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House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, July 8, 1997, at 12:30 p.m.

Senate

MONDAY, JULY 7, 1997

The Senate met at 12 noon, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Almighty God, as we return from a week of recess celebrating the 221st birthday of our Nation, we praise You for Your providential care all through our history. Now, with renewed patriotism and dedication, we confront the demanding schedule of the month ahead. Bless the Senators, and all of us who work with them, with the humble trust in You that opens the floodgates of Your power. This is a time of our history that demands greatness. We thank You for the wisdom, vision, and creativity You give to leaders who acknowledge their dependence on You and seek Your guidance and direction. There's no limit to what You can do through leaders who give You the glory. Here are our challenges, reveal Your solutions for them; here are our minds, think through them; here are our hearts, express Your love and care through them; here are our voices, speak through them. We commit our lives and leadership to You. Shape the next phase of Your strategy for our Nation through the men and women of this Senate. Through our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

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

Mr. HAGEL. Thank you, Mr. President.

SCHEDULE

Mr. HAGEL. Mr. President, for the information of all Senators, today the Senate will resume consideration of S. 936, the Department of Defense Authorization Act. As previously announced, there will be no rollcall votes during today's session of the Senate. Any votes ordered today with respect to amendments to the DOD bill will be set aside to occur at a time to be determined later. Under the consent agreement, there will be a cloture vote on the DOD bill at 2:15 p.m. Tuesday afternoon. As a reminder, all first-degree amendments to the bill must be filed by 1 p.m. this afternoon. It is the hope of the majority leader that we will make significant progress on the bill today so that we can complete action on the defense bill this week.

Beginning next week, the Senate will begin consideration of the available appropriations bills. Senators should be prepared for a busy legislative period between now and the August recess as we consider these appropriations bills as well as the conference reports to accompany the Balanced Budget Act and the Taxpayers Fairness Act. There is much work to do in the next 4 weeks, and the majority leader thanks all Members in advance for their cooperation.

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

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. HAGEL). Without objection, it is so ordered.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

ORDER OF PROCEDURE

Mr. DORGAN. Mr. President, let me inquire of the chairman of the committee, my understanding is that the Senate is technically on the defense authorization bill now, and that there is also anticipated time for morning business during the day. If not inappropriate, I will proceed to discuss a couple of items in morning business. But I do not want to do that at any time today that would interrupt the consideration of the bill. I will do it at the pleasure of the Senator from South Carolina.

Mr. THURMOND. Mr. President, we are awaiting Senator LEVIN to come. I suggest that the Senator go ahead if he desires to do so.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I appreciate very much the courtesy of the Senator from South Carolina, Senator THURMOND.

Mr. THURMOND. Since the bill is up for consideration, I think we have to return to the morning hour and then the Senator can speak in morning business. I ask unanimous consent that we do so.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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

The Senator from North Dakota.

Mr. DORGAN. Mr. President, I want to visit about some issues today; two of them deal with trade and one deals with the issue of safer schools.

UNITED STATES TRADE RELATIONSHIP WITH CANADA

Mr. DORGAN. Let me begin by talking just for a moment about trade.

I generally come to the floor to talk about NAFTA, which is our trade relationship with our neighbor to the north, Canada, and our neighbor to the south, Mexico. Let me limit that this morning to our trade with Canada.

I say on a broader scale that our NAFTA trade agreement in my judgment has been a failure. We now have a $40 billion combined deficit with our two neighbors, Canada and Mexico. Prior to the enactment of NAFTA, the trade agreement with our two neighbors, we had a much more positive balance of trade. But since the enactment of NAFTA, we now see a nearly $40 billion combined trade deficit, which I think is a very serious problem. It is a growing problem, and one that we must deal with.

But let me just deal with one part of the trade problem with Canada today. There is an avalanche of Canadian grain that is moving across our border, flooding into our marketplace, and that is depressing grain prices here in this country and taking money out of the pockets of American farmers.

This might be a fairly boring subject to some, but not if you are a farmer. If you are a farmer out there struggling, and you see the prices drop for wheat, Durum, barley, and other things you are producing, and then see Canada flood our markets with Canadian grain, you get pretty angry about it, and justifiably so.

We had an agreement with Canada, something called tariff rate quotas, for a year which established levels of Canadian shipments of wheat, Durum, and other wheat coming into this country. That tariff rate quota expired, but the administration indicated they would unilaterally enforce that quota. Well, at this point Canada has shipped a quantity of grain into this country that is already above the tariff rate quota for this marketing year. And it is shipping Durum wheat into this country at a level that will exceed the tariff rate quota as well. It has not yet done so, but will exceed the tariff rate quota.

Canada seems not to care very much about what this country thinks about these trade arrangements. We had a consultation with Canada about a week or two ago in Montreal, I believe, and the Canadians responded in a way that was wholly unsatisfactory to these issues. In essence, the Canadians seemed to be saying, I am told, that they intend to do nothing about it and they intend to continue to ship their grain into this country.

I am asking the President to do a couple things. One, inasmuch as the Canadians are not exercising a good neighbor policy on this trade, we should take some action.

Just to back up for a moment, when the United States-Canada Free Trade Agreement was enacted by Congress, the Trade Ambassador, then Trade Ambassador Clayton Yeutter, said to Congress that the evidence of good faith in this trade relationship is that there will not be an increase in grain coming across our border following the enactment of this trade agreement. Well, that was not worth the paper it was written on. But that is the assurance he gave in writing to Congress. Of course, we have been flooded with Canadian grain ever since.

Here is what we ought to do. First, the United States ought to target Canadian foreign markets overseas. We ought to use our export enhancement funds in Venezuela, South Africa, West Africa, Tunisia, for example, to replace Canada as a major wheat supplier to those markets. If Canada is going to cause injury to our domestic marketplace for wheat, then it is time for us to go after their foreign markets and have them pay a price for their behavior under this trade agreement.

Second, I think the administration ought to take immediate action to unilaterally stop Canadian wheat shipments from coming into this country. They said they would unilaterally enforce the tariff rate quota. Canada has already exceeded that tariff rate quota on spring wheat and other wheat, and will exceed it on Durum. The administration should shut the border to additional wheat shipments coming into this country.

Third, the Canadian Wheat Ambassador is coming to this country, I believe, this week. I intend to seek a meeting with the Canadian Trade Minister, and ask some of my colleagues to participate in that. I am also going to seek a meeting with the Trade Ambassador and deliver to him personally my concern about what is happening with Canadian grain.

The fact is, grain prices are collapsing in this country. Family farmers are struggling to make a living, and at the same time they are seeing their prices collapse and their income go down. The Canadian grain is flooding across our border. It does not make any sense at all.

I will share one additional point with my colleagues. I went to our border with Canada. I of course come from North Dakota, and we share a long border with Canada. I went to the border in a little, orange, 12-year-old truck with some Durum wheat in the back. We went to the border to take that Durum wheat into Canada. And all the way to the border we saw 18-wheel trucks coming from Canada to the United States hauling Canadian grain—all the way to the border, truck after truck after truck after truck, coming into the United States hauling Canadian grain.

We got to the border in this little, orange, 12-year-old truck with a little Durum in the back. And guess what. You could not take one grocery sack full of American Durum wheat into Canada, not one. Not only couldn't you get this little, orange truck with Durum into Canada, you could not take a grocery bag full of wheat into Canada. That trade relationship is unfair, and it ought to be changed.

TRADE WITH CHINA

Mr. DORGAN. Mr. President, let me turn to a second trade issue just very briefly. That is the issue of trade with China. We are going to confront, in the coming weeks, the issue of most-favored-nation trading status with China.

I was in Beijing a few months ago and met—along with Senator DASCHLE, the minority leader, and some others, Senator KEMPTHORNE, Senator GLENN, and Senator LEAHY—with the President of China. The President of China talked about the trade between the United States and China, and said that they were enjoying this trade relationship. They should. This trade relationship is too much now a one-way relationship between the United States and China. China now has a $40 billion trade surplus with the United States, or, to put it another way, we have a $40 billion merchandise trade deficit with China. It is unforgivable that kind of failure in trade should occur.

Now, let me talk just a little about that. I have put on the easel a chart that shows merchandise trade deficits. We have had a lot of talk in this Chamber about budget deficits and a lot of work to deal with budget deficits. Nobody talks about trade deficits. We have the largest merchandise trade deficit in American history right now. What does that mean? That translates into jobs leaving this country. That is what the merchandise trade deficit means—a weaker manufacturing sector in America and jobs moving overseas.

Now, the largest merchandise trade deficit in history occurs because we have a significant merchandise trade deficit with a number of countries, one of which is China. Here is what has happened in merchandise trade deficits with China in recent years. Go back 10 years and what you will see is a massive increase in the merchandise trade deficit with China, now nearly $40 billion. The growth in United States exports to China is not nearly as strong as the growth in imports from China.

Now, people say if you read a newspaper about our trade with China, here is the way they do it. It is like dancing the jig. They say, did you know our exports from the United States to China are up triple? We have tripled our exports. Yes, that is right here. It went from $3.6 billion in 1980 to $11.9 billion in 1996. So we read that in the paper, and they do this all the time, we have tripled our exports from the United States to China. You think, gee, what a

terrific thing for our country. They do not tell you the other half of the story. Imports from China are up 46 times—not triple, 46 times. They went from $1 billion to $51 billion. So the people that give you only half the story say, gee, we have tripled our exports to China, but they don't tell you that the amount of imports from China are up 46 times.

Now, just a short trade quiz. To which countries did the United States export more goods than it did to China in 1996? Did we import more goods to Australia than we do to China? China has 1.2 billion people. Did we export more to Australia than to China? What about Belgium? Did we export more to Belgium than China or Brazil or the Netherlands or Singapore? Did we export more to those countries than China? To which of these countries did we export more than to China? The answer is, all of them. We are a sponge for China, sending us all of their goods. Very close to half of all Chinese exports come to the United States of America.

What does China buy from us? Well, here is what they buy from us. In the trade flow with China they buy cereal, textile fibers, fertilizers, and some aircraft. What do we buy from China? Electronics, heavy machinery, toys and games, and footwear. This trade relationship is not fair, it does not make sense, and it weakens our country.

All of the debate here in Congress is about the most-favored-nation status and human rights. I was in China the day they sent Wang Dan to prison—I think for 9 years—sent him to prison because he criticized the government. If you criticize this Government, is somebody going to send you to prison? No, we have something called a Constitution. You are welcome to criticize this Government. It is part of what this country is about; the hallmark of freedom is free speech. In China, Wang Dan found free speech might be free but only up to a limit. You criticize your government, you spend years and years in prison.

So, human rights are important. Yes, we ought to be concerned about human rights with respect to China and with respect to most-favored-nation status. But even if the human rights issue were addressed and even if that issue were resolved, what about the abiding trade problem with China with respect to the imbalance of trade, a $40 billion trade deficit and growing? What about that? What about the other deficit, the trade deficit?

This administration and this Congress needs to deal with the other deficit, and that is part of this issue. I hope the journalists, newspapers, and others would also start writing about this, carry some op-ed pieces about it. You cannot even get this information in an op-ed piece. They will not carry it.

What about the $40 billion trade deficit? Why ought not we as Americans expect that if we buy all of these goods from China, they ought to buy a massive quantity of American-manufactured goods as well? China says it wants airplanes, needs airplanes. Guess what? Instead of saying we will buy your airplanes manufactured in the United States, they say we want American manufacturers to manufacture their airplanes in China. It makes no sense. That is not fair trade.

We will have a discussion this month about most-favored-nation status with China, and yes, part of it should be about the issue of human rights. But part of it also needs to be about the abiding, growing and dangerous trade deficit that we now have with China and about reciprocal trade treatment that would require China to understand that when it sells into our marketplace, it must also then buy in the American marketplace goods that China needs and uses.

(The remarks of Mr. DORGAN pertaining to the introduction of S. 989 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998

The PRESIDING OFFICER. The Senate will now resume consideration of S. 936, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 936) 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.

The Senate resumed consideration of the bill.

Pending:

Cochran/Durbin amendment No. 420, to require a license to export computers with composite theoretical performance equal to or greater than 2,000 million theoretical operations per second.

Grams Amendment No. 422 (to amendment No. 420), to require the Comptroller General of the United States to conduct a study on the availability and potential risks relating to the sale of certain computers.

Coverdell (for Inhofe/Coverdell/Cleland) amendment No. 423, to define depot-level maintenance and repair, to limit contracting for depot-level maintenance and repair at installations approved for closure or realignment in 1995, and to modify authorities and requirements relating to the performance of core logistics functions.

Mr. LUGAR addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. LUGAR. Mr. President, momentarily, when the draft of my amendment arrives, I will send it to the desk. For the moment, I will simply mention that the amendment I am about to offer, I will offer on behalf of myself, Senator BINGAMAN, Senator DOMENICI, and Senator LEVIN.

Mr. President, I indicate that additional original cosponsors will be Senators HAGEL, JEFFORDS, CHAFEE, SPECTER, D'AMATO, FRIST, GORTON, SNOWE, COLLINS, KENNEDY, BIDEN, KERREY of Nebraska, LIEBERMAN, BYRD, REED of Rhode Island, DASCHLE, and ROBB.

I want to especially recognize Senator DOMENICI for his contribution to our work on this amendment.

Mr. President, let me state at the outset that Congress established, in 1991, with strong bipartisan support, what is known as the Nunn-Lugar Cooperative Threat Reduction Program, the CTR.

Last year, the Senate, in a 96 to 0 vote, amended and enlarged this important program through the Nunn-Lugar-Domenici legislation entitled the Defense Against Weapons of Mass Destruction Act.

The CTR program at the Department of Defense, along with its companion programs at the Department of Energy—namely, the Materials Protection Control and Accounting Program [MPC&A] and the International Nuclear Safety Program—have played significant roles in our efforts to reduce the risk to the United States from loose nukes and the dangers inherent in the operations of Soviet-designed nuclear reactors.

Each of these programs plays a key role in enhancing stability around the world and contributes to circumscribing the threats that emanate from weapons and materials of mass destruction.

The defense authorization bill for fiscal year 1998, as reported out of the Committee on Armed Services, cut the funding for the Cooperative Threat Reduction Program and the Materials Protection, Control and Accounting Program and totally eliminated all funding for the International Nuclear Safety Program.

Our amendment is designed to restore the funding cuts in these three programs.

REDUCTION IN THE CTR REQUEST

Mr. President, the Armed Services Committee has recommended a cut of $60 million in the President's request of $382.2 million for the fiscal year 1998 for the Cooperative Threat Reduction Program. The sponsors of this amendment believe that this is a mistake.

The Nunn-Lugar program's impact on the threat posed by former Soviet weapons of mass destruction can be measured in the 81 ICBM's destroyed, 125 ICBM silos eliminated, 20 bombers destroyed, 64 SLBM launchers eliminated, 58 nuclear test tunnels sealed, and the 4,500 warheads taken off strategic systems aimed at us—Mr. President, let me repeat that, 4,500 former Soviet warheads which were pointed at the United States have been removed by the Nunn-Lugar program—all at a

cost of less than one-third of 1 percent of the Department of Defense's annual budget. Without our Cooperation Threat Reduction Program, Ukraine, Kazakstan, and Belarus would still have thousands of nuclear weapons. Instead, all three countries are nuclear-weapons-free.

Although the CTR Program has accomplished much, much work essential to U.S. national security interests remains to be done. This includes:

The elimination of ICBM's, SLBM's, and heavy bombers as required under the START I Treaty, followed by START II and perhaps START III; increase safety and security for the transport and storage of remaining Russian nuclear warheads; an end to production of weapons-grade plutonium; chemical weapons reduction; and other efforts to reduce weapons of mass destruction in the former Soviet Union and the threat of proliferation.

The President's fiscal year 1998 budget request of $382.2 million was a barebones request based on a difficult prioritization of potential projects.

Stated simply, Mr. President, there are tens of things which need to be done, a long list prioritized and squeezed into the $382.2 million bare bones request. Many programs that the Congress supported in the past failed to make the list. Indeed, there are several key projects that cannot be funded even at the $382.2 million level which would accelerate our strategic arms elimination programs in Russia and Ukraine.

I am told that the committee reduction in the President's request was motivated in part because:

Unobligated moneys remain for Belarus, which cannot be spent as long as that country has not been recertified for the CTR program; the Government of Japan has suggested it might purchase fissile material containers for a major CTR project at Mayak in Russia, thereby freeing up some CTR funds previously planned for that project; and finally, unobligated funds for the Cooperative Threat Reduction Programs.

In fact, Mr. President, there are no extra funds available. There are no unobligated funds that have not been designated for specific projects and specific countries.

BELARUS DECERTIFICATION

The decision by the President not to recertify Belarus for the time being resulted in $37.2 million that cannot be obligated until Belarus is certified. The Department of Defense plans to use $15 million of this sum to partially fund a classified project that has been briefed to Members and notified to the Congress. A copy of that notification is available in S–407 for any Member to read. The remainder of the Belarus funds are intended to remain in reserve to implement previously notified projects in Belarus in the event that Belarus is recertified in fiscal year 1998.

Mr. President, I support the maintenance of these funds in a reserve to implement previously notified projects. Even though the SS–25's have left Belarus for Russia, much remains to be done in the area of strategic system infrastructure elimination. SS–25's are mobile; they could be returned under certain circumstances. Thus, while Belarus is currently nuclear weapons free, much remains to be done to insure that it remains in that status.

