Office of National Drug Control Policy, the development of clear, specific, and measurable counterdrug objectives of the Department that support the goals and objectives of the National Drug Control Strategy;

(B) develop specific, and to the maximum extent practicable, quantifiable measures of performance relating to the objectives, including annual and long-term measures of performance, for purposes of assessing the success of the Department in meeting the objectives;

(C) assign responsibilities for meeting the objectives to appropriate elements of the Department;

(D) develop an operational structure within the Department that minimizes impediments to meeting the objectives;

(E) ensure that every United States ambassador or chief of mission is fully briefed on the strategy and works to achieve the objectives; and

(F) ensure that all budgetary requests and transfers of equipment (including the financing of foreign military sales and the transfer of excess defense articles) relating to international counterdrug efforts conform to meet the objectives.

(3) REPORTS.—Not later than February 15 each year, the Secretary shall submit to Congress an update of the strategy submitted under paragraph (1). The update shall include an outline of the proposed activities with respect to the strategy during the succeeding year, including the manner in which such activities will meet the objectives set forth in paragraph (2).

(4) LIMITATION ON DELEGATION.—The Secretary shall designate an official in the Department who reports directly to the Secretary to oversee the implementation of the strategy throughout the Department.

(b) INFORMATION ON INTERNATIONAL CRIMINALS.—

(1) INFORMATION SYSTEM.—The Secretary shall, in consultation with the heads of appropriate United States law enforcement agencies, including the Attorney General and the Secretary of the Treasury, take appropriate actions to establish an information system or improve existing information systems containing comprehensive information on serious crimes committed by foreign nationals. The information system shall be available to United States embassies and missions abroad for use in consideration of applications for visas for entry into the United States.

(2) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report on the actions taken under paragraph (1).

(c) OVERSEAS COORDINATION OF COUNTERDRUG AND ANTI-CRIME PROGRAMS, POLICY, AND ASSISTANCE.—

(1) STRENGTHENING COORDINATION.—The responsibilities of every foreign mission of the United States shall include the strengthening of cooperation between and among the United States and foreign governmental entities and multilateral entities with respect to activities relating to international narcotics and crime.

(2) DESIGNATION OF OFFICERS.—

(A) IN GENERAL.—The chief of mission of every foreign mission to carry out the responsibility of the mission under paragraph (1), including the coordination of counterdrug programs, policy, and assistance and law enforcement programs, policy, and assistance. Such officer or officers shall report to the chief of mission, or the designee of the chief of mission, on a regular basis regarding activities undertaken in carrying out such responsibility.

(B) REPORTS.—The chief of mission of every foreign mission shall submit to the Secretary on a regular basis a report on the actions undertaken by the mission to carry out such responsibility.

(3) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report on the status of any proposals for action or on action undertaken to improve staffing and personnel management at foreign missions in order to carry out the responsibility set forth in paragraph (1).

FEINSTEIN (AND SARBANES) AMENDMENT NO. 411

Mr. HELMS (for Mrs. FEINSTEIN, for herself and Mr. SARBANES) proposed an amendment to the bill, S. 903, supra; as follows:

On line 17 on page 110, delete ''knowingly assists or has'' and insert in lieu thereof: ''is known by the Department of State to have intentionally''.

On line 20 on page 110, delete ''is providing or has provided'' and insert in lieu thereof: ''is known by the Department of State to have intentionally providing''.

At the end of line 3 on page 111 insert the following: ''as designated at the discretion of the Secretary of State,''.

On line 7 on page 111 before the period, insert the following: '', and such person and child are permitted to return to the United States. Nothing in clauses (i) or (ii) of this section shall be deemed to apply to a government official of the United States who is acting within the scope of his or her official duties. Nothing in clause (i) or (ii) of this section shall be deemed to apply to a government official of any foreign government if such person has been designated by the Secretary of State at the Secretary's discretion''.

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Senate Committee on Indian Affairs and the House Committee on Resources will meet on Wednesday, June 18, 1997, at 10:30 a.m. to conduct a joint hearing on S. 569/H.R. 1082, to amend the Indian Child Welfare Act of 1978. The joint hearing will be held in room 106 of the Dirksen Senate Office Building.

Those wishing additional information should contact the Committee on Indian Affairs at 224–2251.

COMMITTEE ON ENERGY AND NATURAL RESOURCES, SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the public that a field hearing has been scheduled before the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources. The hearing will take place Thursday, July 3, 1997 at 9:30 a.m. in the Ceremonial Courtroom #1 of the Federal Courthouse, 200 NW 4th Street, Oklahoma City, OK 73102. The purpose of this hearing is to receive testimony on S. 871, a bill to establish the Oklahoma City National Memorial as a unit of the National Park System; to designate the Oklahoma City Memorial Trust, and for other purposes.

The Subcommittee will invite witnesses representing a cross-section of views and organizations to testify at the hearing. Every attempt will be made to accommodate as many witnesses as possible, while ensuring that all views are represented.

Witnesses invited to testify are requested to bring 10 copies of their testimony with them to the hearing, it is not necessary to submit any testimony in advance. Statements may also be submitted for inclusion in the hearing record. Those wishing to submit written testimony should send two copies of their testimony to the attention of Jim O'Toole, Subcommittee on National Parks, Historic Preservation, and Recreation, Committee on Energy and Natural Resources, United States Senate, 354 Dirksen Senate Office Building, Washington, DC 20510.

For further information, please contact Jim O'Toole of the subcommittee staff at (202) 224–5161.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. HELMS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, June 17, 1997, at 9:30 a.m. on the Committee Budget Reconciliation Instructions.

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

COMMITTEE ON FINANCE

Mr. HELMS. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet Tuesday, June 17, 1997 beginning at 10:00 a.m. in room SH–216, to conduct a markup on budget reconciliation.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. HELMS. Mr. President, I ask Unanimous Consent on behalf of the Governmental Affairs Committee to meet on Tuesday, June 17, at 10 a.m. for a markup on the following agenda items:

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

COMMITTEE ON THE JUDICIARY

Mr. HELMS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, June 17, 1997 at 10:00 a.m. to hold a hearing on: ''Baseball Antitrust Reform.''

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. HELMS. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources Subcommittee on Public Health and Safety be authorized to meet for a Hearing on ''Ethics and Theology: A Continuation of the National Discussion on Human Cloning'' during the session of the Senate on Tuesday, June 17, 1997, at 9:30 a.m.

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

SUBCOMMITTEE ON CONSUMER AFFAIRS/FOREIGN COMMERCE AND TOURISM

Mr. HELMS. Mr. President, I ask unanimous consent that the Consumer Affairs/Foreign Commerce and Tourism Subcommittee of the Committee on Commerce, Science and Transportation be authorized to meet on Tuesday, June 17, 1997, at 2:30 p.m. on Liability Reform for Charitable Organizations.

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

SUBCOMMITTEE ON HOUSING OPPORTUNITY AND COMMUNITY DEVELOPMENT

Mr. HELMS. Mr. President, I ask unanimous consent that the Subcommittee on Housing Opportunities and Community Development, of the Committee on Banking, Housing and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, June 17, 1997, to conduct a hearing on S. 513, the Multifamily Assisted Housing Reform and Affordability Act of 1997.

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

ADDITIONAL STATEMENTS

DECLARATION BY THE TRUST FOR THE FUTURE OF THE U.S. SENATE

• Mr. THOMPSON. Mr. President, it gives me great pleasure to submit this declaration by the Trust for the Future to the U.S. Senate to honor the work of the trust and its founder and president, Charles A. Howell III:

Be it known by all present, that, from this day forward, the last Sunday of June is to be known as Descendants Day. Henceforth, this shall be the day in each year when all the world's citizens assess the impact of their activities during the preceding year on their neighbors and their descendants across time.

Be it further proclaimed, that the ultimate goal of this endeavor is to reach the day when we can celebrate a year in which the consequences of our activities had no measurable negative impact on our neighbors or our descendants and instead see clearly that the impact of our actions on posterity is decidedly beneficial and sustainable.

Each generation of Americans has an unspoken bond and commitment with the previous and next generations to leave the world better than we found it. In many ways, today we are not keeping that commitment. We aspire to encourage others around the world to join in this yearly celebration of courageous accountability in the sure knowledge that we will be followed by billions of persons who will either condemn us or praise us for efforts we may or may not expend on their behalf.