JAPANESE CONTAINER PURCHASE

The Japanese are negotiating with the United States manufacturer, Westinghouse, to purchase some fissile material storage containers for a storage facility at Mayak, Russia. This project is a major component of the CTR program. While the Department of Defense is not yet certain how many, if any, the Japanese will purchase, it could be that a Japanese purchase would decrease the DOD requirements for container purchases by as much as $15 million. Accordingly, the Department of Defense plans to use this $15 million to augment some of the funds from the Belarus account for the classified project. The remaining fiscal year 1997 container funding in the amount of $23.5 million are being notified to Congress to enable purchase of containers to complete the 50,000 container requirement.

In short, Mr. President, the Congress has been notified on a new, classified nonproliferation project which will use all of the CTR funds no longer needed for fissile material container, and many of the obligated funds previously planned for Belarus in the event Belarus is not recertified. This project is important and time-sensitive and deserves our support.

UNOBLIGATED CTR FUNDS

Mr. President, the issue of unobligated CTR funds is an annual one. Inevitable delays in obligating funds in a given fiscal year result from the annual certification process, a very complicated process from the beginning of the nonnuclear legislative efforts in 1991.

For example, the Department of Defense did not have authority to spend fiscal year 1997 CTR funds until April 1997, following completion of the certification process and notification to Congress of intent to obligate the fiscal year 1997 funds.

Mr. President, this means simply that well over half of the year was consumed due to the legislative requirements of the certification process and the notification of intent to Congress.

Over the life of the CTR Program, DOD has notified to the Congress intent to obligate approximately $1.8 billion. Of this amount, $1.3 billion has been obligated, and an additional $38.5 million soon will be notified. Therefore, DOD has $513 million—not $700 million—in currently unobligated CTR funds.

For fiscal year 1997, DOD has so far obligated $208 million, with plans to obligate another $200 million by the end of the fiscal year. As defined in the CTR Multi-year Program Plan reported to Congress earlier this month, the remaining $313 million in unobligated funds have been committed to specific countries by signed agreement and are earmarked for specific CTR projects. For example, we have agreements and have earmarked funds for SS–18 ICBM elimination in Russia and SS–24 elimination in Ukraine.

The bottom line, Mr. President, is that execution of these funds has been thoroughly planned, and agreements with recipient nations have been signed to allow this assistance for eliminating these strategic systems to proceed per the DOD plan.

THE MATERIAL PROTECTION, CONTROL, AND ACCOUNTING PROGRAM

Mr. President, let me turn to the second program for which we seek to restore full funding through this amendment—this is, the Material Protection, Control, and Accounting Program.

Mr. President, most Members can appreciate the direct benefits to our security from assisting in the elimination of strategic weapons systems targeted on the United States. Perhaps more difficult to comprehend is the threat posed by the potential leakage of weapons-grade nuclear materials.

The Material Protection, Control, and Accounting Program seeks to secure hundreds of tons of weapons-usable nuclear materials in the former Soviet Union and elsewhere which are inadequately secured and are at risk of falling into the hands of criminal elements, terrorist organizations and rogue states. In sort, this programs works to prevent the theft or diversion of weapons-usable materials—plutonium and highly enriched uranium.

The Department of Energy, in cooperation with Russia, the newly independent states, and the Baltic States, has put in place equipment at 18 sites to safeguard plutonium and weapons-usable uranium, and agreements are in place to enhance safety and security at over 30 additional sites, including research laboratories and storage sites. If this program is reduced by the $25 million recommended by the committee, there would be delays of at least 2 years in securing these sites and an estimated increased cost of $70 million.

In short, Mr. President, after a slow start in the early 1990's, MPC&A improvements are now underway at over 50 sites in Russia, the new independent states, and the Baltic States. Let me give some specific examples: MPC&A upgrades at Obninsk and Kurchatov in Russia have radically improved security for several tons of weapons-usable material; upgraded MPC&A systems for all weapons-usable nuclear materials in Latvia, Lithuania, Uzbekistan, Georgia, and Belarus are complete; nuclear material detectors have been installed at all pedestrian pathways at the Siberian Chemical Combine (Tomsk–7) and the Chelyabinsk–70 nuclear weapons design institute. These monitors provide a major improvement to the security of many tons of weapons-usable nuclear material at these

sites; a national MPC&A training center has been established at Obninsk, Russia, with support from DOE and the European Union; by the end of this month, more than 1,000 nuclear specialists from the former Soviet Union will have participated in MPC&A training courses and technical exchanges under the auspices of the program; work is underway to strengthen Russia's nuclear regulatory system; and MPC&A upgrades for the Russian Navy, some 8 to 10 facilities in 1998, the icebreaker fleet, and for nuclear materials during transportation are underway at several sites.

Mr. President, it is noteworthy that the National Research Council recently completed an independent external assessment of this MPC&A program, and the National Research Council concluded; and I quote:

U.S. commitment to the program should be sustained and funding should be continued at least at the level of FY 1996 (funding) for several more years, and increased if high-impact opportunities arise.

In short, the Energy Department through this program has enhanced the security surrounding hundreds of tons of nuclear weapons material, but the vast majority of material remains poorly secured.

Mr. President, fiscal year 1998 is one of the peak-activity years for the program, with work in progress at all large Russian nuclear sites compromising many hundreds of tons of highly enriched uranium and plutonium. If we reduce the fiscal year 1998 budget by $25 million, it would kill program momentum, a momentum based on years of negotiations, confidence building, and windows of opportunity.

Mr. President, if we do not restore these program cuts, then I fear that work that has already been done to secure U.S. security interests and establish project foundations would need to be done again at considerable financial, time, and political costs. These costs would be especially great for the high-priority dismantlement and navy sites that we are attempting to secure. For example, security of fresh highly enriched uranium naval fuels is at a crucial stage. It is the largest project with the Russian Ministry of Defense—a key player in the overall nuclear-material security picture. It is crucial to maintain the program momentum. Security upgrades at the first facility are underway, and 6 to 12 additional facilities will be targeted in the 1998–2002 timeframe.

Mr. President, the bottom line is that, in my judgment, the MPC&A Program is one of the two most critical programs the U.S. Government conducts for ensuring the strategic national security of this country. It ranks alongside the equally critical Stockpile Stewardship Program for maintaining the credibility and reliability of the U.S. nuclear deterrent.

INTERNATIONAL NUCLEAR SAFETY PROGRAM

Last, Mr. President, our amendment seeks to restore funds to the International Nuclear Safety Program. The Department of Energy is working with the international community to increase nuclear safety worldwide, particularly in those countries of Eastern and Central Europe and the former Soviet Union that operate Soviet-design nuclear reactors.

The program's focus is on projects that improve the operation, physical condition, and safety culture at nuclear power plants; the establishment of nuclear safety centers in the United States and countries of the former Soviet Union; and technical leadership to promote sound management of nuclear materials and facilities.

Mr. President, by way of background, it should be noted that the 1986 Chernobyl nuclear reactor disaster highlighted the dangers associated with all operating Soviet-designed nuclear power reactors, particularly those of the older, Chernobyl-type design. The safety of these reactors is very much in the interest of the United States. Another nuclear accident could well destabilize political and economic conditions in the nascent democracies of the former Soviet Union and Eastern Europe and cost the United States vast sums in relief assistance.

This International Nuclear Safety initiative is designed to address, through cooperative and technical innovation, the serious global problems in the interrelated fields of nuclear safety and nonproliferation. This activity involves engineers, manufacturers, and scientists from many countries, and upon the DOE expertise in nuclear matters and our national laboratories to conduct this cooperation.

Thus far, Mr. President, the Department of Energy has implemented under this program more than 150 plant-specific safety projects, involving 17 plant sites throughout the former Soviet Union and Eastern and Central Europe, eight design and scientific institutes, and 21 United States commercial companies. Already, under this program, a number of key activities have been completed, including:

Establishing nuclear safety training centers in Russia and Ukraine; transferring United States-style emergency operating procedures to a major Russian plant; completing nuclear safety system improvements at three Russian plants; and establishing the Ukraine International Research Center on Nuclear Safety, Radioactive Waste, and Radioecology.

Mr. President, this last program activity is particularly important. The objectives of the Ukraine Center, located near the Chernobyl plant, include: Providing support for safety improvements for all nuclear power plants in Ukraine; to providing a focal point for international cooperation in addressing the environmental, health and safety issues created by the Chernobyl accident; and reducing the socioeconomic impacts of closing the Chernobyl plant.

Mr. President, the Department of Energy also implements the United States program to assist Ukraine in shutting down the Chernobyl nuclear power plant, including measures for dealing with the deteriorating sarcophagus covering the damaged unit. These activities, however, are funded through another program.

Mr. President, unless we restore the moneys to this program as this amendment seeks to do, we will be unable to proceed with some priority activities in 1998, that include:

Management and operational safety improvements at Soviet-designed nuclear power sites; engineering and technology upgrades at Soviet-designed nuclear power sites; additional detailed plant-specific safety assessments; assistance in the development of an independent nuclear regulator; and support for international nuclear safety data exchanges and cooperative research and development between the Russian International Nuclear Safety Center and the United States Center at Argonne National Laboratory in Idaho.

This program is part of a larger international effort designed to reduce the risks inherent in these Soviet-designed reactors in the near term and to assist Russia and the newly independent states to implement self-sustaining nuclear safety programs and to achieve international nuclear reactor safety norms.

Mr. President, I cannot assure this body that if we fully restore the funding for this program, another Chernobyl will never take place. But I can say that this program request is one of the best policy instruments available to reduce the risk that the world will face another Chernobyl-like disaster.

In summary, our proposed amendment would restore the cuts made by the committee to these programs: $60 million in the cooperative threat reduction programs; $25 million to the MPC&A Program; and $50 million to the International Nuclear Safety Program.

In my view, failure to restore these funds to these important programs could have severe consequences. It could diminish our ability to further reduce the prospect that terrorist or rogue states would acquire weapons-grade material; it could diminish our ability to assist in the permanent removal of missiles, launchers, and other delivery vehicles from the former Soviet strategic arsenal; and it could handcuff our ability, in cooperation with others, to improve operating safety at high-risk nuclear reactor sites in the former Soviet Union and elsewhere, and thus dramatically reduce the risk of further Chernobyls.

I am most hopeful that all of my colleagues will support this amendment.

Mr. President, I ask unanimous consent to lay aside the Grams amendment.

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

AMENDMENT NO. 658

(Purpose: To increase (with offsets) the funding, and to improve the authority, for cooperative threat reduction programs and related Department of Energy programs)

Mr. LUGAR. Mr. President, I send my amendment to the desk and ask unanimous consent it be made in order.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from Indiana [Mr. LUGAR], for himself, Mr. HAGEL, Mr. JEFFORDS, Mr. CHAFEE, Mr. SPECTER, Mr. D'AMATO, Mr. FRIST, Mr. GORTON, Ms. SNOWE, Ms. COLLINS, Mr. KENNEDY, Mr. BIDEN, Mr. KERREY, Mr. LIEBERMAN, Mr. BYRD, Mr. REED, Mr. DASCHLE, Mr. ROBB, Mr. BINGAMAN, Mr. DOMENICI, and Mr. LEVIN proposes an amendment numbered 658.

Mr. LUGAR. 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:

On page 272, between lines 1 and 2, insert the following:

SEC. 1009. COOPERATIVE THREAT REDUCTION PROGRAMS AND RELATED DEPARTMENT OF ENERGY PROGRAMS.

(a) DECREASE IN AUTHORIZATION OF APPROPRIATIONS FOR ENVIRONMENTAL MANAGEMENT SCIENCE PROGRAM.—Notwithstanding any other provision of this Act, the amount authorized to be appropriated by section 3102(f) is hereby decreased by $40,000,000.

(b) DECREASE IN AUTHORIZATION OF APPROPRIATIONS FOR ENVIRONMENT, SAFETY AND HEALTH, DEFENSE.—Notwithstanding any other provision of this Act, the amount authorized to be appropriated by section 3103(6) is hereby decreased by $19,000,000.

(c) DECREASE IN AUTHORIZATION OF APPROPRIATIONS FOR OTHER PROCUREMENT, NAVY.—Notwithstanding any other provision of this Act, the amount authorized to be appropriated by section 102(c)(5) is hereby decreased by $56,000,000.

(d) DECREASE IN AUTHORIZATION OF APPROPRIATIONS FOR OPERATION AND MAINTENANCE, DEFENSE-WIDE.—Notwithstanding any other provision of law, the amount authorized to be appropriated by section 301(5) is hereby decreased by $20,000,000.

(e) INCREASE IN AUTHORIZATION OF APPROPRIATIONS FOR FORMER SOVIET UNION THREAT REDUCTION PROGRAMS.—Notwithstanding any other provision of this Act, the amount authorized to be appropriated by section 301(22) is hereby increased by $60,000,000.

(f) INCREASE IN AUTHORIZATION OF APPROPRIATIONS FOR DEPARTMENT OF ENERGY FOR OTHER DEFENSE ACTIVITIES.—Notwithstanding any other provision of this Act, the total amount authorized to be appropriated by section 3103 is hereby increased by $56,000,000.

(g) INCREASE IN AUTHORIZATION OF APPROPRIATIONS FOR DEPARTMENT OF ENERGY FOR ARMS CONTROLS.—Notwithstanding any other provision of this Act, the amount authorized to be appropriated by section 3103(1)(B) is hereby increased by $25,000,000 (in addition to any increase under subsection (e) that is allocated to the authorization of appropriations under such section 3103(1)(B)).

(h) AUTHORIZATION OF APPROPRIATIONS FOR DEPARTMENT OF ENERGY FOR INTERNATIONAL NUCLEAR SAFETY PROGRAMS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for other defense activities in carrying out programs relating to international nuclear safety that are necessary for national security in the amount of $50,000,000.

(i) TRAINING FOR UNITED STATES BORDER SECURITY.—Section 1421 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2725; 50 U.S.C. 2331) is amended—

(1) by striking out ''and'' at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof ''; and''; and

(3) by adding at the end the following:

''(4) training programs and assistance relating to the use of such equipment, materials, and technology and for the development of programs relating to such use.''.

(j) INTERNATIONAL BORDER SECURITY THROUGH FISCAL YEAR 1999.—Section 1424(b) of the National Defense Authorization Act for Fiscal Year 1997 (110 Stat. 2726; 10 U.S.C. 2333(b)) is amended by adding at the end the following: ''Amounts available under the proceeding sentence shall be available until September 30, 1999.''.

(j) AUTHORITY TO VARY AMOUNTS AVAILABLE FOR COOPERATIVE THREAT REDUCTION PROGRAMS.—(1) Section 1502(b) of the National Defense Authorization Act for Fiscal Year 1997 (110 Stat. 2732) is amended—

(A) in the subsection heading, by striking out ''LIMITED''; and

(B) in the first sentence of paragraph (1), by striking out '', but not in excess of 115 percent of that amount''.

(2) Section 1202(b) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 469) is amended—

(A) in the subsection heading, by striking out ''LIMITED''; and

(B) in the first sentence of paragraph (1), by striking out '', but not in excess of 115 percent of that amount''.

Mr. LUGAR. Mr. President, I thank the Chair, I thank Members for allowing me to offer this important amendment at this time, and I reiterate my hopes that all colleagues will support this activity. I point out the debate describes the substantial achievements of the cooperative threat reduction programs. The difficulty is always getting moneys through the pipeline, but I believe the statement I have given is self-explanatory with regard to these major issues.

Mr. LEVIN. Mr. President, I wonder if the Senator from Indiana would respond to this question before I make my own statement in strong support of his amendment, in gratitude for his amendment, and his leadership in this area. Did I understand the Senator said that he asked consent to lay his amendment aside?

Mr. LUGAR. No. May I respond to the distinguished Senator. I asked the Grams amendment be laid aside and then, having gotten agreement by the Chair, I sent my amendment to the desk and asked for unanimous consent it be made in order, which the Chair granted.

Mr. LEVIN. I thank the Senator. We are hopeful this amendment can be accepted, so I am glad this amendment would not be laid aside. Again, I commend the Senator from Indiana for the extraordinary leadership that he and Senator Nunn, when Senator Nunn was in this body, have shown in this area which contributes so much to the security of this Nation.

One of the most cost-effective and successful defense programs that we have to reduce threats to our country and to enhance our national security is the Cooperative Threat Reduction Program that Senator LUGAR and Senator Nunn started in 1991. This program at the Department of Defense, and its companion programs at the Department of Energy, have produced important results in reducing the threat of proliferation of weapons of mass destruction, including nuclear, chemical and biological weapons and their materials. I was disappointed that the bill before the Senate, as it came before the Senate, does not authorize the funding level requested by the administration for these important programs, so I fully support the Lugar amendment.

In addition to commending Senator LUGAR, I particularly want to commend Senator BINGAMAN for his effort to restore these funds during the Armed Services Committee markup process. Since 1991, these threat reduction programs helped three Newly Independent States, Ukraine, Belarus, and Kazakhstan, to completely rid themselves of some 6,000 nuclear weapons that they inherited from the former Soviet Union. The CTR programs have also permitted Russia to implement the START I treaty ahead of schedule, helping eliminate over 800 Russian nuclear missiles and bombers. These are weapons that will never again threaten the United States.

The Department of Energy has worked to secure tons of nuclear weapons materials, primarily plutonium and highly enriched uranium, that were and to a significant extent still are under inadequate safeguards and vulnerable to theft or diversion. Keeping these dangerous materials out of the hands of would-be proliferators reduces the likelihood that nuclear weapons will threaten us. There is just no more important thing that we can do for our Nation's security than to secure these nuclear materials and to eliminate these missiles.

The job, though, is only partly finished, and much more needs to be done. That is why it was so disappointing that the committee bill reduced the budget request for these programs by $135 million, including a reduction of $60 million for the Department of Defense cooperative threat reduction programs; a reduction of $25 million for the Department of Energy Materials Protection, Control and Accounting Program; and a reduction of $50 million, which was the total amount requested for the DOE International Nuclear Safety Program.

Given the great concern that the committee has appropriately expressed for the danger of nuclear, chemical and biological weapons and materials and the committee's interest in taking steps to reduce this danger, those reductions were surprising indeed. In my view we should be considering what additional efforts we can take to reduce these threats. While the threat from such proliferation is more likely and immediate than the threat from a ballistic missile attack on the United

States, Congress has pushed to increase funding for national missile defense while reducing funding for cooperative threat reduction. We are underfunding the latter program at our clear peril.

There are numerous cooperative threat reduction programs that need to be funded on an urgent basis. For example, Ukraine decided in mid-May to eliminate all of its SS–24 intercontinental ballistic missiles, a decision which the United States encouraged and welcomed. We should help Ukraine eliminate these missiles so that they can never again be used.

Furthermore, there remain large quantities of nuclear materials that need to be secured and accounted for. The list of unfunded cooperative threat reduction and related DOE projects is long and it represents an urgent opportunity for the United States to take tangible and permanent steps to reduce threats to our security. For a tiny fraction of the defense budget we can accomplish extraordinary gains. The proliferation in nuclear safety problems remains considerably larger and more serious than the response has been so far.

One of the allegations which was made which supported these cuts in committee was that there was $700 million in unobligated cooperative threat reduction funds floating around, and thus it was argued that the cooperative threat reduction programs could absorb a $60 million cut. But that is not the case. The cooperative threat reduction has $513 million in unobligated funds but of this, $200 million will be obligated by the end of the year and all of the remaining $313 million has been committed to specific countries by signed agreements.

On another part of this program, which was the reduction in the DOE Materials Protection, Control and Accounting Program, by the end of June 1997, all of the fiscal year 1997 funds were obligated and sent to the laboratories for implementation. The assumption that the 1998 fiscal year request can be reduced and offset with uncosted balances from fiscal year 1997 or fiscal year 1996 without programmatic impact is incorrect. The net result of a reduction of fiscal year 1998 funds would be a reduction in the planned programmatic activities. There is a critical need for this program. The materials protection, control and accounting programs have a clear and direct relationship to the national security policy of reducing the amount of fissile material available for threat or diversion.

So, I hope we can be fully up to the challenge of taking advantage of this opportunity to eliminate some of the most serious threats to our security. In order to take advantage of this opportunity, we must at least fully fund these threat-reduction and safety programs at the requested level. I hope in the future the administration and the Congress will agree to provide higher levels of funding for these programs, which, again, are as important to our national security as any programs that I know. So, I am pleased to join as a cosponsor of the Lugar amendment and I hope all of our colleagues will support this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, behind me are some charts that may help Members understand the issues that we are discussing today. I cited, in my opening statement, as did the distinguished Senator from Michigan, the extraordinary work that has been done with cooperative threat reduction over the years. This chart makes it graphically clear—4,500 warheads deactivated. The background of this situation was one that, at the end of the Soviet Union, the time of the dissolution of the Soviet Union, a number of military officers came to this country from Russia, a number came from Ukraine and Belarus, Kazakhstan and other new states—but the four that I cite originally were all nuclear states, and the questions they posed to the administration of our country and Members of Congress who are interested in this, was strictly, we believe—they said, ''You have a vested interest in working with us to deactivate warheads,'' and indeed we did. Mr. President, these 4,500 warheads that have been deactivated were all aimed at us. That is the heart of the cooperative threat reduction programs—cooperation in reducing the threat to us, of warheads aimed at us.

Likewise, 99 ICBM's have been destroyed. They are no longer in the picture at all, in the process of working through, especially, the nonnuclear status for Ukraine, for Kazakhstan; 140 ICBM silos have been eliminated, they are totally out of the picture, in cooperative threat reduction; 20 bombers have been destroyed, and so forth.

From time to time over the 6 years of the cooperative threat Nunn-Lugar reduction program debates, Members come on this scene—perhaps new to the entire argument—and ask why are we spending money in Russia? Why are we working with Russians on nuclear matters? Mr. President, we are working with Russians to destroy ICBM's, silos, warheads that are aimed at us. In my judgment we ought to do as much of this as we can. I would simply say the thought that some moneys might be nibbled away from the program simply does not meet the security needs of our country. Clearly, we ought to have a high-priority reactivation of all projects that will lead to our security in this area.

Mr. President, let me describe a process that has been discussed in each of the last 6 years. It is namely how do you get from the priority of what you want to do, to money that is available, obligated, and spent? The cooperative threat reduction programs each year have many challenges to overcome before funds can be obligated. In my opening statement I cited the fact it was April of this year before the funds the Congress appropriated last October could get into action. Why? Because, from the very beginning of the Nunn-Lugar CTR program, an extraordinary number of procedural challenges have been placed in the legislation.

They were placed there by those who were, frankly, skeptical that money ought to be spent with the Russians for any purpose. But, in any event, by April of this year, we finally had gone through all the hoops of that situation.

The program requires government-to-government agreement, negotiations then with Russia, with Ukraine, with Kazakhstan, with Belarus, to establish the legal framework for each of these transactions. Each of the implementing agreements has to be negotiated for each project with the ministry responsible in that country for the project.

Once the agreements are in place by country, by project, by ministry, then a definition phase of the project can begin and that can be lengthy as the Department of Defense negotiates the details with the recipient country.

Then a contracting process follows. The Department of Defense uses its standard Federal acquisition regulations for all CTR assistance, normally contracting with United States firms to provide that assistance. That assistance mandates free and open competition and maximum protection of taxpayer dollars, but it is lengthy, Mr. President, having gone through all the hoops of the implementing arrangements and the requirement definitions, then the contracting process, identically the same as it is with the Department of Defense for everything else in the world with U.S. firms, open competition. All of that must occur.

Finally, on an annual basis, DOD must certify the recipient nations are still eligible. We have heard now that Belarus is not, for a variety of reasons, but may become eligible again as its politics and situation may change. Our security problems, with regard to Belarus and those weapons, have not changed, I might add. But once certification, again, is complete, DOD must notify Congress in considerable detail as to how it intends to obligate the appropriated funds. After that notification, and only after that notification, can new agreements of amendments to the existing implementing agreements be negotiated, and only then can DOD obligate the funds which begin the procurement cycle.

Mr. President, from time to time during this 6-year period of time, this lengthy process of certification and notification and renegotiation and bidding and notification of Congress has taken so long that the whole fiscal year is complete, appropriations committees have taken the moneys off the table, and we go back through the whole process of reappropriating what already had been appropriated.

I do not argue with the procedures. I simply say they are tediously careful

to make sure that everybody has a very good idea of precisely what is occurring, how U.S. firms, in competition with each other, might deal with it and with full notification of the Congress of all of this.

I reiterated this because I heard in the distinguished other body debate during which it was blandly asserted that there is plenty of money in the pipeline. The argument in the other body no longer centered around the validity of the program but simply said there is lots of money available, no need, really, to further appropriate any more.

I am asserting there is no more money available, as a matter of fact, for a long list of priority things our country should do for our own security, and to nibble away and cut pieces here and there is not in our national interest, it is not good public policy, and that is why it is time to take time to simply reiterate, through the charts, that dollar for dollar, year for year the money is obligated, it is called for, it is spoken for, it is competed for, and it is examined.

Mr. President, we ought to get on with the process so that there is no ambiguity if we want to continue to work with the Russians to destroy ICBM's, take warheads off ICBM's, if we want to contain fissile material that is dangerous, if we want to work with Chernobyl-type reactors so they don't explode, not only creating damage in the countries in which the explosion occurs, but through the fallout damage throughout the world.

This is grim and serious business. For these reasons, I really ask strong support of our amendment. I thank the Chair.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I want to speak briefly in support of this amendment that Senator LUGAR has offered and commend him for his leadership on this very important issue. Senator LUGAR and Senator Nunn established this program, promoted this program, and have led the Senate in gaining support for this program over these last several years. I see it as one of the few shining examples that we can point to to indicate that we are aware of the new reality, the new post-cold-war reality that we face with Russia and with other former Soviet Union countries.

Let me briefly describe, as Senator LUGAR has and Senator LEVIN has, what the amendment does. It would add or restore to the bill before us amounts that were cut at the subcommittee level to get it back to the level of funding that the administration requested in three different areas. One is what is referred to as MPC&A funds—that stands for materials protection control and accounting funds—for the Department of Energy. The second is $50 million being restored for the International Nuclear Safety Program, again, in the Department of Energy. And the third item is $60 million that is being restored in the cooperative threat reduction programs which are operated and administered by the Department of Defense.

Mr. President, the legislative provisions that accompany this provide greater flexibility in administering the CTR Program. They allow fiscal year 1997 funds for international border security to be available for obligation for 3 years and allow the Customs Service to use fiscal year 1997 funds that were provided to purchase new equipment to also be used to provide assistance to employees to allow that new equipment to be fully integrated into the operations of the Customs Service.

This amendment and the funds that these programs contain are intended to reduce the danger of so-called loose nukes, or nuclear weapons that might fall into the hands of terrorists, might fall into the hands of people not authorized to have those weapons; also, to help reduce the danger that fissile material, material that is essential to making of new nuclear weapons, not fall into those same hands. The funds are intended to help destroy ICBM silos and launchers in the former Soviet Union and to generally help reduce the risk in the near term from the operation of Soviet-designed nuclear powerplants.

Mr. President, the arguments have been well laid out by Senator LUGAR and Senator LEVIN, as well. This is a program that has accomplished a tremendous amount already in reducing the risk of nuclear weapons.

I had the good fortune earlier this year, about 2 months ago, to travel to Russia and to visit some of the facilities that we are spending funds at to work on these cooperative programs with the Russians. I traveled there with Mr. Paul Robinson, who is head of Sandia National Laboratory, and with others who work with him at Sandia National Laboratory on these cooperative threat reduction programs and Department of Energy programs. I also traveled there with others from the Department of Energy Los Alamos National Laboratory. The general impression I received in visiting Chelyabinsk-70, which is one of the closed cities that the Russians established in order to develop and promote their nuclear weapons activity, the general impression was that these funds are being extremely well used and are, in fact, increasing the security that surrounds fissile materials and other materials that could be used in connection with nuclear weapons.

We met with Minister Mikhaylov who is head of the Ministry of Atomic Energy, MINATOM, and, again, I was impressed with the willingness to continue the cooperation to work with our own Department of Energy in making progress on these programs.

We met with admirals from the Russian Navy. They have a very significant problem of fresh uranium that can be used as fuel in their nuclear reactors, how to secure that, how to protect it from possible seizure by terrorists. They clearly wanted our help. They are obtaining our help. They need substantially more help in the years ahead. I felt good about the level of cooperation that is occurring there.

My general conclusion from the trip was the same as the one stated by Senator LUGAR in his statement earlier, and that is that there is a long list of useful projects that funds in these programs can be put to. We are not short of useful activities to work on. The contrary is the case. There are a great many things that the Russians need to do to protect and to reduce the risk of theft of nuclear materials. We are just now beginning to make serious progress on that. The funds that will be restored by this amendment are essential to making that progress. I very much believe that when you look at the entire U.S. defense budget and say, which of the funds are the most cost-effective, where are we getting the most national security return for the dollars spent, the funds being spent in these programs are clearly very high on that list.

So I urge my colleagues to support this amendment, and I hope that we can get a unanimous vote. This is a program that needs bipartisan support. This is not a program that should become the subject of partisan dispute in the U.S. Senate. It is too important to our safety and to our future and to the future of the world for us to find ourselves in some kind of partisan dispute over funds like this or programs like these.

Mr. President, in concluding, I ask unanimous consent that a letter to me from the Secretary of Energy, Federico Peña, dated June 19, expressing his strong support for this amendment be printed in the RECORD.

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

THE SECRETARY OF ENERGY,
Washington, DC, June 19, 1997.

Hon. JEFF BINGAMAN,
Ranking Minority Member, Subcommittee on Strategic Forces, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR SENATOR BINGAMAN: I am writing to offer my strong support for an amendment that I understand will be offered in the Senate to restore the Administration's budget request for the Department of Energy's Materials Protection, Control and Accounting and International Nuclear Safety programs. Additionally, I support restoration of funds for the Department of Defense Cooperative Threat Reduction program. These programs serve vital U.S. national security interests and seek to forestall the far greater costs that could result from inadequately secured nuclear material and weapons or a nuclear accident like Chornobyl.

The Materials Protection Control and Accounting (MPC&A) program is working to secure hundreds of tons of weapon-usable nuclear materials in the former Soviet Union that are inadequately secured and at risk of falling into the hands of criminal elements, terrorist organizations and rogue nations. If the program were reduced by $25 million as recommended by the Committee, there will

be a significant increase in total program costs and a delay in achieving the program objectives by approximately two years. Time and program momentum matter. Less than three years ago, we secured kilograms of material at one site in Russia. Today, the MPC&A program has secured tens of tons of material at 25 sites, and is working at a total of 50 sites where nuclear material is at risk in Russia, the Newly Independent States, and the Baltics. However, unless funds are restored to this program, the work that could secure hundreds of tons of nuclear material at the largest defense-related sites will be in jeopardy. I urge your support for full funding to continue this vital work.

The International Nuclear Safety program is the best policy instrument available to ensure that the world will not face another Chornobyl-like disaster. It is vital to our overall national security goal of helping to stabilize the former Soviet Union. It supports the independence of Ukraine and Lithuania and the emerging free market democracies of Central and Eastern Europe. The focus is on projects that improve the operation and physical condition of nuclear power plants in the region. The program also enhances the nuclear safety culture and regulatory infrastructure of countries with Soviet designed reactors. Such reactors left behind by the Soviet government continue to operate with deficiencies that, if not corrected, could result in a serious nuclear accident that would severely impact the region's political and economic stability, the environment and our national interests. Restoration of the $50 million program request is essential to help prevent that from happening.

The Cooperative Threat Reduction (CTR) program has been essential to destroying and dismantling hundreds of ballistic missile launchers, silos, heavy bombers and removal of warheads from strategic systems. Without this program, Ukraine, Belarus and Kazakstan might retain nuclear weapons, instead of being nuclear weapons free. The CTR program also supports implementation of an agreement between the U.S. and Russia to ensure that production of weapons-grade plutonium in Russia is stopped by converting the three plutonium production reactors exclusively to a power-producing mode. I support the complete restoration of funds to this vitally important program.

In each of the three areas mentioned, the costs of preventive are much less than the costs of inaction. I urge you to uphold America's leadership, interests and commitments by preserving and fully funding these essential programs.

Sincerely,

FEDERICO PEÑA.

Mr. BINGAMAN. Mr. President, 6 years ago, the Congress voted to take some dramatic steps to reduce the threat of nuclear terrorism when it approved the Nunn-Lugar Cooperative Threat Reduction Program—CTR. Since that time, as a result of work being done by CTR programs, over 1,400 nuclear warheads that were aimed at the United States or our allies have been removed; 64 submarine ballistic missile launchers have been eliminated; 54 intercontinental ballistic missile silos, 61 SS–18 ICBM's, and 23 strategic bombers have been eliminated. Today, Ukraine, Belarus, and Kazakhstan no longer have any nuclear weapons with which to threaten the United States or our allies.

Support for the Cooperative Threat Reduction Program has run high and enjoys bipartisan support. Last year in the Senate, in a 96-to-0 vote, we enacted the Nunn-Lugar-Domenici Defense Against Weapons of Mass Destruction. This program and its companion programs in the Department of Energy have repeatedly withstood attempts to undo the progress that has been made in reducing the threat of nuclear terror. Legislators from both sides of the aisle are able to see the important benefits to the United States, and to understand the need to move beyond cold war attitudes that prevent us from meeting today's national security needs to prevent nuclear terrorism.

This year, the Senate Armed Services Committee voted along partisan lines to cut $135 million from the CTR Program, the Materials Protection Control and Accounting Program, and the International Nuclear Safety Program. The benefits gained from those programs are so important that I must appeal to my colleagues on the floor of the Senate to restore those funds so we can continue the valuable work being done to minimize the possibility that some person or some rogue country could threaten the United States or any other nation with nuclear weapons.

I've already mentioned some of the benefits gained through the CTR Program. Much more work remains to be done to dismantle Russian missile launchers, silos, and aircraft. I urge my colleagues to continue to support this program which reduces the threat to the United States in such a direct manner. The $60 million cut by partisan vote in the committee should be restored in order to continue work that is essential to our national security interests.

The Materials Protection Control and Accounting—MPC&A—Program in the Department of Energy—DOE—is intended to prevent theft of smuggling of nuclear materials that could be used in nuclear weapons or for other forms of terrorism. DOE has put security equipment in place at 18 sites to safeguard those nuclear materials, and agreements are in place to expand security procedures and equipment at 30 additional sites. I recently observed the work being done by this program first hand during a visit to Russia's nuclear research facilities. I felt relieved to know that the Russians are now better able to control and monitor their own nuclear materials than ever before. I am also aware, however, that the Russians have hundreds of nuclear sites needing additional security measures to prevent theft and unauthorized use. A great deal of work needs to be done, and it is important that the Congress continue to fully fund the MPC&A Program in our own national security interest. I ask my colleagues in the Senate to support our amendment to restore $25 million to the MPC&A Program so that this valuable work can continue without pause.