On this the Seventeenth Day of the Sixth Month in the Year of our Lord One Thousand Nine Hundred and Ninety-Seven, we affirm our desire to pursue this course with all diligence.•

RETIREMENT TRIBUTE TO JIMMIE RUTH JOHNSON

• Mr. KOHL. Mr. President, I rise today to commemorate the retirement of Mrs. Jimmie Johnson. Mrs. Johnson retires after 36 years of dedicated service to Milwaukee Public Schools. I want to take this opportunity to acknowledge her hard work and commitment to the students of Milwaukee.

Throughout her 36 years as an education professional, she has earned the respect and admiration of her students and colleagues by upholding educational standards, while maintaining a loving and caring relationship with all who encountered her. She is known to her coworkers and students as a counselor, a problem solver, and consummate friend.

As socioeconomic and family issues changed over the years for the students within the school system, she maintained the same love for making a difference. Her dedication shines through in her desire to feed, clothe, and counsel her students.

Her commitment to education transcended the school system, as she taught Sunday school faithfully for more than 25 years. She also taught vacation Bible school out of her home to the children in her neighborhood. This same commitment is also exemplified by her ability to obtain a masters degree in education, while working fulltime and raising a family.

A success not only in the classroom, but in her personal life as well—Mrs. Johnson is a devout Christian who lends her time to the development of other Christians. She is also the faithful wife to Oscar Sr., a world class mother to Oscar Jr. and Derrick, and a loving grandmother to Janae and Dilona. Throughout the process of fulfilling these responsibilities, she has managed to balance her professional career with her family life. Her kind spirit has made her the unofficial adopted mother of countless peers, acquaintances and extended family members.

Mrs. Jimmie Ruth Johnson has left a mark on the countless students that she has taught and deserves this recognition. She has played an integral part of the development of excellence through educating the city of Milwaukee's youth with optimism, patience and love.•

CONGRATULATING THE STUDENTS OF GORHAM HIGH SCHOOL

• Mr. GREGG. Mr. President, I would like to congratulate the students of Gorham High School of Gorham, NH, who participated in the ''We the People . . . The Citizen and the Constitution'' national finals. I commend these exceptional young people in their impressive performance against 50 other classes from around the Nation. These students demonstrated great knowledge of the principles of American constitutional development.

The distinguished members of the team representing New Hampshire are: David Arsenault, Jan Bindas-Tenney, Melissa Borowski, Alyssa Breton, Mike Burrill, Kevin Carpenter, Todd Davis, Rebecca Evans, Brad Fillion, Cyndy Gibson, Patrick Gilligan, Sean Griffith, Reid Hartman, Sarah King, Michelle Leveille, Monica McKenzie, Ashley Thompson, Michael Toth, Julie Washburn, Tuuli Winter, and Melanie Wolf. I also would like to recognize their teacher Mike Brosnan, their district coordinator Ray Kneeland, and their state coordinator Holly Belson. These three people dedicated much time and effort to help the team make it to the national finals.

This competition, which is organized by the Center for Civic Education, attracts over 1,200 students and tests their comprehension of the Constitution and Bill of Rights. Also, the students must be able to relate these ideals to contemporary issues before simulated congressional committees composed of constitutional lawyers, journalists, and scholars. The students of Gorham did an exceptional job demonstrating all of these important skills. Their dedication to our Nation's founding ideals is impressive and should serve as an example to any young person who is interested in the U.S. Government and its laws.

The ''We the People . . . The Citizen and the Constitution'' Program provides an excellent educational experience for students. These young people gain extensive knowledge of the Constitution and the active role it plays in all of our lives. I wish the best of luck to the students of Gorham High School in their future endeavors.•

STEVEN J. SHIMBERG'S DEPARTURE

• Mr. MOYNIHAN. Mr. President, this Friday, June 20, marks the last day Steven J. Shimberg will work here in the Senate as staff director and chief counsel of the Committee on Environment and Public Works. Next month, he will begin a new career with the National Wildlife Federation.

Steve Shimberg is a New York native and a magna cum laude graduate of the State University of New York at Buffalo. Upon graduating from Duke University School of Law, Steve spent 3 years as a trial attorney with the U.S. Department of Justice's Land and Natural Resources Division before joining the staff of the Committee on Environment and Public Works in 1981.

I have been a member of the Committee since I entered the Senate in 1977. I served as the chairman or ranking minority member of the Water Resources Subcommittee from the 96th Congress through the 103d Congress, and I served as full committee chairman from September 1992 through January 1993. So, over the years, I have seen Steve shepherd through the committee enormously complicated and thoroughly bipartisan legislation to protect our natural resources. I can attest to Steve's personableness, his sense of humor and good cheer, his comity, and his utter competence. Consummately professional, always courteous, and always calm.

Environmental policy, to be supportable, must be based on sound science. And so I have argued that the committee needs more scientists and fewer lawyers on the staff. Steve certainly is an exception; he has been indispensable. While I applaud Federation officials for their astuteness in hiring Steve, I lament the loss his departure means to the committee, and to the Senate. We will miss him.

Sir Christopher Wren's tombstone reads, ''Lector, si monumentum requiris circumspice.'' With regard to Steve's work over the past 17 years on the committee, the products are around us all: cleaner air, cleaner water, a greatly redeemed physical and human environment.•

EXPLANATION OF VOTES ON THE NUCLEAR WASTE POLICY ACT

• Mr. ABRAHAM. Mr. President, on Wednesday, April 10, the Senate once again turned to consideration of the Nuclear Waste Policy Act. This legislation, Senate bill 104, is the latest attempt to force action on the long overdue construction of a Federal, spent nuclear waste depository. A centralized waste storage facility must be located soon if the Department of Energy [DOE] is to have any hope of fulfilling its contractual obligation to collect the spent fuel stored at over 100 facilities around the country in the next decade.

Michigan needs the DOE to fulfill this obligation. My State has four nuclear plants: Big Rock in Charlevoix, Fermi in Monroe, Palisades in Southhaven, with 2 reactors, and DC Cook in Southhaven. All four of these plants were designed with some small storage capacity, but a couple of years ago, Palisades ran out of spent fuel pool storage space. The Nuclear Waste Policy Act will mandate the removal and storage of this spent fuel at a safe, central facility.

The first amendment to S. 104 was a Reid amendment stipulating that no waste may be transported through a State without the prior written consent of that State's Governor. In effect, this amendment would have permitted any Governor to block the implementation of the Nuclear Waste Policy Act and impede the safe storage of nuclear waste. I supported, therefore, the tabling motion which passed by a 72 to 24 margin.

The Thompson amendment which was considered next sought to exempt Oak Ridge, TN, from being considered as an interim waste site should the President search for a location other than Yucca Mountain. In general, I do not like the idea of deleting from consideration particular sites without a debate on the matter. This site, however, lies in a geological zone comprised primarily of limestone bedrock that is frequently riven by shallow underground rivers. As such, the risk of contaminated waste leaking into the area's water table is too great for this site to be a reasonable replacement for the Yucca Mountain site. For that reason, I supported the Thompson amendment and it passed on a 60 to 33 vote.

The Bumpers amendment that followed was a sense of the Senate resolution stating that the Department of Energy had an unavoidable delay in its contractual obligations to begin taking possession of spent fuel in 1998. If passed, this resolution could have undermined the current lawsuit which has been filed by Michigan and 34 other States against the DOE for not taking this waste in the agreed to time. For that reason, I opposed this resolution. The great majority of my colleagues agreed with me, and the resolution failed on a 24 to 69 vote.

The next amendment, a Bingaman effort to eliminate the language to exempt Oak Ridge, TN, from consideration as an interim site, failed by a 36 to 56 margin. As I have noted, this site is not a suitable interim storage site, and I voted against the Bingaman measure.

The second Bingaman amendment which was considered sought to eliminate the default provision for designating an interim storage site. The legislation as passed gives the President the authority to declare whether Yucca Mountain is a suitable interim storage site. If the President says it is not, he has 18 months to identify a new interim site. If, however, the President does not designate another facility within that time, then Yucca Mountain becomes the interim site by default. The Bingaman amendment would have changed this. Had it passed, the President could have rejected Yucca Mountain and then simply refused to identify another interim site. The end result would be years of lost time, millions of wasted taxpayer dollars, and a return to the present, untenable situation. I opposed the Bingaman amendment for this reason and supported the motion to table which passed 59 to 39.

The final amendments to be considered were a Domenici amendment and a Murkowski second degree amendment. The bill as written could have been considered to allow a waiver on a budget point of order. The Domenici amendment clarified and reinstated existing law, which does not permit waiving a point of order prospectively.

The Murkowski second degree to the Domenici amendment was a technical fix that capped the annual fee for each civilian nuclear powerplant at 1.0 mill per kilowatt-hour. The original provisions limiting user fees to 1.0 mill per kilowatt-hour were poorly worded. With the budgetary fix provided by the Domenici amendment, this provision was restored.