The committee also voted on partisan lines to cut all of the funding requested for the International Nuclear Safety Program—INSP. This program began in the wake of international concerns over the damage done by the Chernobyl nuclear reactor disaster. The Russians continue to operate reactors that are similar in design to the one at Chernobyl, and that pose a similar risk of a catastrophic accident. The INSP Program, managed by the Department of Energy, is designed to reduce those risks for Russia's older reactors and to help Russia and Newly Independent States to establish self-sustaining nuclear safety programs that enable them to reach international nuclear reactor safety standards. It is in our national and international interest to do what we can to ensure that those reactors are safe. I urge my colleagues to vote to restore this important program.

As I suggested earlier, the Congress has repeatedly demonstrated its conviction that CTR, MPC&A, INSP, and related programs serve our national security interests. To those who say these programs are a form of foreign aid to the Russians, I concur that ultimately the Russians must assume full responsibility for these programs. Until they are financially and technologically capable of doing so, it is essential to our own interests that we assist them in putting effective security programs into place. We know how expensive it is to support the strategic offensive and defensive weapons systems designed to ensure our security against nuclear weapons. We also know how dangerous and vulnerable this country could be to nuclear terrorism which, in some cases, we may not be able to effectively protect ourselves from. For those modest expenditures for CTR, MPC&A, and INSP, we buy ourselves a significant measure of security worth many times the funds invested. I urge my colleagues in the Senate to continue their bipartisan support for these programs and vote to restore their funding.

Mr. President, I yield the floor.

Mr. LUGAR addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I ask unanimous consent that a strong letter of support from the Secretary of State, Madeleine Albright, and a strong letter of support from William Cohen, Secretary of Defense, for our amendment be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE SECRETARY OF STATE,
Washington, DC, June 24, 1997.

Hon. STROM THURMOND,
Chairman, Committee on Armed Services, U.S. Senate.

DEAR MR. CHAIRMAN: I am writing to urge you to support restoration of the $135 million cut from the FY 98 Defense Authorization Bill by the Senate Armed Services Committee for three key arms control and nonproliferation initiatives: the Cooperative Threat Reduction Program, the Material Protection Control and Accounting program and the International Nuclear Safety program.

Reducing threats to U.S. national security from the former Soviet arsenal of nuclear, chemical and biological weapons continues to be one of our highest security priorities. Ukraine, Belarus and Kazakstan are today nuclear weapons-free, largely through encouragement and direct assistance from the DOD Cooperative Threat Reduction program. This program has been essential to the destruction and/or dismantlement of nuclear weapons.

The Department of Energy's Material Protection and Accounting (MPC&A) program and its International Nuclear Safety program are also providing essential assistance. The MPC&A program is targeted at improving the security of nuclear material at 40 facilities in the former Soviet Union. Over time, this could prove just as productive as the initial Cooperative Threat Reduction programs in eliminating nuclear weapons. The International Nuclear Safety program, a principal instrument of our efforts to improve the safety of Soviet-era civilian nuclear power reactors, could head off another Chernobyl in the New Independent States and the countries of Eastern and Central Europe.

Congressional reductions in these programs risk eroding our ability to come up with solutions to important security problems and undermine the effectiveness of our initiatives in this region. These programs are making a difference against today's threats to the American people. I urge your support in restoring these funds.

Sincerely,

MADELEINE K. ALBRIGHT.

THE SECRETARY OF DEFENSE,
Washington, DC, June 19, 1997.

Hon. STROM THURMOND,
Chairman, Committee on Armed Services,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Senate Armed Services Committee (SASC) reduced by $60 million the President's budget request for the Cooperative Threat Reduction (CTR) program during its consideration of S. 450, the National Defense Authorization Act for Fiscal Year 1998. This cut to CTR funding undermines our ability to accomplish the program's important national security goals for FY98, and will put at risk the objectives for fiscal year 1999. I strongly urge the Senate to restore the full CTR request.

The CTR program has been essential to the reduction of hundreds of submarine-launched ballistic missile launchers, intercontinental ballistic missile silos and heavy bombers in the former Soviet Union, and to the removal of 4000 warheads from strategic systems. Without CTR, Ukraine, Belarus and Kazakstan might still have thousands of nuclear weapons; instead, they are all nuclear-weapons-free. Although the CTR program has accomplished much, essential work remains to be done. This includes: the elimination of intercontinental ballistic missiles and silos, submarine-launched ballistic missile launchers and heavy bombers under START I, followed by START II and III; increased safety and security for the transport and storage of remaining Russian nuclear warheads; an end to production of weapons-grade plutonium; chemical weapons destruction; and other efforts to reduce weapons of mass destruction in the former Soviet Union and the threat of their proliferation.

Contrary to the SASC rationale for the cut, the loss to the program cannot be made up with prior years' funds. All unobligated CTR funds have already been earmarked for specific projects. The FY98 budget request of $382.2 million is a bare-bones request based on a difficult prioritization of a long list of potential projects. Indeed, there are several worthwhile projects, which would accelerate our strategic arms elimination program sin Russia and Ukraine, that we are not able to fund at even the $382.2 million level. The CTR program is achieving demonstrable results with a very tight budget.

Again, I strongly urge the Senate to support this important national security program.

Sincerely,

BILL COHEN.

AMENDMENT NO. 658, AS MODIFIED

Mr. LUGAR. Mr. President, I ask unanimous consent to modify my amendment. On page 2 of the amendment, change line 12, which currently reads, ''$56 million'' to ''$40 million.'' I send that modification to the desk.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The modification follows:

On page 2 of the amendment change line 12, which currently reads ''$56 million'' to ''40 million dollars''.

Mr. LEVIN. Mr. President, Senator BIDEN of Delaware, who is a cochairman of the Senate's NATO Observer Group, is necessarily absent to attend the NATO summit in Madrid. Senator BIDEN is an initial cosponsor of Senator LUGAR's and my amendment, and I ask unanimous consent that his statement of strong support for this amendment be printed in the RECORD.

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

● Mr. BIDEN. The amendment of Senator LUGAR and others will correct a situation that threatens the very security of the United States. Unless recent efforts to cut the Nunn-Lugar Cooperative Threat Reduction Program and similar programs of the Department of Energy are overturned, we and our children will all be in greater danger. I am proud to be an original cosponsor of this amendment and I urge my colleagues to support it.

The administration's request for the important Nunn-Lugar program is for $382.2 million. Last week, the Armed Services Committee cut $60 million from that important program. At the same time, the House National Security Committee cut $97.5 million from the Nunn-Lugar account, and reportedly those cuts were from different parts of the program. Thus, over 40 percent of the Nunn-Lugar program is now at risk.

The Armed Services Committee also cut $25 million from the Energy Department's program of international assistance in nuclear materials protection, control and accountability, as well as all $50 million in its program of international nuclear safety assistance. The former program is vital to protecting the American people against the diversion of nuclear material from former Soviet laboratories to countries like Iran, Iraq or Libya that would like to build or buy nuclear weapons. It also helps keep nuclear material out of the hands of terrorists, who could use it to poison innocent people in Moscow or Tokyo or Tel Aviv—or right here in Washington. Nuclear safety assistance helps guard against future Chernobyl incidents, which pose fallout dangers far beyond the borders of the former Soviet countries in which they might occur.

The Nunn-Lugar program makes significant contributions to the national security of our country. Through this program, we have helped Russia to remove over 1,400 strategic nuclear warheads from deployment sites to storage areas, to await dismantlement. We have helped Russia to eliminate 64 SLBM launchers, 54 ICBM silo launchers, 61 SS–18 ICBM's and 23 strategic bombers. And we have helped Belarus, Kazakstan, and Ukraine to eliminate their strategic nuclear forces and to repatriate all their nuclear warheads to Russia.

But the work of the Nunn-Lugar program is far from completed. Over 400 Russian SLBM launchers remain to be eliminated. Nearly 100 ICBM silo launchers must still be destroyed, along with over 190 SS–18 missiles and another 7 strategic bombers. Over 130 tunnels must be closed at a former nuclear test site in Kazakstan. Massive stocks of old, but still very dangerous, chemical weapons must be destroyed. And security must be improved in Russian storage and transportation of nuclear material.

There are two basic ways to increase our national security. One is to maintain the finest military and intelligence services in the world. We do that, and I am very glad that we do.

But we do that at great expense, and at some risk. For none of us can guarantee that nuclear deterrence will work forever, especially in a Russia where troops and officers and nuclear scientists go for months without pay—Russia where, within the past year, generals and lab directors have closed the door to their offices and put bullets through their heads, out of despair over what has happened to their programs and their personnel.

The other basic way to increase our national security is to work with potential foes to reduce the threat that they pose to U.S. interests or U.S. forces. We do some of this through arms control agreements, but often we wonder whether other countries are obeying those agreements.

The Nunn-Lugar program is a way to make sure that Russia and other former Soviet states actually do reduce their bloated strategic nuclear forces. It isn't free. The administration has asked for $382 million for this program in fiscal year 1998.

But let's put that in perspective. The defense budget reported out by the Armed Services Committee is $268 billion. So a fully-funded Nunn-Lugar program would cost only one-seventh of 1 percent of the defense budget. The Armed Services Committee added $2.6 billion to the administration's request for defense spending. So the Nunn-Lugar program costs only 14 percent of the increase. And the Armed Services Committee's cut in this program could be restored using only 2.3 percent of that increase.

The Energy Department's program of international assistance in nuclear materials protection, control and accountability—known as MPC&A—is similarly vital to our national security. Just as the Nunn-Lugar program helps the Russian military to improve its security for nuclear materials, the MPC&A program helps dozens of laboratories in the former Soviet Union to improve their security for nuclear materials.

What are we talking about here? Often it's as simple as bars on the windows, locks on the doors, and doors that will take more than a crowbar to open. Just as often, however, the need is for completely revised accountability schemes so that institutions with nuclear materials will always know where those materials are. That is a complicated task, and it requires a change in mind-set as much as changes in forms or procedures.

DOD personnel who participate in Nunn-Lugar programs can relate to the military officers who man Russia's strategic nuclear forces. But it takes scientists to build peer relationships at former Soviet laboratories and spread the word about nuclear control.

Just last month, a committee of the National Research Council [NRC]—an arm of the National Academy of Sciences—reported that the MPC&A program is beginning to have some real success. The NRC committee says: ''progress attributable to the joint efforts of U.S. and Russian specialists in MPC&A greatly accelerated in 1995 and 1996'' and calls that ''a significant political and organizational achievement.''

At the same time, however, the NRC committee found that ''the task has not been completed at any Russian facility and serious efforts are only beginning at most facilities.'' The committee says that ''much remains to be done.'' Its principal recommendation on this program is as follows:

> For the near term it is essential that the United States sustain its involvement until counterpart institutions are in a position to assume the full burden of upgrading and maintaining MPC&A programs over the long term.

This program is just taking off. If you cut it back now, it may crash. But if, instead, we sustain and encourage this program, we can help former Soviet scientists to turn around what remains, frankly, a truly dangerous situation.

President Yeltsin can assure us, as he does, that Russia would never give or sell a nuclear weapon to another state. But he cannot assure us today that the dozens of Russian laboratories with nuclear materials will not let potential weapons material leak out to criminals, or to terrorists, or to rogue states that we know are willing to pay good money for the material and technology that would enable them to threaten the peace of the world and of our country.

President Yeltsin cannot, by himself, turn this situation around. But we can help him, and that is what the MPC&A program does.

I do not pretend to know what should be cut in the defense bill. But I do know that Nunn-Lugar and the similar Energy Department program are not cash cows to be milked for other defense purposes.

Just as Senator J. William Fullbright will always be remembered for the Fullbright fellowship program, so will Senators SAM NUNN and DICK LUGAR be remembered for the simple, brilliant idea that it's more humane and a lot cheaper to pay for destroying Russian weapons than it is to fight against them. Nunn-Lugar Cooperative Threat Reduction projects and the Energy Department's MPC&A and International Nuclear Safety assistance are vital programs. They are successful programs. And they deserve our full support.

I urge my colleagues to vote for Senator LUGAR's amendment, which will help make this a safer world for all of us.●

Mr. LEVIN. 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. HAGEL. 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. HAGEL. Mr. President, I returned with six of my colleagues over the weekend from a day in Bosnia. Majority Leader LOTT and five of our other colleagues spent the Fourth of July early in the morning until late at night with our troops and officials in Bosnia.

I think it is appropriate that as we debate the fiscal year 1998 defense authorization bill we reflect just for a moment on the men and women on the ground in Bosnia and the men and women who secure our liberties around the world.

Much of the debate, much of the policy reflect numbers, reflect general overall direction. Increasingly, that policy direction is debated, and should be. But we tend to forget the humanness, the very men and women of what our Armed Forces are all about.

As my colleagues and I, on the Fourth of July in Bosnia, spent a great deal of time with the 8,500 American men and women who are part of that large contingent in Bosnia, I could not help but reflect on what an outstanding job these men and women do for this country, for peace, stability around the world.

I want to add the human dynamic to this debate today, and that will go into tomorrow, on the DOD authorization bill. Because, after all, it is the men and women who are on the ground who are there every day and every night who secure those liberties, for not only this country but for the people in the area of Bosnia.

I tend to think also, when I was an infantryman in Vietnam in 1968, our policy in Vietnam might have been better served, Mr. President, if the Secretary of Defense and more Members of the House and the Senate had come to Vietnam, had spent time with the troops, listening to what they think, listening to their issues and concerns and qualifications, and not unlike wars and peacekeeping missions throughout our history it still is the man and the woman on the ground that we count on to secure those liberties.

Mr. President, I appreciate the time.

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. THURMOND. 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. THURMOND. Mr. President, I ask unanimous consent to lay the amendment of Senator LUGAR aside temporarily, and we will come back to it.

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

AMENDMENT NO. 718

(Purpose: To increase the amount required to be derived from sales of strategic and critical materials in the National Defense Stockpile by fiscal year 2007)

Mr. THURMOND. Mr. President, I offer a technical amendment to ensure that the revenues received from stockpile sales are sufficient to offset the cost associated with other provisions of the bill.

Mr. LEVIN. The amendment has been cleared on this side.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from South Carolina [Mr. THURMOND] proposes an amendment numbered 718.

Mr. THURMOND. 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:

> On page 460, line 6, strike out ''$295,886,000'' and insert in lieu thereof ''$331,886,000''.

Mr. THURMOND. I believe this amendment has been cleared by the other side. I urge the Senate adopt this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 718) was agreed to.

Mr. THURMOND. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 719

(Purpose: To clarify the protections relating to disclosures of classified material to Congress)

Mr. LEVIN. Mr. President, I offer an amendment that would clarify and refine the language contained in section 1068 of the bill by deleting a reference to disclosure of information by making explicit that the provision does not affect existing law relating to contract or whistle-blowers.

I believe this amendment has been cleared by the other side.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 719.

Mr. LEVIN. 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:

On page 339, line 14, strike out ''the executive branch or''.

On page 340, between lines 16 and 17, insert the following:

(d) DISCLOSURES OF CLASSIFIED INFORMATION TO CONGRESS OR THE DEPARTMENT OF JUSTICE BY CONTRACTOR EMPLOYEES.—It is the sense of Congress that the Inspector General of the Department of Defense should continue to exercise the authority provided in section 2409 of title 10, United States Code, regarding reprisals for disclosures of classified information as well as reprisals for disclosures of unclassified information.

Mr. THURMOND. I urge the Senate to adopt this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 719) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 720

(Purpose: To prohibit the provision of burial benefits under Federal law to individuals convicted of capital offenses under Federal law)

Mr. THURMOND. Mr. President, I offer an amendment that would suspend all burial entitlements in Arlington National Cemetery, and any other cemetery in the National Cemetery System, to any person convicted of a Federal capital offense.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND] proposes an amendment numbered 720.

Mr. THURMOND. 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:

At the end of title X, add the following:

SEC. . PROHIBITION ON PROVISION OF BURIAL BENEFITS TO INDIVIDUALS CONVICTED OF FEDERAL CAPITAL OFFENSES.

Notwithstanding any other provision of law, an individual convicted of a capital offense under Federal law shall not be entitled to the following:

(1) Interment or inurnment in Arlington National Cemetery, the Soldiers' and Airmen's National Cemetery, any cemetery in the National Cemetery System, or any other cemetery administered by the Secretary of a military department or by the Secretary of Veterans Affairs.

(2) Any other burial benefit under Federal law.

Mr. THURMOND. Mr. President, on behalf of myself and Senator INHOFE, I propose an amendment that would suspend all burial entitlements in Arlington National Cemetery or any other cemetery administered by the Secretary of a military department to any person convicted of a Federal capital offense.

On Wednesday, June 18, the Senate passed S–923, denying veterans benefits in Federal capital cases, by a vote of 98 to 0. This legislation was introduced by Senator SPECTER, chairman of the Veterans' Affairs Committee, and was intended to preclude persons convicted of a capital Federal offense, entitlement to veterans benefits, including burial in a national cemetery.

Mr. President, Arlington National Cemetery, the Soldiers and Airmen's Home Cemetery in Washington, DC and various cemeteries on military installations around the country are administered by the armed services and, as such, are not affected by the change to title 38, United States Code. The amendment that I propose today will deny any person convicted of a Federal capital offense the entitlement to burial in Arlington National Cemetery, the Soldiers and Airmen's Home Cemetery, or any other cemetery administered by the Secretary of a military department.

This amendment complements the bill introduced by Senator SPECTER and passed by the Senate this past Wednesday, and completes what I believe was the intent of the Senate in that vote.

I urge my colleagues to support this amendment.

Mr. LEVIN. Mr. President, we support the amendment. It has been cleared on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The amendment (No. 720) was agreed to.