I supported the Murkowski amendment and it was adopted by a 66 to 32 vote. Shortly after, the Senate passed the Domenici amendment as modified by a voice vote.

Upon the disposition of these amendments, the Senate turned to final passage of the Nuclear Waste Policy Act. Once again, I voted in favor of this important act and was pleased to see it pass by a 65 to 34 margin.•

RACE FOR THE CURE

• Mr. DODD. Mr. President, I rise today to express my admiration for the thousands of Americans who spent last Saturday morning running to help bring attention to breast cancer and to raise money to aid in finding a cure for this terrible disease—the leading cause of death among women ages 35 to 54. In Washington alone, more than 35,000 runners and walkers, including several members of my own staff, joined the Vice President and his wife to raise more than $1 million for breast cancer research in the Race for the Cure. This effort is even more impressive when you consider that this race took place in 77 cities across the country. Since its inception in 1982, the Race for the Cure has raised $45 million and funded 230 grants in basic science and clinical research, as well as education and screening projects. The incredible turnout for this event displays the widespread concern over the devastation of breast cancer.

Every 3 minutes another woman is diagnosed with breast cancer. This year alone, more than 180,000 women will struggle with this disease, and more than 44,000 women will die as a result of it. One in eight women will develop breast cancer within their lifetime, making it likely that every American will be touched in some way by this disease.

Until we find a cure for this disease, it is crucial that we educate women about the importance of early detection. If the cancer can be confined to the breast, the survival rate is 93 percent. Women need to understand the importance of mammograms, monthly breast self-examinations, regular exercise and a low-fat, high fiber diet.

Mammography screening exams are the best early detection system available, and I am pleased to be an original cosponsor of the reauthorization of the Mammography Quality Standards Act. Since it was originally passed in the 102d Congress, this legislation has provided women with safe and reliable mammography services. Through this reauthorization, mammography service providers will be required to retain women's mammography records so that an accurate medical history is maintained. In addition, it will ensure that patients are notified about substandard mammography facilities. It is crucial that we address this need, as early detection is often the key to effective treatment and recovery.

Women who undergo treatment for breast cancer deserve the best and most appropriate care. The Women's Health and Cancer Rights Act of 1997, another bill that I have cosponsored, guarantees that health care providers cover inpatient care for mastectomies, lumpectomies, and lymph node dissection. These procedures can be both physically and psychologically traumatizing, and we must provide these women with the option to have an overnight stay in the hospital after surgery.

This bill would also require HMO's to provide coverage for reconstructive surgery that is necessitated by breast cancer. Currently, this reconstructive surgery may be considered cosmetic, but this categorization is illogical as it ignores the trauma that results from a full mastectomy and other breast cancer related procedures. Last, this bill will guarantee that HMO's cover secondary consultations when any form of cancer has been diagnosed.

I know that my colleagues share my concern with the problem of breast cancer, and I hope that they will support these legislative efforts to help women prevail over this disease.

Again, I wish to commend all those who participated in the Race for the Cure, and I only hope that their efforts move us closer to the Race's noble goal: a true cure for this debilitating illness.●

TRIBUTE TO JOHN J. DEPIERRO

Mr. D'AMATO. Mr. President, this year John J. DePierro, president and chief executive officer of the Sisters of Charity Health Care System, celebrates a milestone in his career. For 25 years he has served the Sisters of Charity health care efforts on Staten Island in New York City. In so doing, he has given vision to the health care mission of the sisters and has been a pivotal force in insuring the success of the many institutions of human service that comprise the Sisters of Charity Health Care System.

Through St. Vincent's Medical Center of Richmond, a broad array of acute care services are made available to the community including maternal and child care programs, centers of excellence in cardiology and oncology, a broad array of psychiatric and addiction services and an active emergency medicine program.

Through Bayley Seton Hospital which was the former Public Health Service Hospital which Mr. DePierro played a key role in providing for its transition to community service working closely with me, a strong range of outpatient services together with inpatient programs with specific emphasis on the centers of excellence of dermatology and ophthalmology are available to the community. As with St. Vincent's, there is an effective emergency medicine program to meet the needs of the surrounding community.

Bayley Seton has also, working closely with me, forged a productive relationship with the Department of Defense to provide military health care as a uniformed services treatment facility.

In 1994, St. Elizabeth Ann's Health Care and Rehabilitation Center became a reality and through it a range of chronic, subacute and rehabilitative services were provided for the community of Staten Island. Special populations that are served include persons with AIDS as well as ventilator-dependent patients.

The system also has concerned itself with insuring a continuum of community-based services. Pax Christi Hospice, a home-based hospice program, has served the needs of Staten Islanders since 1988 and the Sisters of Charity Home Health Care Program meets their posthospital needs.

To Mr. DePierro's abiding credit, he has also concerned himself with other human needs of the community of Staten Island. Through his commitment, three senior housing programs have been developed to provide over 225 residential units of housing for seniors. He is also seeing to the needs of the employees of the system with the development of the Sister Elizabeth Boyle Child Learning Center which provides day care services for both the staff of the corporations of the system, let alone the community.

It is rare in the context of health care today to see an individual have such long and illustrious tenure in an institution. This is made all the more unique by the strength that has been created in the vertically integrated health care delivery system that is the Sisters of Charity.

Mr. DePierro's background speaks to his capacity as a hospital administrator and health care leader. A graduate of St. Peter's College with a master's in business administration majoring in hospital administration from George Washington University, he completed a residency in hospital administration at Bellevue Hospital Center. He is a fellow of the American College of Health Care Executives, a member of the American Hospital Association, the American Public Health Association and the Public Health Association of New York City.

He has served as a regent for New York State for the American College of Health Care Executives. He has lent his significant leadership to the professional associations of the industry including serving as a member of the board of governors of the Greater New York Hospital Association of which he is also past chairman as well as a member of the board of the Healthcare Association of New York State of which he is also a past chairman. He has been a delegate to the regional advisory board II of the American Hospital Association and currently serves as chairperson of the hospital advisory council of the Catholic Health Care Network of the Archdiocese of New York.

Mr. DePierro, despite the heavy demands on his professional responsibilities, makes time to serve on the board of the Seton Foundation for Learning which provides educational programs in the Catholic tradition for special children. He is also a past president of the foundation.

A man committed to his family, he and his wife, Jeanne, are the proud parents of four children and delight in their six grandchildren—soon to be seven.

All of this, Mr. President, gives testimony to the capacity of a single individual motivated and concerned about the needs of others to work effectively over the course of time to insure that those needs are provided for effectively and good works are accomplished by harnessing the involvement of others and by personal example.

I am proud of the strong relationship that I have enjoyed with the Sisters of Charity Health Care System over the years and the opportunities that I have had to work with Mr. DePierro in the transition of Bayley Seton Hospital, the provision of military health care and the development of housing programs.

I know of his forthright commitment and his unquestioned integrity in his dealings will all. These traits are exemplary of the pattern of care of the Sisters of Charity on Staten Island.

I join with Mr. DePierro's countless friends and associates in wishing him professional and personal success in the years ahead. I trust too Mr. President that knowing of John's fondness for golf, that his handicap will be reduced in inverse ratio to his years of service with the Sisters of Charity and his hole-in-one shot in Aruba was only the first of many.

I share the prayer of those who are honoring John at a celebration on Staten Island on Tuesday, July 1, that he shall continue to be blessed with good health and a steadfast concern for others.●

HONORING THE DETROIT RED WINGS

• Mr. LEVIN. Mr. President, I rise today to ask my colleagues to join me in saluting the 1997 Stanley Cup Champion Detroit Red Wings. After 42 years of frustration and near misses, on Saturday night a week ago the Red Wings completed a 4–0 sweep of the powerful Philadelphia Flyers and brought the most coveted trophy in professional sports back to the city known by hockey fans across North America as ''Hockeytown.''

My wife, Barbara, and I had one of the most thrilling experiences of our lives when we were able to attend the game. Our daughter, Erica, came within a whisker of coming to Detroit from New York but ended up glued to her TV instead, with our daughter, Laura, 800 miles away. With our daughter, Kate, watching in Ann Arbor, the family was together, electronically watching history in the making. The outpouring of positive emotion after the game was almost as memorable as the game itself! The long drought was finally over and Detroit's fans poured forth into the streets all across Michigan to whoop it up.

The Detroit Red Wings are one of the most successful teams in hockey history. An ''Original Six'' franchise, today's team is rooted in the tradition of hockey legends like Sid Abel, Ted Lindsay, Terry Sawchuck, and the greatest player ever to lace up skates, Gordie Howe. Their numbers have been retired and hang on banners from the rafters of Joe Louis Arena, reminding today's players and fans of glory years past.

The 1996–97 Red Wings won the Stanley Cup because of an organizationwide commitment to excellence. That commitment begins at the top with team owners Mike and Marian Ilitch, and is matched only by their dedication to the city of Detroit. When Mike and Marian purchased the team 15 years ago, the Wings regularly missed the playoffs and gave away a car at each home game to put fans in the seats. Their perseverance, dedication to winning and commitment to the city of Detroit have paid off with their Stanley Cup triumph.

The Red Wings' tremendous victory was truly a team effort, but a few individuals deserve a special mention. Coach Scotty Bowman won his seventh Stanley Cup, and became the first coach in NHL history to win the cup with three teams. Mike Vernon, the Red Wings' veteran goalie, earned the Conn Smythe trophy as the most valuable player in the playoffs with his stellar netminding. But this victory may mean the most to Red Wings Captain Steve Yzerman, one of the classiest professional athletes one could ever meet. Steve was drafted 14 years ago and was named team captain 11 years ago, making him the longest serving captain with the same team in the NHL. He has carried his team, and the often weighty hopes of Red Wings fans, on his shoulders with dignity and grace. My congratulations go to Mike and Marian Ilitch, Scotty Bowman, Mike Vernon, Steve Yzerman, Jimmy Devellano; and players Doug Brown, Mathieu Dandenault, Kris Draper, Sergei Fedorov, Viacheslav Fetisov, Kevin Hodson, Tomas Holmstrom, Mike Knuble, Joey Kocur, Vladimir Konstantinov, Vyacheslav Kozlov, Martin LaPointe, Igor Larionov, Nicklas Lidstrom, Kirk Maltby, Darren McCarty, Larry Murphy, Chris Osgood, Jamie Pushor, Bob Rouse, Tomas Sandstrom, Brendan Shanahan, Tim Taylor and Aaron Ward.

I would like to extend my congratulations as well to the Philadelphia Flyers for a well-played series. Their strength and power gave the Red Wings a tough battle.

Last Friday, after a week of celebration which saw 1 million people fill Hart Plaza and Woodward Avenue for the Red Wings' victory parade, Hockeytown met with tragedy as three members of the team were involved in a limousine accident. Two of the Wings' famous ''Russian Five,'' Vladimir Konstantinov and Slava Fetisov, as well as the team's masseur, Sergei Mnatsakanov, were seriously injured. Today, Vladimir and Sergei are each in a coma with critical head injuries. Slava, thankfully, is listed in good condition with chest injuries. Vladimir, a finalist for the Norris Trophy as the National Hockey League's top defenseman, and Slava, a 39-year-old known to his teammates as ''Papa Bear,'' are fan favorites around the league. Hockey fans in the Detroit area and across North America are praying for the full recovery of all three men.

Mr. President, the Detroit Red Wings showed people around the world what it takes to be a champion. I know my colleagues will join me in extending the congratulations of the entire U.S. Senate to the 1997 Stanley Cup Champion Detroit Red Wings and also send our hopes and prayers for the full recovery of all those injured last Friday night.•

CORRECTIONS TO STATEMENT OF MANAGERS ACCOMPANYING CONFERENCE REPORT ON FISCAL YEAR 1998 BUDGET RESOLUTION

• Mr. DOMENICI. Mr. President, I ask that the following errata sheet correcting minor errors that occurred in the printing of the Joint Explanatory Statement of the Committee of Conference printed in the CONGRESSIONAL RECORD at this point. Further, I would like to draw the attention of my colleagues to the printing error in the table which shows the section 302 allocation (5-year total) for the Committee on Governmental Affairs on page 148. In order to avoid the costs of a Star Print, the correct number is included on the errata sheet and that is the level which will be used for the purpose of determining Budget Act violations.

The material follows:

CORRECTIONS

In the report:

On page 57, for the 1998 Budget Resolution Conference Agreement Function Totals, the off-budget budget authority for Undistributed Offsetting Receipts for the year 2000 should read ''−9.1''.

On page 58, for the 1998 Budget Resolution Conference Agreement Function Totals, the off-budget outlays for Undistributed Offsetting Receipts for the year 2000 should read ''−9.1''.

On page 58, for the 1998 Budget Resolution Conference Agreement Function Totals, total budget authority for Undistributed Offsetting Receipts for the year 2001 should read ''−50.1''.

On page 58, for the 1998 Budget Resolution Conference Agreement Function Totals, total outlays for Undistributed Offsetting Receipts for the year 2001 should read ''−50.1''.

On page 107, under section 203 of the Senate amendment, the following text: ''The agreement creates an allowance of $9.2 billion in budget authority with an associated, but unspecified, amount of outlays to be released by the Budget committees when the Appropriations committees report bills that provide for renewal of Section 8 housing assistance contracts that expire in 1998. The conference agreement assumes that the amount of the allowance to be released (estimated to be $3.436 billion for outlays) will not be reduced to the extent that the appropriations and authorizing committees produce Section 8 savings that were proposed in the President's 1998 budget.'' should be placed on page 108 under section 203 of the Conference agreement.

On page 148, for the Senate Committee Budget Authority and Outlay Allocations Pursuant to Section 302 of the Congressional Budget Act 5-Year Total: 1998–2002, entitlements funded in annual appropriations, the outlays for Governmental Affairs should read ''33''.•

VICTIMS' RIGHTS CLARIFICATION ACT OF 1997

Mr. ABRAHAM. Mr. President, I want to thank my colleague Senator NICKLES for introducing the Victims' Rights Clarification Act of 1997. I believe this important legislation will help victims of crime exercise their deserved rights.

The 104th Congress did much to ensure that victims are no longer casualties of a skewed justice system where their voices are often ignored. This year, we are picking up where we left off in standing up for the innocent. I am proud to join several of my colleagues in cosponsoring this legislation.

The purpose of the Victims' Rights Clarification Act of 1997 is really quite simple. This act will guarantee that victims of crime may be present at public court proceedings, barring their presence will not be a detriment to his or her testimony. Frankly, I am disheartened it takes an act of Congress to reaffirm this right. But, I am pleased we are making progress in correcting these deficiencies in America's legal system.

The devastation of lives in the Oklahoma City bombing and the senseless acts of violence occurring in our neighborhoods every day gives this Chamber

cause to enact policies empowering victims. In my estimation, the accused should see their victim's face in a court of law and know they scarred a life forever. I believe this legislation drafted on a bipartisan basis will entitle victims of crime their overdue rights and merits widespread support.

GLOBAL CLIMATE CHANGE

• Mr. HOLLINGS. Mr. President, I rise today as a supporter and cosponsor of Senator BYRD's sense-of-the-Senate resolution, Senate Resolution 98, regarding ratification of any international agreement on greenhouse gas emissions under the United Nations Framework Convention on Climate Change. Back in 1992, the United States and the rest of the world agreed to work, on a voluntary basis, to reduce greenhouse gas emissions which scientists believed could affect climate and sea levels over the next century. Unfortunately, this agreement, aimed at returning greenhouse gas emissions to 1990 levels, has failed.

Now, the administration is negotiating an agreement aimed at meeting this 1990 level. Instead of requiring countries, all countries—developed, developing, and underdeveloped—to agree on voluntary efforts, these negotiations are focused on making the 1990 level mandatory for only developed countries. In short, it will increase the burden of compliance on the United States and other developed countries, while doing nothing to ensure that developing countries meet these targets.

Yes, the United States and other developed countries are responsible for the bulk of these emissions but that will not always be the case. Many developing countries, such as China, Mexico, India, and Brazil, are on course to surpass United States emissions. It makes no sense to give these countries a pass. I am not saying the United States should not do its fair share, we should. My concern is that the agreement is shortsighted. Failing to include these developing countries does nothing to head off the emission problems which they will soon face.

In addition, I have a long record of defending the American worker and American industry from unfair business and trade practices overseas—many of which occur in these developing countries. My fear is that failing to include developing nations in this agreement will undermine America's ability to compete internationally and will only work to force American industry overseas to these developing areas. America has the strongest economy in the world. I want to ensure it remains that way. Placing the burden of reducing greenhouse gas emissions only on developed countries and ignoring developing countries will do nothing to secure economic stability.

In short, this resolution calls for the United States to refuse to sign any agreement unless the developing countries are included in a legally binding regime of emission control measures. It is an effort to ensure that all countries are placed on a level playing field.