Mr. THURMOND. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 721

(Purpose: To provide the force structure necessary for maintaining five Air National Guard C–130 aircraft units with 12 primary aircraft authorized, one each at Martinsburg, West Virginia, Louisville, Kentucky, Charlotte, North Carolina, Nashville, Tennessee, and Channel Island, California, and for preserving the number of primary aircraft authorized for Air Force Reserve C–130 aircraft units at General Mitchell International Airport and Air Reserve Station, Wisconsin, Peterson Air Force Base, Colorado, and Willow Grove Air Reserve Station, Pennsylvania)

Mr. LEVIN. Mr. President, on behalf of Senator BYRD, I offer an amendment that would maintain the Air National Guard and Air Force Reserve C–130 units at the current force structure level of 12 aircraft.

I believe the other side has cleared this amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] for Mr. BYRD, proposes an amendment numbered 721.

Mr. LEVIN. 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:

In section 301(9), strike out ''$1,624,420,000'' and insert in lieu thereof ''$1,631,200,000''.

In section 301(11), strike out ''$2,991,219,000'' and insert in lieu thereof ''$3,004,282,000''.

In section 411(a)(5), strike out ''107,377'' and insert in lieu thereof ''108,002''.

In section 411(a)(6), strike out ''73,431'' and insert in lieu thereof ''73,542''.

In section 412(5), strike out ''10,616'' and insert in lieu thereof ''10,671''.

At the end of subtitle B of title IV, add the following:

SEC. 413. ADDITION TO END STRENGTHS FOR MILITARY TECHNICIANS.

(a) AIR NATIONAL GUARD.—In addition to the number of military technicians for the Air National Guard of the United States as of the last day of fiscal year 1998 for which funds are authorized to be appropriated in this Act, 100 military technicians are authorized for fiscal year 1998 for five Air National Guard C–130 aircraft units.

(b) AIR FORCE RESERVE.—In addition to the number of military technicians for the Air Force Reserve as of the last day of fiscal year 1998 for which funds are authorized to be appropriated in this Act, 21 military technicians are authorized for fiscal year 1998 for three Air Force Reserve C–130 aircraft units.

On page 108, line 11, reduce the amount by $20,000,000.

Mr. BYRD. Mr. President, the amendment which I am offering enables Air National Guard units in West Virginia, North Carolina, Tennessee, Kentucky, and California to maintain their full complement of 12 C–130's. Without $13 million in operations and maintenance funds and $4 million in personnel funds, these units would be forced, prematurely and perhaps unwisely, to reduce their airlift capacity to 8 aircraft per unit.

The President's Budget for Fiscal Year 1998 reduces the Air National Guard inventory of C–130's in these five

states from 12 aircraft per unit to 8 aircraft in accordance with earlier Air Force program decisions. However, it makes no sense to reduce the C–130 units until the completion of the Quadrennial Defense Review [QDR] process by the Department of Defense. The purpose of the QDR is to reassess the U.S. defense strategy, force structure, readiness, modernization and infrastructure. Why not have the benefit of that reassessment before we make such decisions?

The Air National Guard C–130 units are major players in the air mobility plan of the United States Air Force. It is my belief that a reduction of the type proposed in the budget is premature, without the final conclusions of the QDR process. More and more reliance is being placed upon our reserve component forces as the active duty military establishment downsizes. It is not prudent to reduce the aircraft and manpower levels of the very organization that is expected to respond to global crisis situations, while supporting numerous U.S. Air Force mobility missions in Bosnia, Southwest Asia, Central America and throughout the United States. Consequently, the amendment I am offering will restore the force structure, personnel, and funds necessary to continue to operate these units at 12 aircraft.

Mr. President, the view I have expressed is supported by General Ronald Fogleman, Chief of Staff of the Air Force, who wrote to the distinguished Minority Whip, Mr. FORD, on May 21, 1997, as follows:

> The QDR report released on May 19 clearly conveys a greater reliance by the Total Air Force on the reserve components. Given the concerns you have raised and our focus on reserve components during the QDR, it is clear that the C–130 force structure requires greater scrutiny before any reductions are made. Therefore, I have rescinded plans to restructure ANG C–130 units in Kentucky, West Virginia, California, North Carolina or Tennessee. These units will remain at the current force structure level of 12 PAA. As a result, I would greatly appreciate your support in maintaining these levels.

Mr. President, in a similar vein, with regard to the Air Force Reserve, the President's Budget for Fiscal Year 1998 proposes to reduce C–130 units in Pennsylvania, Wisconsin, and Colorado from 12 aircraft to 8 aircraft. In order to maintain these units at their full complement of 12 aircraft, an amount of $6.8 million is required in operations and maintenance funds and $1.4 million in personnel funds.

In summary, the amendment I am offering would assure that Air National Guard units in West Virginia, North Carolina, Tennessee, Kentucky and California, and Air Force Reserve units in Pennsylvania, Wisconsin, and Colorado are able to continue to maintain their full complement of 12 C–130 aircraft as recommended by the Chief of Staff of the United States Air Force.

I urge the adoption of the amendment.

Mr. THURMOND. Mr. President, the amendment has been cleared. I urge the Senate to adopt the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 721) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 722

(Purpose: To modify authority for the conveyance of certain lands at Rocky Mountain Arsenal, CO)

Mr. THURMOND. On behalf of Senator ALLARD of Colorado, I offer an amendment which would clarify existing law to facilitate the transfer of property from Rocky Mountain Arsenal to Commerce City, CO, in a negotiated sale at a fair market value.

Mr. President, I believe this amendment has been cleared by the other side. Mr. President, I urge the Senate to adopt this amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from South Carolina [Mr. THURMOND], for Mr. ALLARD, proposes an amendment numbered 722.

Mr. THURMOND. 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:

> At the end of subtitle B of title XXVIII, add the following:
>
> **SEC. 28 . MODIFICATION OF LAND CONVEYANCE AUTHORITY, ROCKY MOUNTAIN ARSENAL, COLORADO.**
>
> Section 5(c)(1) of the Rocky Mountain Arsenal National Wildlife Refuge Act of 1992 (Public Law 102–402; 106 Stat. 1966; 16 U.S.C. 668dd note) is amended by striking out the second sentence and inserting in lieu thereof the following new sentence: ''The Administrator shall convey the transferred property to Commerce City, Colorado, upon the approval of the City, for consideration equal to the fair market value of the property (as determined jointly by the Administrator and the City).''.

Mr. ALLARD. Mr. President, I am here today to offer an amendment that would continue the development and transformation of the Rocky Mountain Arsenal to the Rocky Mountain Arsenal Wildlife Refuge. This has been an ongoing cooperative effort between the Department of the Army, the Environmental Protection Agency, U.S. Fish and Wildlife Service, Shell Oil Co., and local, State, and Federal elected officials.

The Rocky Mountain Arsenal contains 17,000 acres northwest of Denver, CO, that was purchased by the Army in 1942 to manufacture chemical weapons. The Army leased the property after World War II to various chemical manufacturers through 1982. Needless to say, this had an incredible environmental impact. However, through all of this environmental abuse wildlife flourished. In fact, in 1986 a winter communal roost of bald eagles was discovered on site, an incredible occurrence considering the circumstances.

Because of its protected status, the arsenal became a haven for close to 300 wildlife species including deer, coyotes, owls, and eagles. Efforts were undertaken to preserve the wildlife habitat. These efforts were rewarded in 1992 when Congress passed the Rocky Mountain Arsenal National Wildlife Refuge Act, legislation that I supported as a Member of the other body.

Today, cleanup efforts are still underway, but great progress has been made. Groundwater treatment facilities are in place, 350 abandoned wells have been closed, and soil remediation is in progress. This has allowed portions of the arsenal to be opened to the public for wildlife viewing. This amendment allows the public the opportunity for greater access to the refuge.

The exact purpose of this amendment is to clarify existing law to facilitate the transfer of property at the Rocky Mountain Arsenal to Commerce City, CO, in a negotiated sale at fair market value. The city will hold this land, develop it in accordance with plans made in connection with the Fish and Wildlife Service and other governmental entities, and ultimately sell some of this land, making proceeds available for the continuing development of the Rocky Mountain Wildlife Refuge visitor center.

The Government Services Administration objected to the original language in Public Law 102–402. We have worked with GSA in formulating legislative language that meets the requirements of GSA as well as my intent and the intent of Commerce City.

I am always pleased when the Federal Government can work with local governments to provide a public benefit at no cost to the taxpayer. This is one such case.

Finally, I would like to thank Chairman THURMOND for his assistance and leadership on this amendment, and appreciate the hard work and diligence of his staff.

Mr. LEVIN. The amendment has been cleared on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 722) was agreed to.

Mr. THURMOND. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 723

(Purpose: To require a study of eye safety at small arms firing ranges of the Armed Forces and the development of an eye injury reporting protocol for the ranges)

Mr. LEVIN. On behalf of Senator ROCKEFELLER, I offer an amendment

that would direct the Secretary of Defense to conduct a study of eye safety in military small arms firing ranges and the development of an eye injury prevention program.

I think this amendment has been cleared. It is a very good amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. ROCKEFELLER, proposes an amendment numbered 723.

Mr. THURMOND. 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:

At the end of subtitle D of title X, add the following:

SEC. ___. EYE SAFETY AT SMALL ARMS FIRING RANGES.

(a) ACTIONS REQUIRED.—The Secretary of the Defense shall—

(1) conduct a study of eye safety at small arms firing ranges of the Armed Forces; and

(2) develop for the use of the Armed Forces a protocol for reporting eye injuries incurred in small arms firing activities at the ranges.

(b) AGENCY TASKING.—The Secretary may delegate authority to carry out the responsibilities set forth in subsection (a) to the United States Army Center for Health Promotion and Preventive Medicine or any other element of the Department of Defense that the Secretary considers well qualified to carry out those responsibilities.

(c) CONTENT OF STUDY.—The study shall include the following:

(1) An evaluation of the existing policies, procedures, and practices of the Armed Forces regarding medical surveillance of eye injuries resulting from weapons fire at the small arms ranges.

(2) An examination of the existing policies, procedures, and practices of the Armed Forces regarding reporting on vision safety issues resulting from weapons fire at the small arms ranges.

(3) Determination of rates of eye injuries, and trends in eye injuries, resulting from weapons fire at the small arms ranges.

(4) An evaluation of the costs and benefits of a requirement for use of eye protection devices by all personnel firing small arms at the ranges.

(d) REPORT.—The Secretary shall submit a report on the activities required under this section to the Committees on Armed Services and on Veterans' Affairs of the Senate and the Committees on National Security and on Veterans' Affairs of the House of Representatives. The report shall include—

(1) the findings resulting from the study required under paragraph (1) of subsection (a); and

(2) the protocol developed under paragraph (2) of such subsection.

(e) SCHEDULE.—(1) The Secretary shall ensure that the study is commenced not later than October 1, 1997, and is completed within six months after it is commenced.

(2) The Secretary shall submit the report required under subsection (d) not later than 30 days after the completion of the study.

Mr. ROCKEFELLER. Mr. President, as ranking member of the Committee on Veterans' Affairs, I have an especially strong interest in preventing unnecessary injuries and illness among the men and women who serve in our Nation's military forces. The risks that these brave men and women face in combat are reduced through superior equipment and excellent training, but some risks remain unavoidable. As we continue to learn from the lessons of the gulf war, 6 years after the battle, the complete risks of military service are still not known. Thus, it is simple common sense to ensure that we do all we can to prevent those risks outside of combat that are foreseeable. One such foreseeable and preventable risk is eye injury on military firing ranges.

I thus propose an amendment to the Department of Defense authorization bill, the military eye injury assessment amendment. This amendment would address a military public health and prevention issue that was brought to my attention by a retired Air Force optometrist, Dr. John Meinhold. Dr. Meinhold was concerned about the rate of eye injuries that occurred in the Armed Services, particularly at military firing ranges. Unlike other public and private firing ranges throughout the country, military firing ranges do not require the mandatory use of safety eyewear to prevent eye injuries. Most, if not all, eye injuries at firing ranges could be completely prevented with a very inexpensive and low technology intervention, safety eyewear.

The requirement for protective eyewear at public and private firing ranges is a liability issue, rather than one controlled by State or Federal regulations. However, there is no threat of liability for the armed services because of the so-called Feres doctrine, which is based on a Supreme Court decision that ruled that service members generally cannot sue the Government for injuries occurred during service. These unnecessary eye injuries potentially affect military readiness, and in cases of severe injury, a soldier's military career may be suddenly ended. The lifetime costs of a single catastrophic eye injury has been estimated to be $1 million per eye by the Bureau of Labor Statistics, but the human costs are immeasurable.

A study by the Army found that eye injury data are not always tracked at the local level, and minor eye injuries may not always be reported to safety offices. It is estimated that while 90 percent of all eye injuries are preventable, the incidence of wartime eye injuries has increased steadily over the last 20 years.

Given these statistics and the human costs of such injuries, I wrote the Department of Defense earlier this year to ask about this important safety issue. After a series of letters and inquiries, the official response I received was that no further action was needed to prevent eye injuries since DOD officials had determined that the risk was too low to warrant spending funds on prevention. In reviewing the Department of Defense's very own statistics and studies, and in talking with their health professionals, I cannot come to the same conclusion.

Any preventable injury that puts our service men and women at risk is sufficient for our concern, especially when it is one which is as easily prevented as this one. Even one service member who suffers from a permanent eye injury at a firing range is one too many when that injury could have been avoided. I am proposing that we simply assess whether our military firing ranges should be brought up to the same safety standard that all other firing ranges in our country must meet.

My amendment would require the Secretary of Defense to provide funding for a 6-month study of eye safety at military firing ranges. This study would evaluate the current medical surveillance of eye injuries at small arms firing ranges across the service branches, and examine current safety reporting practices and other analyses as necessary to establish military eye injury rates and trends. It would also develop a uniform protocol for reporting eye injuries across the service branches. The results would be reported to the Senate Armed Services Committee and the Senate Veterans' Affairs Committee upon completion of the study.

I am proud to offer this amendment to protect the safety of the members of our armed services, and I encourage my colleagues to join me in this effort. I would like to thank the chairman and ranking member of the Armed Services Committee for their support and their fine staff for helping to perfect this amendment.

Mr. THURMOND. I urge the Senate to adopt this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 723) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 724

(Purpose: To extend to the Secretary of Transportation the authority to pay a reserve affiliation agreement bonus)

Mr. THURMOND. On behalf of Senator KEMPTHORNE, I offer an amendment that would extend the reserve affiliation agreement bonus to the Coast Guard.

I believe this amendment has been cleared by the other side. I urge the Senate to adopt it.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND], for Mr. KEMPTHORNE, proposes an amendment numbered 724.

Mr. THURMOND. 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:

At the end of subtitle C of title VI, add the following:

SEC. 642. RESERVE AFFILIATION AGREEMENT BONUS FOR THE COAST GUARD.

Section 308e of title 37, United States Code, is amended—

(1) in subsection (a), by striking out ''Secretary of a military department'' in the matter preceding paragraph (1) and inserting in lieu thereof ''Secretary concerned''; and

(2) by adding at the end the following:

''(f) The authority in subsection (a) does not apply to the Secretary of Commerce and the Secretary of Health and Human Services.''.

Mr. KEMPTHORNE. Mr. President, I propose an amendment that would extend the Reserve affiliation bonus to the Coast Guard.

The Coast Guard approached the committee after our markup was over requesting that they be included in the Reserve affiliation bonus. The Coast Guard has been experiencing difficulty in recruiting for the Coast Guard Reserve and believe that the Reserve affiliation bonus will assist by providing an additional incentive for members of the Coast Guard who are leaving active duty to enlist directly in the Coast Guard Reserve.

I will point out that this authority is discretionary and was requested by the Coast Guard.

Mr. President, I urge the adoption of the amendment.

Mr. LEVIN. The amendment has been cleared on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 724) was agreed to.

The motion to lay on the table was agreed to.

Mr. THURMOND. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 725

(Purpose: To increase the number of years of commissioned service provided for mandatory retirement of generals and admirals serving in grades above major general and rear admiral)

Mr. THURMOND. On behalf of Senator KEMPTHORNE, I offer an amendment that would increase the number of years of active commission service provided for mandatory retirement of three- and four-star generals and admirals.

Mr. President, I believe this amendment has been cleared on the other side. I urge the Senate to adopt it.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND], for Mr. KEMPTHORNE, proposes an amendment numbered 725.

Mr. THURMOND. 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:

At the end of subtitle A of title V, add the following:

SEC. 505. INCREASED YEARS OF COMMISSIONED SERVICE FOR MANDATORY RETIREMENT OF REGULAR GENERALS AND ADMIRALS ABOVE MAJOR GENERAL AND REAR ADMIRAL.

(a) YEARS OF SERVICE.—Section 636 of title 10, United States Code, is amended—

(1) by striking out ''Except'' and inserting in lieu thereof ''(a) MAJOR GENERALS AND REAR ADMIRALS SERVING IN GRADE.—Except as provided in subsection (b) or (c) of this section and''; and

(2) by adding at the end the following:

''(b) LIEUTENANT GENERALS AND VICE ADMIRALS.—In the administration of subsection (a) in the case of an officer who is serving in the grade of lieutenant general or vice admiral, the number of years of active commissioned service applicable to the officer is 38 years.

''(c) GENERALS AND ADMIRALS.—In the administration of subsection (a) in the case of an officer who is serving in the grade of general or admiral, the number of years of active commissioned service applicable to the officer is 40 years.''.

(b) SECTION HEADING.—The heading of such section is amended to read as follows:

''§ 636. Retirement for years of service: regular officers in grades above brigadier general and rear admiral (lower half)''.

(c) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of subchapter III of chapter 36 of title 10, United States Code, is amended to read as follows:

''636. Retirement for years of service: regular officers in grades above brigadier general and rear admiral (lower half).''.