With regard to my record on environmental issues, there have been some who have asked if my support of Senate Resolution 98 undermines my long record of supporting efforts to clean and protect our environment. Let me say now, it does not. In my opinion, this resolution will strengthen efforts to reduce worldwide greenhouse gas emissions by ensuring that all countries meet the same standards.

In closing, I submit for the RECORD the authoritative and expert opinion of Dr. James B. Edwards, the former Secretary of Energy, and encourage my colleagues to read his opinions on this matter.

The material follows:

POURING GAS REDUCTIONS DOWN DRAIN

If a new climate treaty to include binding restrictions on the emission of greenhouse gases is a bad idea—and it is—then the immediate consequence of such a move is even worse: that a tax is imposed on U.S. industries that burn oil, gas and coal. The cost would ultimately fall on American consumers—without necessarily providing benefits to anyone if other countries continue to pollute.

The logical conclusion should be: Don't make the first blunder so you are not forced into making the even worse second blunder. But in just seven months an agreement on a new climate treaty could be a done deal. If government commitments made at the latest round of negotiations in Europe are any indication, there could be a treaty in place by December. There is just one problem: U.S. ratification is going to take a two-thirds vote of the Senate eventually.

In the view of climatologists as esteemed as Patrick Michaels of the University of Virginia, an expert on computer simulations of the climate, and the University of Alabama's John Christy, it will take decades before scientists gain a comprehensive understanding of how greenhouse gas emissions affect the earth's climate. One thing scientists do know is that the concentration of greenhouse gases is building up slowly—less than 0.5 percent annually for carbon dioxide—and that gives us time to implement effective mitigation measures.

Unfortunately, the proposed treaty places binding commitments on industrial nations but none on developing countries. Even such economic powerhouses as China, Korea, and Indonesia would be let off the hook, while the United States would be required to cut greenhouse-gas emissions 15 to 20 percent by 2010 or soon thereafter. Such self-imposed restrictions could backfire.

Simply put, the danger is that developing countries will have no incentive to reduce emissions. Their output would overwhelm reductions made by industrial nations—just the opposite of what a new treaty is supposed to achieve. In fact, developing countries, as a group, are expected to produce the majority of greenhouse emissions in future years.

According to a report by the U.S. Department of Energy, efforts to restrict fossil fuel emissions with a carbon tax would do serious damage to our economy. The hardest hit would be energy-intensive industries, especially petroleum refining, chemicals, automobile manufacturing, paper products, iron and steel, aluminum and cement. These large industries would be at a disadvantage in the world marketplace, and the cost in dollars, as well as in lost jobs, would be staggering.

The most responsible economic estimates of the cost to cap carbon dioxide emissions at 1990 levels by the year 2010 or soon thereafter range from $250 billion to $300 billion per year—an amount that would reduce the U.S. gross domestic product by about 4 percent. For comparison, that's nearly equal to what was spent last year on Social Security.

This is not to suggest that the United States should do nothing about reducing greenhouse-gas emissions. When major industrialized countries meet in Denver in late June at the "Group of Seven" economic summit, climate change will be on the agenda. Efforts should be directed toward establishing a flexible route that could achieve the same long-term benefits but at far lower cost. For example, spreading the responsibility globally, possibly through an emissions trading system involving developing countries, would lower the cost substantially.

Under an emissions trading system, any country exceeding its allotment of greenhouse emissions, pays a regulatory fine. The significant differences between this plan and a carbon tax are that technological innovation, market mechanisms and total global emissions are the defining characteristics of this alternative approach to reducing greenhouse emissions.

Major efforts should be directed at exporting advanced power systems to developing countries such as China and India so that they can begin to stabilize their emissions, without depriving them of an opportunity for economic growth. After all, as its share of industrial output rises, China is expected to become the world's largest source of carbon dioxide, emitting nearly double the amount the United States emits and more than triple what Western Europe produces.

It's very simple: Before we hobble our economy and our society with costly new regulations and taxes we should ask ourselves whether the hoped-for benefits justify the cost to our economy and whether there is a better alternative. And environmentalists ought to keep another perspective mind: For any global emissions reduction program to succeed, all nations must participate.•

HANS A. BETHE

• Mr. MOYNIHAN. Mr. President, the great Nobel physicist, Hans A. Bethe, is the subject of the lead article in the "Science Times" section of the New York Times. One cannot help but marvel at the life Dr. Bethe, a national treasure, has led. In 1935, he fled Nazi Germany, settling at Cornell University in Ithaca, New York. Within three years, he developed an equation to explain solar fusion which won him a Nobel prize in 1967.

Hans Bethe led the Theoretical Division at Los Alamos; he was, one could say, present at the creation. He stood next to J. Robert Oppenheimer on July 16, 1945 in the New Mexico desert, a witness to the testing of the first atomic bomb. The scientists at the site knew that if the test worked it would end World War II, as it did within a month, and forever change the nature of warfare.

At the moment of that explosion, a new era began. It changed us. Changed the world, and changed all those present. Maurice M. Shapiro, now chief scientist emeritus of the Laboratory for Cosmic Physics at the Naval Research Station, in Washington, recalled the scene in the New Mexico desert in an interview two years ago:

At precisely 5:30 there was a blinding flash—brighter than many suns—and then a flaming fireball. Within seconds a churning multicolored column of gas and dust was rising. Then, within it, a narrower column of debris swirled upward, spreading out into an awesome mushroom-shaped apparition high in the atmosphere—Maurice M. Shapiro, ''Echoes of the Big Bang,'' *New York Times,* July 15, 1995.

Next came ''an oppressive sense of foreboding.''

Oppenheimer described the event as follows:

We waited until the blast had passed, walked out of the shelter and then it was extremely solemn. We knew the world would not be the same. A few people laughed, a few people cried. Most people were silent. I remembered the line from the Hindu scripture, the Bhagavad-Gita: Vishnu is trying to persuade the Prince that he should do his duty and to impress him he takes on his multi-armed form and says, ''Now I am become Death, the destroyer of worlds,'' I suppose we all thought that, one way or another.

Hans Bethe's role in shaping United States nuclear policy had only just begun. For the past fifty years, he has involved himself in thoughtful and constructive efforts to develop responsible policies to deal with this technology he played such a crucial role in creating. The article in today's New York Times, for instance, characterizes him as a ''prime mover behind the first East-West arms accord, the 1963 Limited Test Ban Treaty, which ended nuclear explosions in the atmosphere.'' And just a few months ago—on April 25—he wrote the President an historic letter which states:

It seems that the time has come for our Nation to declare that it is not working, in any way, to develop further weapons of mass destruction of any kind.

Mr. President, Dr. Bethe is one of our living treasures. It is entirely fitting that his many contributions to society are publicized and studied, and that his policy pronouncements are accorded the attention they so deserve, for as the author of the Times article, William J. Broad, states, Bethe's voice may be gentle, but his words are sharp. I hope that Dr. Bethe will soon complete work on his autobiography and share with us the breadth of his life experiences.

I ask that the article in the New York Times, the letter from Dr. Bethe to the President, and the President's response be printed in the RECORD.

The material follows:

[From the New York Times]

HE LIT NUCLEAR FIRE; NOW HE WOULD DOUSE IT

(By William J. Broad)

''For the things I do, it's accurate enough,'' Dr. Hans A. Bethe said as he rummaged through his briefcase and pulled out a slide rule, a relic from the days before computers took over tedious number-crunching for most scientists. It's battered case told of considerable use.

What Dr. Bethe does at the age of 90, and has done for more than seven decades, is ponder such riddles of nature as how stars live and die. It is his passion. Once it won him a Nobel Prize in Physics and now it keeps him excited and in his office at Cornell University, where he arrived more than 60 years ago after fleeing Nazi Germany.

A combination lock on a metal cabinet hints at what else he does, his sideline, as he puts it, an avocation of more than a half century that helped change history. The atomic bomb.

Dr. Bethe knows how it lives—having overseen its birth during the World War II, having felt its blistering heat across miles of desert sand, having watched its progeny fill superpower arsenals—and now he is working hard to make it die.

In April, he wrote a letter to President Clinton that some advocates of arms control regard as historic. As the most senior of the living scientists who begat the atomic age, Dr. Bethe called on the United States to declare that it would forgo all work to devise new kinds of weapons of mass destruction.

But his dream, it turns out, is larger than that, much larger. In an interview last week, Dr. Bethe said that a concerted push by the world's nations and people might yet cut nuclear arsenals down from their current levels of thousands of arms to perhaps 100 in the East, 100 in the West and few in between.

''Then,'' added this survivor of Hitler and Mussolini, his voice gentle but words sharp, ''even if statesmen go crazy again, as they used to be, the use of these weapons will not destroy civilization.''