Mr. KEMPTHORNE. Mr. President, I propose an amendment that would increase the number of years of active commissioned service provided for mandatory retirement of generals and admirals serving in grades of lieutenant general or vice admiral and general or admiral.

The committee has noted over the past several years that the military services are moving senior officers through critical command and staff positions very quickly. One reason that these senior officers move so frequently is that there are only a few years in which a three-or four-star general or admiral can serve before reaching the mandatory retirement point of 35 years of service. This amendment raises the mandatory retirement point for three stars from 35 years to 38 years of service and the mandatory retirement point for four-star officers from 35 years to 40 years of service.

This amendment does not increase the number of general or flag officers. Nor does it require that three- and four-star officers serve to the mandatory retirement point. The services still have the officer management tools currently in effect which permit the service Chief and the service Secretary to manage their officer force in the best interests of their service.

Mr. President, I urge the adoption of the amendment.

Mr. LEVIN. The amendment has been cleared on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 725) was agreed to.

Mr. THURMOND. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 726

(Purpose: To authorize a land conveyance at the Army Reserve Center, Greensboro, Alabama)

Mr. THURMOND. On behalf of Senator SHELBY, I offer an amendment which would convey 5 acres of land to Hale County, AL. The property was originally donated to the Federal Government for the construction of an Army Reserve Center which, due to a change in priority, was canceled.

I believe this amendment has been cleared by the other side. I urge the Senate to adopt it.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND], for Mr. SHELBY, proposes an amendment numbered 726.

Mr. THURMOND. 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:

At the end of subtitle B of title XXVIII, add the following:

SEC. 2819. LAND CONVEYANCE, ARMY RESERVE CENTER, GREENSBORO, ALABAMA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to Hale County, Alabama, all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 5.17 acres and located at the Army Reserve Center, Greensboro, Alabama, that was conveyed by Hale County, Alabama, to the United States by warranty deed dated September 12, 1988.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property conveyed under subsection (a) shall be as described in the deed referred to in that subsection.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary 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.

Mr. THURMOND. Mr. President, I rise in support of Senator SHELBY'S amendment. The amendment would return property that Hale County, Alabama donated in 1988 to the Federal Government for the purpose of constructing an Army Reserve center. Now the Army, due to changes in priority, cannot construct on the site until after fiscal year 2000.

Since the community donated the property with expectations of a Reserve center and the Army has not lived up to these expectations, I believe that returning the property using this special legislation is appropriate. I urge the Senate to adopt the amendment.

Mr. LEVIN. The amendment has been cleared on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 726) was agreed to.

Mr. THURMOND. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 727

(Purpose: To require the display of the POW/MIA flag on various occasions and in various locations)

Mr. THURMOND. On behalf of Senator CAMPBELL, I offer an amendment which would require the display of the POW/MIA flag on various occasions and in various locations.

I believe this amendment has been cleared by the other side. I urge the Senate to adopt it.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND], for Mr. CAMPBELL, proposes an amendment numbered 727.

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

The PRESIDING OFFICER. Without objection, it is so.

The amendment is as follows:

At the end of subtitle E of title X, add the following:

SEC. . NATIONAL POW/MIA RECOGNITION DAY.

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

(1) The United States has fought in many wars, and thousands of Americans who served in those wars were captured by the enemy or listed as missing in action.

(2) Many of these Americans are still missing and unaccounted for, and the uncertainty surrounding their fates has caused their families to suffer tragic and continuing hardships.

(3) As a symbol of the Nation's concern and commitment to accounting as fully as possible for all Americans still held prisoner, missing, or unaccounted for by reason of their service in the Armed Forces and to honor the Americans who in future wars may be captured or listed as missing or unaccounted for, Congress has officially recognized the National League of Families POW/MIA flag.

(4) The American people observe and honor with appropriate ceremony and activity the third Friday of September each year as National POW/MIA Recognition Day.

(b) DISPLAY OF POW/MIA FLAG.—The POW/MIA flag shall be displayed on Armed Forces Day, Memorial Day, Flag Day, Independence Day, Veterans Day, National POW/MIA Recognition Day, and on the last business day before each of the preceding holidays, on the grounds or in the public lobbies of—

(1) the Capitol;

(2) major military installations (as designated by the Secretary of Defense);

(3) Federal national cemeteries;

(4) the national Korean War Veterans Memorial;

(5) the national Vietnam Veterans Memorial;

(6) the White House;

(7) the official office of the—

(A) Secretary of State;

(B) Secretary of Defense;

(C) Secretary of Veterans Affairs; and

(D) Director of the Selective Service System; and

(8) United States Postal Service post offices.

(c) POW/MIA FLAG DEFINED.—In this section, the term ''POW/MIA flag'' means the National League of Families POW/MIA flag recognized and designated by section 2 of Public Law 101–355 (104 Stat. 416).

(d) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the agency or department responsible for a location listed in subsection (b) shall prescribe any regulation necessary to carry out this section.

(e) REPEAL OF PROVISION RELATING TO DISPLAY OF POW/MIA FLAG.—Section 1084 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (36 U.S.C. 189 note, Public Law 102–190) is repealed.

Mr. LEVIN. The amendment is cleared on this side.

The PRESIDING OFFICER (Mrs. HUTCHISON). The question is on agreeing to the amendment.

The amendment (No. 727) was agreed to.

Mr. THURMOND. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. CAMPBELL. Madam President, I take this opportunity to thank the distinguished managers of S. 936, the Department of Defense authorization bill, for incorporating my amendment to authorize the flying of the POW/MIA flag over certain Federal facilities and post offices.

This amendment contains the text of S. 528, the bill I introduced on April 9, 1997. I am pleased that 23 of our colleagues joined in cosponsoring S. 528. These cosponsors include Senators CONRAD, CLELAND, KEMPTHORNE, WARNER, COLLINS, MOSELEY-BRAUN, TORRICELLI, FAIRCLOTH, D'AMATO, STEVENS, HUTCHINSON, SMITH, DEWINE, LOTT, MCCONNELL, MURKOWSKI, GREGG, LAUTENBERG, ALLARD, SHELBY, CRAIG, GRAMS, and ASHCROFT.

This amendment would authorize the POW/MIA flag to be displayed over military installations and memorials around the Nation and at other appropriate places of significance on Armed Forces Day, Memorial Day, Flag Day, Independence Day, Veterans Day, National POW/MIA Recognition Day, and on the last business day before each of the preceding holidays. A similar amendment was included in the House of Representatives Defense authorization bill.

Congress has officially recognized the National League of Families POW/MIA flag. Displaying this flag would be a powerful symbol to all Americans that we have not forgotten—and will not forget.

As you know, the United States has fought in many wars and thousands of Americans who served in those wars were captured by enemy or listed missing in action. In 20th century wars alone, more than 147,000 Americans were captured and became prisoners of war; of that number more than 15,000 died while in captivity. When we add to this number, those who are still missing in action, we realize that more can be done to honor their commitment to duty, honor, and country.

The display of the POW/MIA flag would be a forceful reminder that we care not only for them, but for their families who personally carry with them the burden of sacrifice. We want them to know that they do not stand alone, that we stand with them and beside them, as they remember the loyalty and devotion of those who served.

As a veteran who served in Korea, I personally know that the remembrance of another's sacrifice in battle is one of the highest and most noble acts we can do. Let us now demonstrate our indebtedness and gratitude for those who served that we might live in freedom.

I thank the managers of the DOD authorization bill for their assistance with this amendment and urge its immediate adoption.

I thank the Chair and yield the floor.

AMENDMENT NO. 728

(Purpose: To provide a Federal charter for the Air Force Sergeants Association)

Mr. THURMOND. Madam President, I send an amendment to the desk on behalf of Senator MCCAIN and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND], for Mr. MCCAIN, proposes an amendment numbered 728.

Mr. THURMOND. Madam 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:

Insert after title XI, the following new title:

TITLE XII—FEDERAL CHARTER FOR THE AIR FORCE SERGEANTS ASSOCIATION

SEC. 1201. RECOGNITION AND GRANT OF FEDERAL CHARTER.

The Air Force Sergeants Association, a nonprofit corporation organized under the laws of the District of Columbia, is recognized as such and granted a Federal charter.

SEC. 1202. POWERS.

The Air Force Sergeants Association (in this title referred to as the ''association'') shall have only those powers granted to it through its bylaws and articles of incorporation filed in the District of Columbia and subject to the laws of the District of Columbia.

SEC. 1203. PURPOSES.

The purposes of the association are those provided in its bylaws and articles of incorporation and shall include the following:

(1) To help maintain a highly dedicated and professional corps of enlisted personnel within the United States Air Force, including the United States Air Force Reserve, and the Air National Guard.

(2) To support fair and equitable legislation and Department of the Air Force policies and to influence by lawful means departmental plans, programs, policies, and legislative proposals that affect enlisted personnel of the Regular Air Force, the Air Force Reserve, and the Air National Guard, its retirees, and other veterans of enlisted service in the Air Force.

(3) To actively publicize the roles of enlisted personnel in the United States Air Force.

(4) To participate in civil and military activities, youth programs, and fundraising campaigns that benefit the United States Air Force.

(5) To provide for the mutual welfare of members of the association and their families.

(6) To assist in recruiting for the United States Air Force.

(7) To assemble together for social activities.

(8) To maintain an adequate Air Force for our beloved country.

(9) To foster among the members of the association a devotion to fellow airmen.

(10) To serve the United States and the United States Air Force loyally, and to do all else necessary to uphold and defend the Constitution of the United States.

SEC. 1204. SERVICE OF PROCESS.

With respect to service of process, the association shall comply with the laws of the District of Columbia and those States in which it carries on its activities in furtherance of its corporate purposes.

SEC. 1205. MEMBERSHIP.

Except as provided in section 1208(g), eligibility for membership in the association and the rights and privileges of members shall be as provided in the bylaws and articles of incorporation of the association.

SEC. 1206. BOARD OF DIRECTORS.

Except as provided in section 1208(g), the composition of the board of directors of the association and the responsibilities of the board shall be as provided in the bylaws and articles of incorporation of the association and in conformity with the laws of the District of Columbia.

SEC. 1207. OFFICERS.

Except as provided in section 1208(g), the positions of officers of the association and the election of members to such positions shall be as provided in the bylaws and articles of incorporation of the association and in conformity with the laws of the District of Columbia.

SEC. 1208. RESTRICTIONS.

(a) INCOME AND COMPENSATION.—No part of the income or assets of the association may inure to the benefit of any member, officer, or director of the association or be distributed to any such individual during the life of this charter. Nothing in this subsection may be construed to prevent the payment of reasonable compensation to the officers and employees of the association or reimbursement for actual and necessary expenses in amounts approved by the board of directors.

(b) LOANS.—The association may not make any loan to any member, officer, director, or employee of the association.

(c) ISSUANCE OF STOCK AND PAYMENT OF DIVIDENDS.—The association may not issue any shares of stock or declare or pay any dividends.

(d) DISCLAIMER OF CONGRESSIONAL OR FEDERAL APPROVAL.—The association may not claim the approval of the Congress or the authorization of the Federal Government for any of its activities by virtue of this title.

(e) CORPORATE STATUS.—The association shall maintain its status as a corporation organized and incorporated under the laws of the District of Columbia.

(f) CORPORATE FUNCTION.—The association shall function as an educational, patriotic, civic, historical, and research organization under the laws of the District of Columbia.

(g) NONDISCRIMINATION.—In establishing the conditions of membership in the association and in determining the requirements for serving on the board of directors or as an officer of the association, the association may not discriminate on the basis of race, color, religion, sex, handicap, age, or national origin.

SEC. 1209. LIABILITY.

The association shall be liable for the acts of its officers, directors, employees, and agents whenever such individuals act within the scope of their authority.

SEC. 1210. MAINTENANCE AND INSPECTION OF BOOKS AND RECORDS.

(a) BOOKS AND RECORDS OF ACCOUNT.—The association shall keep correct and complete books and records of account and minutes of any proceeding of the association involving any of its members, the board of directors, or any committee having authority under the board of directors.

(b) NAMES AND ADDRESSES OF MEMBERS.—The association shall keep at its principal office a record of the names and addresses of all members having the right to vote in any proceeding of the association.

(c) RIGHT TO INSPECT BOOKS AND RECORDS.—All books and records of the association may be inspected by any member having the right to vote in any proceeding of the association, or by any agent or attorney of such member, for any proper purpose at any reasonable time.

(d) APPLICATION OF STATE LAW.—This section may not be construed to contravene any applicable State law.

SEC. 1211. AUDIT OF FINANCIAL TRANSACTIONS.

The first section of the Act entitled ''An Act to provide for audit of accounts of private corporations established under Federal law'', approved August 30, 1964 (36 U.S.C. 1101), is amended—

(1) by redesignating the paragraph (77) added by section 1811 of Public Law 104–201 (110 Stat. 2762) as paragraph (78); and

(2) by adding at the end the following:

''(79) Air Force Sergeants Association.''.

SEC. 1212. ANNUAL REPORT.

The association shall annually submit to Congress a report concerning the activities of the association during the preceding fiscal year. The annual report shall be submitted on the same date as the report of the audit required by reason of the amendment made in section 1211. The annual report shall not be printed as a public document.

SEC. 1213. RESERVATION OF RIGHT TO ALTER, AMEND, OR REPEAL CHARTER.

The right to alter, amend, or repeal this title is expressly reserved to Congress.

SEC. 1214. TAX-EXEMPT STATUS REQUIRED AS CONDITION OF CHARTER.

If the association fails to maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code of 1986 the charter granted in this title shall terminate.

SEC. 1215. TERMINATION.

The charter granted in this title shall expire if the association fails to comply with any of the provisions of this title.

SEC. 1216. DEFINITION OF STATE.

For purposes of this title, the term ''State'' includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the territories and possessions of the United States.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 728) was agreed to.

Mr. THURMOND. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. THURMOND. Mr. President, 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. DOMENICI. 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. 658

Mr. DOMENICI. Parliamentary inquiry, Mr. President. Is the pending business the Lugar amendment?

The PRESIDING OFFICER. That is the pending matter.

Mr. DOMENICI. I am a cosponsor and I intend to speak on that. Are there any limitations?

The PRESIDING OFFICER. There are none.

Mr. DOMENICI. I thank the Chair. I hope that doesn't give me a license to speak too long, but I will do my best.

Mr. President, the amendment I'm cosponsoring today is vital to continuing the progress of our Nation's programs focused on reducing the threat of proliferation of weapons of mass destruction. Our colleagues Senators Nunn and LUGAR initiated the Cooperative Threat Reduction program in 1991, and I was proud to join with them in the Nunn-Lugar-Domenici Defense Against Weapons of Mass Destruction Act last year. Your votes by a 96-to-0 margin last year showed the concern that all of you shared with me that proliferation of weapons of mass destruction is a very real threat to the security of the Nation and one of the greatest destabilizing forces that could be unleashed on this Planet.

In setting up the original Nunn-Lugar program and in passing the Defense Against Weapons of Mass Destruction Act, the Congress agreed that our Nation's national security interests are best served by preventing the proliferation of any of the former Soviet weapons, components, materials, technologies, or technologists. Congress labeled the Nunn-Lugar programs as cooperative threat reduction and that phrase was chosen very deliberately. The programs are indeed cooperative—they involve our establishment cooperating with their establishment, and the programs involve threat reduction—reducing the threat to our Nation.

Senator Nunn presents a series of powerful arguments on these programs in a foreword he recently authored for the book ''Dismantling the Cold War.'' He discusses the transition over the last few years from a world characterized by a high risk of nuclear conflict but also high stability, thanks to the sharply bilateral nature of that world and the fear of using any nuclear weapons. Now we have a period of low risk of massive global nuclear conflict, but also very low stability because of intensification of a wide range of real and potential conflicts around the globe. He notes that the current key question ''is whether the U.S. and Russia, now as partners and as friends, can keep the world safe from weapons of mass destruction as we reduce our arsenals.'' He argues convincingly

against using the Nunn-Lugar program as a form of bribery to encourage Russia to undertake specific actions, simply because these programs are so strongly in our own best interest. In his view, ''proliferation of weapons of mass destruction clearly is the number one national security challenge we face.''

When we passed the Defense Against Weapons of Mass Destruction Act, we required the President to develop an integrated administration plan for defending Americans against weapons of mass destruction. The President's budget submission for fiscal year 1998 should have been coordinated with his plan. But we haven't seen that plan to date—and the country needs it. I'm very concerned with the lack of coordination in national activities against weapons of mass destruction that this plan would enable and I call upon the administration to develop and release that plan. Further, I encourage that the final House-Senate conference report reiterate the concern from Congress that this plan needs to be a high priority item for the administration. But whether or not the administration fulfills this requirement, I believe that Congress needs to show its national leadership by fully funding the cooperative threat reduction efforts. With full funding, Congress can again emphasize, just as we did last year, that we treat the issue of proliferation of weapons of mass destruction very very seriously.

John Deutch visited with a group of Senators just a few weeks ago to discuss his concerns with proliferation of weapons of mass destruction. He and his colleagues argued very persuasively for increasing the funds for defending our Nation against this threat above the administration's request. He argued that if the 105th Congress does not continue to strengthen U.S. capabilities to prevent and respond to the full range of nuclear-biological-chemical terrorist attacks, the country will remain unacceptably vulnerable to mass destruction terrorism. He stated that ''the theat of terrorist attack with weapons of mass destruction delivered by unconventional means is an even clearer and more present danger to American lives and liberty than the threat of attack by ballistic missiles.'' He also took strong issue with the current administration's lack of coordination of efforts to defend against weapons of mass destruction, and recommended that Congress take the lead in directing the administration to improve the coordination efforts. As I've already noted, this absence of a coordinating plan from the administration is serious and Congress must continue to demonstrate its leadership in this area by reiterating the national need for this plan.