Eventually, perhaps late next century, Dr. Bethe said, the right social conditions may finally arise so that the bomb is no more, so that no nation on earth will want to wield the threat of nuclear annihilation. The nightmare will be over.

He paused.

''That is my hope,'' he said. ''My fear is that we stay where we are,'' with each side keeping thousands of nuclear arms poised to fly at a moment's notice. ''And if we stay where we are, then additional countries will get nuclear weapons'' and the earth may yet blaze with thermonuclear fire, the kind that powers stars and destroys most everything in its path.

Hans Albrecht Bethe (pronounced BAY-ta) was born on July 2, 1906, in Strasbourg, Alsace-Lorraine. His father, a physiologist at the university there, was Protestant and his mother Jewish. Hans was their only child.

Displaying an early genius for mathematics, he excelled in school and received a Ph.D. in physics in 1928 at the University of Munich, graduating summa cum laude. He fled Germany after Hitler came to power, going first to England and then to America, arriving at Cornell in 1935.

While helping to found the field of atomic physics, he became fascinated by nature's extremes. In 1938 he penned the equations that explain how the Sun shines and how stars in the prime of life feed their nuclear fires. In 1967 he won a Nobel Prize for the discovery.

From 1943 to 1945 he headed the theoretical division of Los Alamos, the top-secret laboratory in New Mexico where thousands of scientists and technicians, fearful that Hitler might do it first, labored day and night to unlock the atom's power.

Dr. Bethe coaxed some of world's brightest and most idiosyncratic experts to success as they toiled behind rows of barbed wire. Their atomic bomb shook the New Mexican desert on July 16, 1945. The next month the American military dropped similar ones on the Japanese cities of Hiroshima and Nagasaki.

After the war, Dr. Bethe devoted himself not only to nuclear science but to the social dangers posed by that knowledge, in particular to keeping the bomb from ever killing people again.

He advised the Federal Government on matters of weapons and arms limitation, becoming a prime mover behind the first East-West arms accord, the 1963 Limited Test Ban Treaty, which ended nuclear explosions in the atmosphere and permitted them only beneath the earth.

That stopped the rain of radioactive fallout that had raised the risk of cancer and birth defects among many people. But Dr. Bethe wanted more. He campaigned for a complete cessation to all testing, contrary to Pentagon planners and politicians intent on redoubling the size of the nation's nuclear arsenal.

The development of new types of nuclear arms requires numerous test firings and, as flaws inevitably come to light, design improvements. The absence of explosive testing sharply increases the odds of failure and virtually rules out the possibility of perfecting new designs.

In the 1980's, Dr. Bethe was on the losing side of the political war over nuclear-arms development as the Reagan Administration pressed ahead with dozens of underground explosions. One series aimed at perfecting a new generation of bombs that fired deadly beams.

In the 1990's, he was on the winning side as President Clinton signed, and the United Nations endorsed, the Comprehensive Test Ban Treaty. Its goal is to halt the development of new weapons of mass destruction by imposing a global ban on nuclear detonations.

A remaining trouble, as Dr. Bethe sees it, is that the United States over the decades has become so good at designing nuclear arms that it still might make progress despite the ban. Indeed, the Clinton Administration recently began a $4-billion-a-year program of bomb maintenance that is endowing the weapons laboratories with all kinds of new tools and test equipment, including a $2.2 billion laser the size of the Rose Bowl that is to ignite tiny thermonuclear explosions.

Critics fear the custodians might get carried away, begetting new designs and perhaps even new classes of nuclear arms.

So it was that Dr. Bethe wrote President Clinton in April, asking for a pledge of no new weapons.

''The time has come for our nation to declare that it is not working, in any way, to develop further weapons of mass destruction,'' he wrote.

The United States ''needs no more,'' Dr. Bethe stressed. ''Further, it is our own splendid weapons laboratories that are, by far and without question, the most likely to succeed in such nuclear inventions. Since any new types of weapons would, in time, spread to others and present a threat to us, it is logical for us not to pioneer further in this field.''

In the interview, Dr. Bethe waxed philosophic about the odds that his personal appeal might engender new Federal policy. ''It's a big step for the President to say so, but it's a small step for me,'' he mused. ''Maybe the laboratories will feel that my letter was useful and maybe they'll even follow my advice. I think that's all one can expect.''

The issue is important, he added. If the community of nations comes to view the United States as a nuclear hypocrite, whether true or not, that perception could threaten to undermine the new treaty and its ratification around the world. Instead, Dr. Bethe said, the United States must be seen as striving to obey the letter of the law.

Dr. Bethe's face comes alive as the topic turns to his current scientific research: how a single aging star can suddenly explode with the power and brilliance of an entire galaxy of 100 billion stars.

It seems like pure poetry given the light he himself is now shedding in his final years.

''I want to understand just how the mechanism works,'' Dr. Bethe said, ''how you get a

shock wave that propels most of the star outward, propels it at very high speed.''

Most days, he said, he spends about four hours studying the nature of the exploding stars, which are known as supernovas. Occasionally, he works up to six hours.

Theoretic physics is a quintessential young man's field, where geniuses often peak at the age of 30, like athletes. Very few make significant contributions at 50. But at 90, Dr. Bethe, a living legend among his peers, is still going strong. ''Here's my latest paper,'' he said with a grin, displaying it proudly on his cluttered desk. ''It has been accepted by The Astrophysical Journal.'' The main point, he said, ''is that it's easy to get the supernova to expel the outside material,'' eliminating the problems theorists once encountered.

Dr. Bethe is not interrupting his research to write memoirs. Instead, a biographer is at work. ''It's much easier to have a biographer,'' he remarked, ''and he writes much better than I do.''

The back of his office door, in an easy-to-view position, held a poster of the Matterhorn. For nearly a half century, a small town at the foot of the great Swiss mountain has been a vacation spot for Dr. Bethe and his wife, Rose Ewald, whom he met in Germany and married in 1939 while the two were newcomers to the United States.

''I couldn't live without her,'' he said.

His hair askew, his eyes agleam, Dr. Bethe looked a bit like an aged wizard on the verge of disappearing in a puff of smoke. He seemed at ease with his many lives over many decades and appeared to have reconciled his early work on the bomb with his current push to eliminate it. For him, doing the right thing in different periods of history seemed to call for different kinds of actions.

''I am a very happy person,'' he said with a relaxed smile. ''I wouldn't want to change what I did during my life.''

FEDERATION OF AMERICAN SCIENTISTS,
Washington, DC, April 25, 1997.

President WILLIAM J. CLINTON,
The White House, Washington, DC.

MY DEAR MR. PRESIDENT: As the Director of the Theoretical Division at Los Alamos, I participated at the most senior level in the World War II Manhattan Project that produced the first atomic weapons. Now, at age 90, I am one of the few remaining senior project participants. And I have followed closely, and participated in, the major issues of the nuclear arms race and disarmament during the last half century. I ask to be permitted to express a related opinion.

It seems that the time has come for our Nation to declare that it is not working, in any way, to develop further weapons of mass destruction of any kind. In particular, this means not financing work looking toward the possibility of new designs for nuclear weapons. And it certainly means not working on new types of nuclear weapons, such as pure-fusion weapons.

The United States already possesses a very wide range of different designs of nuclear weapons and needs no more. Further, it is our own splendid weapons laboratories that are, by far and without any question, the most likely to succeed in such nuclear inventions. Since any new types of weapons would, in time, spread to others and present a threat to us, it is logical for us not to pioneer further in this field.

In some cases, such as pure-fusion weapons, success is unlikely. But even reports of our seeking to invent them could be, from a political point of view, very damaging to our national image and to our effort to maintain a world-wide campaign for nuclear disarmament. Do you, for example, want scientists in laboratories under your Administration trying to invent nuclear weapons so efficient, compared to conventional weapons, that someday, if an unlikely success *were* achieved, they would be a new option for terrorists?

This matter is sure to be raised in conjunction with the Senate's review of the Comprehensive Test Ban Treaty, because that Treaty raises the question of what experiments are, and what experiments are not, permitted. In my judgment, the time has come to cease all physical experiments, no matter how small their yield, whose primary purpose is to design new types of nuclear weapons, as opposed to developing peaceful uses of nuclear energy. Indeed, if I were President, I would not fund computational experiments, or even creative thought designed to produce new categories of nuclear weapons. After all, the big secret about the atomic bomb was that it *could* be done. Why should taxpayers pay to learn new such secrets—secrets that will eventually leak—even and especially if we do not plan, ourselves, to implement the secrets?