The United States is safer today thanks to the Nunn-Lugar-Domenici and Nunn-Lugar initiatives. This amendment will continue our progress to reduce the risk from ''loose nukes'' or aging reactors of Soviet design. Through the Cooperative threat reduction programs, there are over 1,400 fewer nuclear warheads deployed and many ballistic missile launchers are no longer a threat to our citizens, along with many other major improvements. Three nations—Ukraine, Belarus, and Kazakhstan—no longer have nuclear weapons.

The International Nuclear Safety Program's funding is also being restored by this amendment, and it is critical to prevention of another Chernobyl. We need to apply the expertise of our national laboratories to help the former Soviet states reduce any risks present in these reactors. To some, the solution is to shut down these reactors, but it isn't that simple when they are supplying power that is critically important to their regions. The International Nuclear Safety Program is working and must remain at full strength.

Of the three programs being restored in this amendment, I'm most familiar with the Materials Protection Control and Accounting Program. This program is absolutely essential to minimize the threat of nuclear materials moving to rogue states or terrorist groups. By far the greatest challenge to any of these groups considering creation of nuclear weapons is obtaining the special nuclear materials—the highly enriched uranium or plutonium that provide the fission energy source for the bomb.

In the old Soviet Union, nuclear materials were protected with guards and guns. The guards were well paid with stable jobs. Today, those guards may not have been paid by their government for months. Those guards may be wondering where their next meal is coming from, and more willing to consider compromising the material they are charged with protecting. Workers in the nuclear facilities are in similar straits, and within the last few months we saw the suicide of the director of the Russian Chelyabinsk facility out of frustration for his inability to pay his workers.

We simply cannot rely on outdated ways of protecting nuclear materials in a country faced with the economic hardships and turmoil prevalent in the former Soviet Union. We need modern systems monitoring and controlling these materials, systems of the type that have been developed in this country and are in place wherever nuclear materials are found in the United States.

This program is an outstanding example of international cooperation. Work is in progress at more than 50 sites in Russia, Kazakhstan, Ukraine, Belarus, Uzbekistan, Georgia, Lithuania, and Latvia. These sites are estimated to have 90 percent or more of the fissile materials outside of actual weapons—enough for tens of thousands of new weapons. The program is also an outstanding example of cooperation among our national laboratories—Los Alamos, Sandia, Livermore, Brookhaven, Pacific Northwest, and Oak Ridge National Laboratories are all playing key roles.

As just one example of the program's accomplishments, at the Siberian chemical facility at Tomsk-7, by some measures the largest nuclear facility in the world, upwards of 100 tons of highly enriched uranium and plutonium are stored. Radiation monitors have now been installed at the exit portals of the facility, significantly improving security of all the material. And a wide range of additional security measures are in progress as well.

The conference report language for the Nuclear Defense Authorization Act for 1998 raises the concern that the Department of Energy is not expending its allocated funds in this program. I've checked on the details of this concern and learned that the accounting processes required for this program cause as much as an 8 to 10 month delay between when funds are allocated to a specific project and when they are reported as spent after the work is done. We maintain good accounting for these funds by demanding that the projects be finished before final payment. Yet the funds must be in the Department at the time a contract is initiated. In contrast to the conference report, I learned that all fiscal year 1996 funds are committed and all fiscal year 1997 funds that the committee questioned will be fully utilized. Most of the fiscal year 1997 funds not reported as spent are already committed to contracts.

The Materials Protection Control and Accounting Program must continue its efforts to reduce this serious threat. We have just recently seen new opportunities for the program to expand to include more of the Russian naval reactor fuels. We are on a course to have most of the known fissile material in Russia under some degree of protection by 2002. Significant security improvements have been completed in Latvia, Lithuania, Uzbekistan, Georgia, and Belarus; 16 additional sites, 12 in Russia, 2 in Ukraine, 2 in Kazakhstan, are scheduled for completion by the end of 1997. Fiscal years 1998 and 1999 are the most critical for implementing security upgrades at the very large defense facilities with most of the material.

With our amendment today, we keep these key programs on target, focused on reducing the threat of weapons of mass destruction. This amendment is a significant re-emphasis of the leadership demonstrated by Congress in the past in preventing proliferation of weapons of mass destruction. These programs are a significant contribution toward a safer and more stable world for citizens of both the United States and world, both for the current generation and far into the future.

I urge the Senate to adopt the amendment, which will replenish the three programs I have just briefly outlined, without which I believe we will be taking a giant step backward in the elimination, using the most modern

means, of the proliferation of weapons of mass destruction, starting with nuclear and leading on into chemical and biological. We have to get started on the latter. Time is wasting and it is getting more and more difficult and dangerous.

I yield the floor.

Madam President, 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. THURMOND. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. THURMOND. Madam President, I just want to make a statement that if Senators have amendments now is the time to come forward. We are waiting to take up these amendments. We are ready to take up these amendments. There is no use in keeping the Senate in session without doing business here. To do business here we have to take up these amendments. We already disposed of a number of amendments here by consent this morning. But if anybody has an amendment now is the time to come and offer it. It may be too late later.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, I join the chairman's call for those who have amendments to bring them to the floor, if possible, today or tomorrow. One of the problems is, however, that we are facing a cloture motion vote, and, if that is approved—and it must be the first vote—a number of amendments that people have indicated they want to offer would not be germane.

I want to spend just a moment or two on the situation that we are now in relative to this pending cloture motion.

The bill before the Senate is the product of 4 days of debate and thoughtful consideration during markup by the Senate Armed Services Committee. At the end of the markup, the committee voted unanimously to report this bill to the floor. It was an 18-to-0 vote.

This bill is consistent with the bipartisan budget agreement, and I fully expect that at the proper time the Senate will give the bill a strong bipartisan vote. We have not reached that time yet.

In recent years the Senate has debated more than 100 amendments to the defense authorization bill and has taken 10 to 20 rollcall votes a year. This has typically taken up to 50 to 60 hours over a period of a week or so. Last year, for example, we disposed of 159 amendments with 19 rollcall votes, and over 63 hours of debate.

I don't see any reason to expect that Members will be offering any fewer amendments, although we always can hope that might be the case, or that it will take significantly less time to dispose of them this year than it has in the past. Like previous defense authorization bills, the bill before us is almost 500 pages long, and includes more than 300 separate provisions.

But on Friday before the recess when the majority leader filed a cloture motion the Senate had been considering this bill—and it is a complex bill—for less than 8 hours, mostly on a Friday morning after most Members had left town and after the majority leader said there would be no votes. Not a single nongermane amendment has been adopted until this recent series of amendments, and no major defense-related amendment has yet been offered.

The major issues before us—the base closure issue, the depot issue, possibly missile defense, Bosnia, NATO enlargement—have yet to be raised. To say the least, I was surprised to see a cloture motion filed at this early stage of the Senate's deliberations. That approach might make some sense if there were sign of obstruction or delay in the consideration of the bill. But that has not been the case. The floor managers on both sides, as the chairman has said, are prepared to consider and debate any amendment that may be forthcoming. We are prepared to address issues and to move on with the Senate's business. But we have not had an opportunity to do that. And we are not going to have an opportunity to vote on any amendment prior to the vote on cloture tomorrow since, as I understand the schedule established by the majority leader, no votes can be scheduled for today and the first vote tomorrow will be the cloture vote.

Members well know that the rules constrain consideration of amendments in a postcloture situation. And they are extremely confining rules. To be in order an amendment must also be relevant but germane under a very strict definition of germaneness. Under postcloture rules any amendment, no matter how relevant to the defense of the Nation, is nongermane if it expands powers available under the bill, if it introduces a new subject matter, or if it funds a program not already funded in the bill. Any portion of an amendment that is not germane makes the whole amendment out of order, and an amendment may not be modified without the unanimous consent of the Senate.

If we were to vote cloture the major amendments that we all expect to consider in the course of the debate would be nongermane and could not be voted on by the Senate. For example, we have pending before us this afternoon an amendment relative to the funding of the Nunn-Lugar Cooperative Threat Reduction Program. Unless we act on that amendment this afternoon—that is an amendment which is addressing one of the greatest threats that is faced by this country—that amendment would not be in order, and we could not even vote on it.

Senators who question the administration's proposal for distributing the workload of the two air logistics centers closed in the last BRAC round would be denied the opportunity to raise the issue on this bill if cloture passes. That is whether or not they come and debate it this afternoon, and that is whether or not they come and debate it tomorrow morning. The reason is because it is not germane technically to the bill in a postcloture situation.

I don't happen to support adding those provisions to this bill. I don't think we ought to add provisions to this bill that reallocate workloads. I think we ought to leave that to a fair process. But that is not the point.

Senators were asked to deliver amendments relating to this subject of distributing the workload at the two air logistics centers which were closed in the last BRAC round, and they would have no opportunity to bring their amendments back on that subject if cloture were voted on tomorrow.

Again, under the unanimous-consent rule that we are operating under, cloture is the first rollcall vote that this Senate is going to be able to have.

There is another major issue that should be debated and that we know will be debated. That has to do with future base closure rounds. We had a very lively discussion and debate on that in the Armed Services Committee.

There are many of us who talked in support of the amendment of Senator MCCAIN relative to two new rounds of base closures. If we deny those two new rounds we will be denying one of the highest priorities of the Secretary of Defense and the Joint Chiefs of Staff. But at least we ought to have a vote on the subject, and if we vote on cloture tomorrow—which must be the first vote regardless of when the BRAC amendment is offered, whether it is offered this afternoon or offered tomorrow, since under the unanimous-consent agreement that we are operating under the first vote must be on cloture—and if that vote passes tomorrow, then we would not be able to vote on whether or not to add two new rounds or perhaps one new round of base closure. That is just not right.

Amendments regarding foreign policy issues that are not currently addressed in the bill various Senators may want to offer. Amendments may be offered on Bosnia or on NATO expansion. Those amendments would be out of order if cloture is voted tomorrow. The House version of this bill has a major Bosnia-related provision. It would cut off funds for United States ground troops in Bosnia after June 30 of next year. That is a highly significant issue. While we don't have to debate it in this bill, I think that some Senators may feel otherwise. I don't think they ought to be barred from raising the issue should they choose, even though I may not agree with their amendment.

Many other amendments that Members are planning to offer this year

would be out of order. Amendments involving the funding formula for the National Guard Challenge Program, amendments relative to the North Dakota flood close claims of Air Force personnel, amendments relative to the reauthorization of the Sikes Act, to facilitate the preparation of integrated natural resources management plans for military lands, amendments to provide recruiter access to juvenile court records, and so forth.

This is not the way that we should be doing business. We should not be voting on cloture before we have had an opportunity to vote on important amendments, and we will not have that opportunity under the unanimous-consent agreement that we are operating under. We should not be denying Members the opportunity to offer key amendments which will require rollcall votes before the amendment process is even begun in earnest.

I hope that we can continue to clear as many amendments as possible this afternoon and tomorrow morning.

I happen to agree with the chairman. People who have amendments should come down here and debate them. But the problem this cloture motion creates for us is that we can't have rollcall votes until after the vote on cloture tomorrow. And we know that a number of amendments are going to require rollcall votes—legitimate amendments involving base closures and involving the depot issue which so many of our Members feel so strongly about.

That is why I hope we will not invoke cloture tomorrow. I think that invoking cloture would be unfair to Members who want to bring up amendments which require rollcall votes and to have us dispose of those amendments.

So, Madam President, again, whether or not cloture may be needed at a later stage in the debate of the bill, it would surely be premature to invoke cloture tomorrow before the disposition of many important amendments, controversial amendments and tested amendments, which arguably require rollcall votes.

I yield the floor.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

AMENDMENT NO. 420

Mr. COCHRAN. Madam President, I know I don't need to ask consent to return to the Cochran amendment. But the Lugar amendment has been offered and has been the pending business. I ask that we return to the regular order, to amendment No. 420.

The PRESIDING OFFICER. The Senator has that right.

That is now the pending amendment.

Mr. COCHRAN. Madam President, amendment No. 420 was offered by me, and is cosponsored by the distinguished Senator from Illinois, Senator DURBIN. It seeks to modify the existing export control policy that had been instituted by the administration with respect to the exporting of high-performance or so-called supercomputers.

SUPERCOMPUTER EXPORT CONTROLS

Madam President, on November 14, 1994, President Clinton issued Executive Order 12938, the Emergency Regarding Weapons of Mass Destruction, declaring that the proliferation of weapons of mass destruction and the means of delivering them constitute ''an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States,'' and that he had therefore decided to ''declare a national emergency to deal with that threat.'' The President reaffirmed this Executive order on November 15, 1995, and again on November 11, 1996.

We have had several hearings recently on the subject of proliferation in my Governmental Affairs Subcommittee on International Security, Proliferation, and Federal Services. And the distinguished ranking member of the full committee, Senator LEVIN, is the ranking member of that subcommittee.

We have examined cases of proliferation by the People's Republic of China and proliferation by Russia, and I can tell you that the facts—brought out in open session—are disturbing. The facts tell a story of both Chinese and Russian sales of technology, components, and delivery systems for weapons of mass destruction, as well as sales of highly capable advanced conventional weapons and other critical military technologies, to nations like Iran. The facts demonstrate that President Clinton was entirely correct in describing this problem as a national emergency.

Just last month, the Director of Central Intelligence sent Congress an unclassified report entitled, ''The Acquisition of Technology Relating to Weapons of Mass Destruction and Advanced Conventional Munitions.'' The report covers only the period July through December 1996 and levies serious proliferation charges against, among others, Russia and China. The report says:

> China was the most significant supplier of WMD-related goods and technology to foreign countries. The Chinese provided a tremendous variety of assistance to both Iran's and Pakistan's ballistic missile programs. China also was the primary source of nuclear-related equipment and technology to Pakistan, and a key supplier to Iran during this reporting period. Iran also obtained considerable CW-related assistance from China in the form of production equipment and technology.

The intelligence community report—and I note that this report is not the product of any single part of the intelligence community, but represents the consensus view of the entire intelligence community—goes on to say, and again I quote:

> Russia supplied a variety of ballistic missile-related goods to foreign countries during the reporting period, especially to Iran. Russia was an important source for nuclear programs in Iran and, to a lesser extent, India and Pakistan.

Madam President, the facts that emerged during my subcommittee's hearings on Russian and Chinese proliferation are completely supported by this latest report of the intelligence community. And we should not be comforted by the fact that it reports on the proliferant behavior of these nations only during the last half of 1996. For those who claim that Chinese and Russian behavior on proliferation is getting better, the best I can say is that it certainly is not yet good enough.

I raise the issue of proliferation because it is the principal reason we have offered this amendment on supercomputer export controls. The use of high-performance computers to upgrade existing weapons capabilities or develop new ones is not some fantasy or something that might happen in the future. It is known fact. High-performance computers help make it possible to develop and improve weapons capabilities that threaten the United States. Keeping them out of the wrong hands makes America safer. Dr. Seymour Goodman, in a report used by the administration as its basis for weakening U.S. export controls on high-performance computers, wrote:

> . . . continued export controls will slow the exacerbation of existing nuclear threats. Control of HPC [high-performance computer] exports, by limiting those exports or imposing appropriate safeguards, to countries known to possess nuclear weapons will impede their development of improved weapons and reduce their confidence in their existing stockpile by limiting the opportunity to conduct simulations in lieu of live tests. Similar or more rigorous controls on HPC exports to countries with nuclear weapons development programs could impede their development of second-generation weapons.

The June 1997 Intelligence Community report to Congress couldn't be more clear on this issue. It states:

> . . . countries of concern continued last year to acquire substantial amounts of WMD-related equipment, materials, and technology, as well as modern conventional weapons. China and Russia continued to be the primary suppliers, and are key to any future efforts to stem the flow of dual-use goods and modern weapons to countries to concern.

This amendment will help reduce the proliferation danger facing the United States by requiring an individual validated license to export all supercomputers to so-called Tier 3 countries, which include China and Russia. Because of the new export control policy for supercomputers announced by the Clinton administration on October 6, 1995, there currently is no such requirement. We must act to change that policy now.

This policy, which has been in place for almost 18 months, groups all nations into four country tiers and establishes export licensing requirements for high-performance computers based upon their country of destination. Tier 1 countries, consisting primarily of our NATO allies, are free to receive high-performance computers of unlimited capability without an export license from the United States, while, at the other end of the spectrum, Tier 4 countries, consisting of the last trustworthy, cannot legally receive any of

these supercomputers. Almost all countries in South America, Central America, the Caribbean, and Africa are in Tier 2, and can receive supercomputers capable of up to 10,000 MTOPS—MTOPS are Millions of Theoretical Operations per Second, the standard measure of computing capability—before an export license is required.

The end-use and end-user are the critical factors for exports to any of the 50 nations comprising Tier 3. If the end-use and user are civilian, the policy allows exports of supercomputers capable of up to 7,000 MTOPS before an export license is required. If the Tier 3 end-use or user is military, U.S. export licenses are required for any high-performance computer capable of more than 2,000 MTOPS. But it is the U.S. exporter, not the administration, which has the responsibility under this policy for determining the end-use and user for Tier 3 exports between 2,000 MTOPS and 7,000 MTOPS. This responsibility, difficult under any circumstances, is complicated by a company's natural focus on making sales. Our amendment addresses only these Tier 3 exports, as depicted by the diagonally-striped area on this chart, which I am going to show the Senate at some point in this discussion.