In effect, the President of the United States, the laboratory directors, and the atomic scientists in the laboratories should all adopt the stance of the ''Atomic Scientists' Appeal to Colleagues,'' which was promulgated two years ago, to ''cease and desist from work creating, developing, improving and manufacturing further nuclear weapons—and, for that matter, other weapons of potential mass destruction such as chemical and biological weapons.''

I fully support the Science-based Stockpile Stewardship program, which ensures that the existing nuclear weapons remain fully operative. This is a challenging program to fulfill in the absence of nuclear tests. But neither it nor any of the other Comprehensive Test Ban Treaty Safeguards require the laboratories to engage in creative work or physical or computational experiments on the design of new types of nuclear weapons, and they should not do so.

In particular, the basic capability to resume nuclear test activities can and will be maintained, under the Stockpile Stewardship program, without attempting to design new types of nuclear weapons. And even if the Department of Energy is charged to ''maintain capability to design, fabricate and certify new warheads''—which I do not believe is necessary—this also would not require or justify research into new types of nuclear weapons.

The underlying purpose of a complete cessation of nuclear testing mandated by the Comprehensive Test Ban Treaty is to prevent new nuclear weapons from emerging and this certainly suggests doing everything we can to prevent new categories of nuclear weapons from being discovered. It is in our national and global interest to stand true to this underlying purpose.

Accordingly, I hope you will review this matter personally to satisfy yourself that no nuclear weapons design work is being done, under the cover of your Safeguards or other policies, that you would not certify as absolutely required. Perhaps, in conjunction with the Comprehensive Nuclear Test Ban Treaty hearings in the Senate, you might consider making a suitable pronouncement along these lines, to discipline the bureaucracy, and to reassure the world that America is vigilant in its desire to ensure that new kinds of nuclear weapons are not created.

Sincerely,

HANS A. BETHE.

THE WHITE HOUSE,
Washington, DC, June 2, 1997.

Prof. HANS BETHE,
Federation of American Scientists, Washington, DC.

DEAR PROFESSOR BETHE: Thank you for sharing your thoughts on nuclear weapons with me, and for the tremendous service you have rendered this nation and the world for well over half a century. Your efforts to develop the atomic bomb during a grave period of national emergency, and your subsequent courageous and principled efforts in support of international agreements to control the awesome destructive power of these weapons, have made our country more secure and the entire world a safer place.

I am fully committed to securing the ratification, entry into force and effective implementation of the Comprehensive Test Ban Treaty (CTBT). By banning all nuclear explosions, the CTBT will constrain the development and qualitative improvement of nuclear weapons and end the development of advanced new types of nuclear weapons. In this way, the Treaty will contribute to the process of nuclear disarmament and the prevention of nuclear proliferation, and it will strengthen international peace and security.

I appreciate your support for the Science-Based Stockpile Stewardship Program. The objective of this program is to ensure that our existing nuclear weapons remain safe and reliable in the absence of nuclear testing. As you are aware, my support for the CTBT is conditioned upon such a program, including the conduct of a broad range of effective and continuing experimental programs. I have also directed that the United States maintain the basic capability to resume nuclear test activities prohibited by the CTBT in the unlikely event that the United States should need to withdraw from this treaty. These precautions notwithstanding, I remain confident that the CTBT points us toward a new century in which the roles and risks of nuclear weapons can be further reduced, and ultimately eliminated.

Thank you again for sharing your views with me as we work to lift the nuclear backdrop that has darkened the world's stage for far too long.

Sincerely,

BILL CLINTON.●

MEASURE RETURNED TO THE CALENDAR—S. 903

Mr. HELMS. Mr. President, I ask unanimous consent that S. 903 be placed back on the calendar.

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

AUTHORIZING SENATE LEGAL COUNSEL REPRESENTATION

Mr. HELMS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 101, submitted earlier today by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 101) to authorize representation of Members, officers, and an employee of the Senate in the case of Douglas R. Page v. Richard Shelby, et al.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, a resident of California has, for the second time in the past several years, filed a lawsuit in the United States District Court for the District of Columbia challenging the constitutionality of

rule XXII of the Standing Rules of the Senate. Under rule XXII, debate on a pending matter may be limited by a vote of three-fifths of the Senators duly chosen and sworn or, in the case of an amendment to a Senate rule, a vote of two-thirds of the Senators voting, a quorum being present.

The plaintiffs has named as defendants in this action all Members of the Senate, together with the Secretary of the Senate, the Sergeant at Arms, the Parliamentarian, and two executive branch officials. He seeks a declaration that rule XXII is unconstitutional and a court order rewriting rule XXII to permit a simple majority of a quorum to limit debate in the Senate.

With respect to a prior action filed by the same plaintiff also challenging rule XXII, Senate Resolution 150 of the 103d Congress authorized the Senate Legal Counsel to defend Senators named as defendants in that action. With respect to the plaintiff's prior challenge, the district court dismissed the suit for lack of standing. On appeal to the D.C. Circuit Court of Appeals, the appellate court vacated the district court's decision and ordered the plaintiff's complaint dismissed as moot. In his complaint, the plaintiff had sought to present his alleged injury as frustration of the majority party's legislative program by the minority. The appellate court noted that the intervening change in the control of the Senate after the 1994 election had mooted his allegations of injury.

The plaintiff's new action alleges an injury independent of party control, as well as adding non-Member defendants. The new action is subject to the same grounds for dismissal as was the previous action.

Over the years, the Senate has vigorously debated the merits of rule XXII. That debate has included the question that the plaintiff seeks to present to the court in the instant action of whether a majority of the Senate should be permitted to end debate. The resolution of this issue under our constitutional system, Mr. President, is best decided in the Senate and not in the courts.

The resolution at the desk would authorize the Senate Legal Counsel to represent the Members, officers, and an employee of the Senate who have been named as defendants in this case and to move to dismiss the complaint.

Mr. HELMS. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid on the table, and that any statements relating to the resolution appear at this point in the CONGRESSIONAL RECORD.

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

The question is on agreeing to the resolution.

The resolution (S. Res. 101) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 101

Whereas, in the case of *Douglas R. Page* v. *Richard Shelby, et al.*, C.A. No. 97–0068, pending in the United States District Court for the District of Columbia, the plaintiff has named all Members of the Senate, and the Secretary, the Sergeant at Arms, and the Parliamentarian, of the Senate, as defendants;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to defend Members, officers, and employees of the Senate in civil actions relating to their official responsibilities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent the Members, officers, and employee of the Senate who are defendants in the case of *Douglas R. Page* v. *Richard Shelby, et al.*

COMMENDING THE STATE OF COLORADO FOR ITS EFFORTS REGARDING THE DENVER SUMMIT OF EIGHT

Mr. HELMS. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Resolution 81, and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 81) expressing the sense of the Senate regarding the political and economic importance of the Denver Summit of Eight and commending the State of Colorado for its outstanding efforts in ensuring success of this historic event.

The Senate proceeded to consider the resolution.

Mr. HELMS. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid on the table, and that any statements relating to the resolution appear at this point in the RECORD.

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

The question is on agreeing to the resolution.

The resolution (S. Res. 81) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 81

Whereas this is the first Economic Summit to be held in the United States since the 1990 Economic Summit was held in Houston, Texas;

Whereas on May 29, 1996, the State of Colorado was announced as the host of the Group of Seven Economic Summit, to be held on June 20 through 22, 1997;

Whereas the Economic Summit is an annual meeting that brings together the leaders of the world's 7 most economically successful democracies: Canada, France, Germany, Great Britain, Italy, Japan, and the United States;

Whereas this is the first Economic Summit to include the transitioning economy of Russia, which has resulted in a new reference to the Economic Summit as the Denver Summit of Eight;

Whereas the central location of Denver among the summit members, with Europe to the east, Japan to the west, and central Canada to the north, enables the residents of Colorado to serve as a central pillar supporting the international bridge of friendship and prosperity;

Whereas the selection of the State of Colorado and the Denver metropolitan region as the host of the Summit of Eight reflects the region's growing economic importance in the international community;

Whereas Colorado has distinguished itself as an ideal site for the Summit of Eight because of its leading industries of telecommunications, aerospace, biotechnology, high technology, health care, education, agriculture, recreation, and tourism;

Whereas Colorado's dedicated law enforcement officers, firefighters, emergency medical technicians, and other public servants are able and committed to provide vital support to the Summit of Eight; and

Whereas the Summit of Eight promises to be 1 of the more significant summits of recent years, with results that will benefit the larger world community, including progress toward relieving international debt, supporting the economic development of Russia and the Ukraine, paving the way to increased efficiencies in international commercial transactions by reducing the regulatory barriers to electronic banking, and minimizing destabilizing factors in the world's financial markets: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its appreciation to the citizens of Colorado and the Denver metropolitan region for hosting the Summit of Eight; and

(2) accords recognition of the hospitality to be provided by the people of Colorado and the Denver metropolitan region.

ORDERS FOR WEDNESDAY, JUNE 18, 1997

Mr. HELMS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 10 a.m., Wednesday, June 18. I further ask unanimous consent that on Wednesday, immediately following the Chaplain's prayer, the routine requests through the morning hour be granted, and that the Senate then be in a period of morning business until 12 noon, with Senators permitted to speak for up to 5 minutes, with the following exceptions: Senator SESSIONS, 60 minutes; Senator DORGAN, 10 minutes; Senator KERRY of Massachusetts, 15 minutes.

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

PROGRAM

Mr. HELMS. Mr. President, for the information of all Senators, the Armed Services Committee has filed the DOD authorization bill. It is the leader's intention to ask consent to turn to that bill at 12 noon on Wednesday. It is the leader's hope that Senators will grant the consent so the Senate can begin debate on this very important piece of legislation. Also, the Senate may be asked to consider the intelligence authorization bill. Therefore, votes can be expected to occur throughout the session of the Senate on Wednesday.

The leader would remind Senators that we have a lot of work to do between now and the Fourth of July recess. Therefore, all Senators' cooperation is essential in order to complete our business in a responsible fashion.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, the only point I would like to make is that under the situation as it now stands as it relates to the DOD bill, there is at least one conflict. Unless it is worked out overnight, or by noon tomorrow, it would be very difficult to move to that piece of legislation. I think everything is all right as it relates to going to the intelligence bill. I think everybody understands it. But for the RECORD, we would be hard pressed, or I would be hard pressed not to recognize Senators on my side and your side.

Mr. HELMS. I thank the Senator.

RECESS UNTIL 10 A.M. TOMORROW

Mr. HELMS. Mr. President, if there be no further business to come before the Senate, I now ask the Senate stand in recess under the previous order.

There being no objection, the Senate, at 7:06 p.m., recessed until Wednesday, June 18, 1997 at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate June 17, 1997:

DEPARTMENT OF AGRICULTURE

SHIRLEY ROBINSON WATKINS, OF ARKANSAS, TO BE UNDER SECRETARY OF AGRICULTURE FOR FOOD, NUTRITION, AND CONSUMER SERVICES, VICE ELLEN WEINBERBER HAAS, RESIGNED.

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE REGULAR ARMY TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

COL. EDWIN J. ARNOLD, JR., 0000
COL. JOHN R. BATISTE, 0000
COL. BUFORD C. BLOUNT III, 0000
COL. STEVEN W. BOUTELLE, 0000
COL. JOHN S. BROWN, 0000
COL. EDWARD T. BUCKLEY, JR., 0000
COL. EDDIE CAIN, 0000
COL. KEVIN T. CAMPBELL, 0000
COL. JONATHAN H. COFER, 0000
COL. BANTZ J. CRADDOCK, 0000
COL. KEITH W. DAYTON, 0000
COL. BARBARA DOORNINK, 0000
COL. PAUL D. EATON, 0000
COL. JEANETTE K. EDMUNDS, 0000
COL. KARL W. WIKENBERRY, 0000
COL. DEAN R. ERTWINE, 0000
COL. STEVEN W. FLOHR, 0000
COL. NICHOLAS P. GRANT, 0000
COL. STANLEY E. GREEN, 0000
COL. CRAIG D. HACKETT, 0000
COL. FRANKLIN L. HAGENBECK, 0000
COL. HUBERT L. HARTSELL, 0000
COL. GEORGE A. HIGGINS, 0000
COL. JAMES C. HYLTON, 0000
COL. GENE M. LACOSTE, 0000
COL. MICHAEL D. MAPLES, 0000
COL. PHILIP M. MATTOX, 0000
COL. DEE A. MC WILLIAMS, 0000
COL. THOMAS F. METZ, 0000
COL. DANIEL G. MONGEON, 0000
COL. WILLIAM E. MORTENSEN, 0000
COL. RAYMOND T. ODIERNO, 0000
COL. ERIC T. OLSON, 0000
COL. JAMES W. PARKER, 0000
COL. RICARDO S. SANCHEZ, 0000
COL. JOHN R. SCHMADER, 0000
COL. GARY D. SPEER, 0000
COL. MITCHELL H. STEVENSON, 0000
COL. CARL A. STROCK, 0000
COL. CHARLES H. SWANNACK, JR., 0000
COL. ANTONIO M. TAGUBA, 0000
COL. HUGH B. TANT III, 0000
COL. TERRY L. TUCKER, 0000
COL. WILLIAM G. WEBSTER, JR., 0000
COL. JOHN R. WOOD, 0000

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT AS THE JUDGE ADVOCATE GENERAL* AND THE ASSISTANT JUDGE ADVOCATE GENERAL**, U.S. ARMY AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 3037:

To be major general

*BRIG. GEN. WALTER B. HUFFMAN, 0000
**BRIG. GEN. JOHN D. ALTENBURG, JR., 0000

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. MONTGOMERY C. MEIGS, 0000

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE U.S. ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. JOHN N. ABRAMS, 0000

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE U.S. ARMY UNDER TITLE 10, UNITED STATES CODE, SECTION 624 AND 628:

To be lieutenant colonel

JULIET T. TANADA, 0000

IN THE AIR FORCE

THE FOLLOWING-NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, UNITED STATES COMMISSION, SECTIONS 12203 AND 12212:

To be colonel

JAMES W. ADAMS, 0000
LYLE M. ANDVIK, 0000
EUGENE D. ASHLEY, 0000
GEOFFREY S. AVERY, 0000
PAUL D. BOESHART, 0000
LARRY G. BROOKS, 0000
GARY R. CAZIER, 0000
STANLEY W. CHAPMAN, 0000
WILLIAM E. CHMELIR, 0000
EUGENE R. CHOJNACKI, 0000
FORREST C. CLARK, 0000
JOHN W. CLARK, 0000
HARVEY S. CLEMENT, 0000
BLAINE COFFEY, 0000
TIMOTHY J. COSSALTER, 0000
JOHN R. CROFT, 0000
HENRY J. DAHLQUIST, 0000
DANA B. DEMAND, 0000
RALPH L. DEWSNUP, 0000
JAMES E. GREEN, 0000
WAYNE A. GREEN, 0000
SCOTT A. HAMMOND, 0000
VAUGHON C. HANCHETT, 0000
JOHN J. HARTNETT, 0000
MICHAEL E. HAYEK, 0000
TERRY P. HEGGEMEIER, 0000
DAVID N. HIPP, 0000
CHARLES R. HOBBS, 0000
MARK R. JOHNSON, 0000
JESSE D. KINGHORN, JR., 0000
DAVID F. KIRST, 0000
PHILIP C. KOCH, 0000
CARL R. KOSTIVAL, 0000
JAMES W. KWIATKOWSKI, 0000
BARBARA A. LOGAN, 0000
JUDD K. LUNN, 0000
TIMOTHY B. MALAN, 0000
DARRYL L. MARSHALL, 0000
JERRY M. MATSUDA, 0000
STEPHEN L. MELTSNER, 0000
DONALD C. MOZLEY, 0000
RICHARD D. NEWBOLD, 0000
MAUREEN E. NEWMAN, 0000
THOMAS W. PAPE, 0000
MARK W. PARKER, 0000
GEORGE B. PATRICK III, 0000
FRANK PONTELANDOLFO, JR., 0000
RICHARD D. RADTKE, 0000
ROBERT L. RAVENCAMP, 0000
MICHAEL R. REED, 0000
STEPHEN D. RICHARDS, 0000
RAMSEY B. SALEM, 0000
STEVEN H. SAYLOR, 0000
THOMAS E. SCHART, 0000
TERRY L. SCHERLING, 0000
WILLIAM J. SCHWARTZ, JR., 0000
RODGER F. SEIDEL, 0000
RICHARD A. SHAW, JR., 0000
MAYNARD R. SHEPHERD, 0000
SAMUEL M. SHIVER, 0000
CHARLES E. SMITH, 0000
FREDERICK H. SMITH, 0000
ANNETTE L. SOBEL, 0000
WILLIAM S. TEER, 0000
JESSE A. THOMAS, 0000
RANDALL A. VEENSTRA, 0000
DONALD F. WAID, 0000
JOHN R. WALTERS, 0000
PHILIP H. WARREN, 0000
HAROLD E. WHALEY, 0000
GARY H. WILFONG, 0000
MICHAEL B. WOOD, 0000