Our amendment applies to only a small portion of high-performance computer exports. In fact, according to the Commerce Department's Bureau of Export Administration, of the 1,436 supercomputers exported from the United States from the date the new policy went into effect through March 1997, only 91 went to Tier 3 countries. That amounts to 6.34 percent of total supercomputer exports. Does it not make sense for our Government to be willing to check to make sure that 6.34 percent of our supercomputer exports go to the right place? Is it unreasonable to require the administration to be sure that American supercomputer sales aren't going to people and places who would damage American national security?

Our amendment doesn't prohibit the transfer of a single supercomputer. It requires that the existing standards for transfers be monitored by our Government. Our amendment changes only one aspect of the policy, shifting the burden of determining end-use and end-user in Tier 3 countries from the exporter to the administration. Why is this so important? Listen to another part of last month's report to Congress by the Intelligence Community, which says, ''Many Third World countries—with Iran being the most prominent example—are responding to Western counterproliferation efforts by relying more on legitimate commercial firms as procurement fronts and by developing more convoluted procurement networks.''

American exporters are not capable of determining whether a potential purchaser is a ''procurement front'' or part of a ''more convoluted procurement network,'' and it is wrong to place this burden on them.

The administration, and many exporters, will tell you that the current policy is working, that closer scrutiny isn't required, but look at this chart and what it shows you. There are American supercomputers in Russia's and China's nuclear weapons complexes. According to Russia's Minister of Atomic Energy, these supercomputers are ''10 times faster than any previously available in Russia.'' According to the Chinese Academy of Sciences—which works on everything from the D–5 ICBM, capable of reaching the United States, to uranium enrichment for nuclear weapons—its American supercomputer provides the Academy with ''computational power previously unknown'' and is available—this is a quote from them—to ''all the major scientific and technological institutes across China.'' American high performance computers are now available to help these countries improve their nuclear weapons and improve that which they are proliferating, courtesy of a policy that can be called many things, but can't reasonably labelled as ''working.''

Just last week we learned through press reports that an American supercomputer sent to Hong Kong is now in China under the control of the People's Liberation Army. In addition to the 47 American supercomputers that have been shipped to China since this new policy took effect, 20 unlicensed American supercomputers have been shipped to Hong Kong. At least now we know where one of the Hong Kong supercomputers is. What about the others? does this look to anyone like a policy that's working? This is a real problem. It is a problem that exists now. It is not a hypothetical problem. It is not a problem that may develop in the future. This is a serious problem that threatens our national security.

There are some opposing this amendment who claim that setting the threshold at 2,000 MTOPS is too low, and consequently will make it impossible for American computer manufacturers to sell personal computers—PC's—abroad. That is just not true. It is a last minute desperation shot at the Cochran-Durbin amendment. Let's look at the facts:

The first fact is the 2,000 MTOPS threshold opponents express concern over was not dreamed up by us. It is the administration's limit.

No. 2, industry suggests that by some time in the fourth quarter of 1998—this date came, incidentally, from IBM's Director of public policy, who recently visited with my staff about this amendment—IBM will produce, according to him, a PC capable of just over 2,000 MTOPS for sale in the international marketplace, he said. But IBM couldn't answer several basic questions about this PC. Its Director of public policy didn't know the name of the PC, the expected price that would be charged for it, how many would be produced for the U.S. market, how many would be produced for potential foreign market sales, or even how many would be produced for this Tier 3 market, which this amendment is narrowly related to. It is worth remembering that this amendment that we are talking about only affects Tier 3 countries, and he's talking to us as if our amendment affects all sales to everybody—in the United States, foreign countries, everywhere—and that is just not true.

IBM doesn't just build these machines overnight on an impulse or a whim or a guess about what is out there in terms of potential sales. If it is going to have a new top-of-the-line PC out within 15 to 16 months, as they claim through this director of public policy, it must already have ordered the chip to run this PC. Doesn't it stand to reason that if such a PC were just around the corner, IBM would be able to answer some of these basic questions that I said the director could not answer? If not, is it possible that IBM is being overly optimistic about its capability, its projections, about the timeframe involved, and all the other arguments that have been advanced against this amendment?

Fact No. 3: Right now, according to William Reinsch, who is the Under Secretary of Commerce for Export Administration, ''High end Pentium-based personal computers sold today at retail outlets perform at about 200 to 250 MTOPS.''

Did you hear that? We are not talking about 2,000 to 7,000 MTOPS, like some of these computer lobbyists are saying to Senators are going to be affected by this amendment. The PC's that are out on the market today are at much lower ranges of capability.

Let's give Secretary Reinsch the benefit of the doubt and say today's top-end PCs are capable of running at 250 MTOPS. Secretary Reinsch said on June 11 before my subcommittee in an open hearing that ''computer power doubles every 18 months, and this has been the axiom in the industry for, I think, about 15 years.''

This axiom is known as Moore's Law. The math is straightforward. If top-end PC's are capable of 250 MTOPS today, 18 months from now they will be capable of 500 MTOPS; 36 months from now, they will be capable of 1,000 MTOPS; 54 months from now, in 4½ years, they will be capable of 2,000 MTOPS. Fifty-four months from now is not, contrary to the claims of some computer manufacturers, the fourth quarter of next year, as was suggested to us by the director of public policy of IBM. Of course, Moore's Law doesn't even mean that 54 months from now there will be PC's on the market capable of 2,000 MTOPS. It only suggests that our manufacturers should be able to build these powerful PC's 54 months from now, if Moore's Law continues to be sustained. None of our manufacturers will build PC's this powerful unless there is a broad market demand for such a highly capable PC, and it is unclear if the market will even be demanding such a powerful PC many times more powerful

than today's top-of-the-line PC's in just under 5 years.

If 4 or 5 years from now industry's optimism proves to be correct, I will be pleased to return to this floor and offer legislation modifying the 2,000 MTOPS level. But the suggestion that by next year we will have PC's many times more powerful than our most powerful today can only be guesswork, wishful thinking.

Fact No. 4: IBM currently sells, again according to its director of public policy, a workstation that is capable of just over 2,000 MTOPS. Wouldn't it make sense that future demand for the much anticipated 2,000 MTOPS PC should be similar to the current demand for the workstation that is already on the market?

According to the Commerce Department, from January 25, 1996, when the administration's supercomputer export control liberalization took effect, to March of 1997, 1,436 American high-performance computers were exported to countries in tiers 1, 2, and 3. Of these 1,436, just 91, or 6.34 percent, went to tier 3 countries. I do not know how many of these 91 were IBM's workstation that is just over 2,000 MTOPS. We know that at least 6 of the 91 were not manufactured by IBM—4 Silicon Graphics machines that are now running at Russia's nuclear weapons labs; one Silicon Graphics machine in the Chinese Academy of Sciences, which is a key part of China's nuclear weapons complex; and one Sun Microsystems machine that we just learned last week is now running at a Chinese military facility in Chungsha after being diverted from Hong Kong. So up to 85 of the 91 exported over 14 months to tier 3 countries could have been this IBM workstation, though I doubt that all of them consisted of that one machine. But even if all 85 were these IBM workstations, does this sound like the kind of volume that will overwhelm the Government's licensing apparatus? Certainly not.

The specter of American jobs being lost to unwieldy export controls is just another part of the argument against the Cochran-Durbin amendment that is not based on the facts.

Another argument made against our amendment is that the right way to keep organizations from getting American supercomputer technology who shouldn't be receiving it is for the Department of Commerce to publish a list of prohibited end users with individual validated licenses required for any high-performance computer export to a country or entity on the list. This argument against the amendment at least has the virtue of implicitly admitting that American supercomputers should not be in Russia's and China's nuclear weapons design labs, but it is another argument that is simply not based on the facts.

Shortly before the recent July Fourth recess, I spoke on the floor of the Senate explaining why such a list would be, in many ways, worse than the current situation. I won't go through all those reasons again in the interest of time now, but I continue to believe that such a list would be necessarily incomplete because of the requirement to protect intelligence sources and methods. It could be used as the Department of Commerce's guide for proliferators, and it would make it only too easy to make a sale to a location not on the list, thus encouraging makers of weapons of mass destruction to establish phony front organizations for the purposes of acquiring U.S. supercomputers. They wouldn't be on that list.

In fact, the Department of Commerce on June 30 published such a list, and its inadequacy is obvious. The June 30 list, called by the Commerce Department the ''Entities List,'' consists of 13 locations in 5 tier 3 countries that can receive an American supercomputer only if you have a license, only subject to a license. So now the total list of proscribed end users consists of 15 entities. On this list are Chelyabinsk-70 and Arzamas-16 in Russia which have already received at least five American supercomputers and parts of the Chinese Academy of Sciences, which also is now manufacturing more modern nuclear weapons with America's finest technology.

Because of this list, now America's computer exporters know that they need a license to ship a high-performance computer to any of these entities. What about other entities, though? What about the Chinese company that shipped ring magnets to Pakistan last year for use in its nuclear program? Why isn't that company on the list? It has been subjected to sanctions imposed by our Government, and it is not on our Government's list as a prohibited end user. What about the Chinese company or government entity that shipped M–11 missiles to Pakistan and now, according to press reports, is helping Pakistan build a factory for the indigenous manufacture of M–11 missiles? Why isn't that entity on the list? What about the Russian company or government entity helping Iran to upgrade its nuclear program and ballistic missile programs, why aren't they on the list?

Madam President, this list does not solve the problem. If anything, it makes it more confused, it makes it more difficult for American exporters to determine who should or should not receive American high-performance computers. In many ways, this list is worse than nothing.

There are many who believe the entire high-performance computer export control policy of this administration is a failure. However one views this policy as a whole, there is one aspect of it that we know is not working and it can be fixed now.

We know that American supercomputers are now in Chinese and Russian nuclear weapons labs. We know that they should not be there. We know that our Government, with the resources of the intelligence community, is better able to determine the identity of end users and end uses than is industry. Industry has no way to be able to determine the end use and user of its products to the degree of confidence that our intelligence agencies can do.

Right now we have the opportunity not to impose new restrictions on our supercomputer manufacturers but to shift the burden of making end-use and end-user determinations from industry to Government.

Look at this chart again and you will see that we are talking about only a very small part of the overall policy. The entire chart describes the policy and shows the number of tiers, 1 through 4, the varying capabilities on the basis of millions of theoretical operations per second, MTOPS, along the left side. And the only part of the entire export business of American supercomputers that is affected by this amendment is this part shown in the diagonal lines. The fact is, we are talking about only 6.34 percent of supercomputer exports under this policy that will be affected by this amendment.

The Cochran-Durbin amendment will not prevent a single supercomputer export to anyone who should have one, but it will help ensure, though, that only those who should have them will have them. The only supercomputer sales that would be blocked by our amendment are those going to foreign entities who the U.S. Government determines shouldn't have it. It will not prevent legitimate sales to legitimate users in the U.S. or outside the U.S., but it will help prevent a repeat of the errors that have allowed American supercomputers to go to Russia and to go to China and be used in their nuclear weapons labs.

Let's be clear what this debate is about. It is about U.S. national security. If you think Russia and China shouldn't be using American supercomputers to improve the quality of their nuclear arsenals and the quality of the weapons systems and components and technology that they are selling in turn to others, vote for the Cochran-Durbin amendment.

President Clinton was right when he called the proliferation of weapons of mass destruction ''an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States,'' and that it constitutes a ''national emergency.'' These weapons, delivery systems and technologies are more readily developed and enhanced by high-performance computers, and who makes those computers? The United States.

If the United States is going to demonstrate that it is serious about this issue, we must do more than complain to Russia and China every time one of those nations engage in proliferation.

The American fight against proliferation must start at our own borders.

I urge Senators to vote against the Grams-Boxer substitute and support the Cochran-Durbin amendment.

Madam President, I ask unanimous consent that the distinguished Senator from New Hampshire [Mr. SMITH] be added as a cosponsor to our amendment.

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I rise to speak on behalf of the same amendment which my colleague, the Senator from Mississippi, Senator COCHRAN, has just described.

I am happy to join him as a cosponsor on this important amendment. I only wish my colleagues and many others who are listening to this debate could have been there when Senator COCHRAN's subcommittee met just several weeks ago and really talked in depth about what we are doing.

For the average layman, the average person in the United States, there are some very technical terms involved in this debate. But the purpose of this amendment is very clear and very straightforward. We understand that if we give to another country certain information or technology, they are able in many ways to use it for positive reasons. We fear however that if that same information and technology is given to a country which might use it for negative purposes, that it is inconsistent with the national security of the United States.

The Cochran-Durbin amendment is an effort to make certain that we continue to sell technology around the world, but take care not to sell it in those countries where it may be misused.

Unfortunately, the Clinton administration over the last years has had a change in its policy, with a more expansive, more liberal trade policy when it comes to supercomputers. It has been my fear, and the fear of the Senator from Mississippi, that some of these computers which are being purchased for nominally peaceful reasons are in fact going to be used for military purposes.

One of the examples which the Senator from Mississippi used in closing was the whole question of weapons testing. Some 35 years ago when President Kennedy spoke to the Nation, he challenged us as a world to reduce nuclear arms testing so as to make this a more peaceful planet. I think President Kennedy was right. And I support a weapons test ban. I think the United States should continue to show leadership.

But we live in a different world some 3 decades later where a country with a new computer, the supercomputers that we are describing, that country may have the capability to test a nuclear weapon without ever detonating it. They can set up all of the parameters within the computer, test the weapon, and show its impact.

So if you are talking about reducing the proliferation of dangerous weapons—nuclear, chemical, and biological weapons—you must necessarily get involved in this debate, which Senator COCHRAN has initiated and I have been more than happy to assist in.

Some questions have been raised. And I wonder, just for purposes of clarification, if I could ask Senator COCHRAN a question or two for the record here. I know the Senator has covered most of this in his opening statement, but I think we ought to make a clear record for our colleagues on the amendment.

One of the first things that is said is, well, you set the standard too low. If a company wants to sell this computer, which we describe as a 2,000 MTOPS computer, you have set it too low, set it at a standard so that the computers that are going to be licensed, there is going to be surveillance at such a level. It will not hit the ordinary business computers.

I would like you to respond. And I know you did respond in the course of your opening remarks to that particular criticism. If you would, please, I yield to the Senator.

Mr. COCHRAN. If the distinguished Senator would yield, I appreciate very much not only his question but also his very helpful involvement in this issue and cosponsoring the amendment.

But he gets to the central point of the debate here. It is not that this amendment sets any new levels of prohibition or granting authority for export sales. It does not change any of those levels. The level that is established by the administration is the 2,000 MTOPS level. We do not change that for tier 3 countries, as demonstrated in the chart I showed a while ago.

We were told in our hearing that 250 MTOPS is about the current power of a PC which is sold in the market here in the country now. And that under the so-called Moore's Law that doubles every 18 months. So it would be 4½ years before you get to a level where you would even reach the 2,000 MTOPS level which is the trigger level for tier 3 countries that have to have a license if the end use or the end user is military. If they're civilian, you do not have to have a license at all.

What this amendment changes is who determines the end use or the end user. Our amendment says it should be the administration's responsibility. Current policy is that exporters have the responsibility of making that determination. That is the only thing we change.

Mr. DURBIN. If I could pose another question to my cosponsor on this amendment, Senator COCHRAN.

There have been others that have said, well, why is the United States doing this? If we stop selling computers around the world, whatever their capability, some other country is going to sell them. So we are tying the hands of American business in a futile effort to stop this march of technology.

I would appreciate it if my colleague, the Senator from Mississippi, would address that particular complaint.

Mr. COCHRAN. Our information, derived at our hearings through expert witnesses, was that we have the highest capability of any country in the world in terms of supercomputer manufacturing technology. We manufacture the state-of-the-art supercomputers. We do not have any competitors. Japan manufactures some high-performance supercomputers but their export policy is more restrictive than ours. They require licensing, we do not.

What we are suggesting here is that the policy of our administration is flawed in that it ought to make the determination in those questions where end use and end user is relevant as to whether you can or cannot make the sale, the Government ought to monitor and verify that this sale is permissible. And it applies to only 6.34 percent of the total computer sales of all American exporters in the export market.

Mr. DURBIN. I thank my colleague.

I think he noted in the course of his remarks that last week or perhaps the week before the administration said, well, let us put out a list of 13 or 14 different entities that we think we should take care not to sell to. And I agree completely with the Senator from Mississippi that it is hardly a comfort in this argument that we are protecting the interest of the United States with this list.

It is hard to believe that our intelligence operations would make a complete disclosure of every potentially bad purchaser around the world without in fact disclosing very sensitive classified information. It is far better to take the approach which the Cochran-Durbin amendment does, which says that on a case-by-case basis there will be a license issued by the Government to determine whether the would-be purchaser in any way raises a suspicion that this technology is going to be misused, used against the United States.

I think our approach to it gives the Government the power it needs to police the sales, says to the seller, the computer company, you can come to the Government now and entrust that decision to an entity which should know as to which purchasers should not be trusted. And that I think would give the industry some peace of mind. It has to be a major embarrassment to these companies to realize now that they have sold these supercomputers in China and in Russia and that they may be used for military purposes against the United States.

Certainly, these companies in the United States value our security, they are as patriotic as many others, and they would want to do the right thing. The Cochran-Durbin amendment sets up I think a good framework for the right decision to be made. I certainly hope that when this amendment comes up for consideration that many of our colleagues on both sides of the aisle

will stop and pause and reflect on it. Because I think it in a way takes a look at the world as it currently exists and says we do not want to sell to potential enemies or to suspect nations that power that might come back someday to haunt us. It is important to increase trade, but not at the expense of the security of the United States.

I thank my colleague from Mississippi for his leadership. And I am happy to join him in this effort.

I yield back.

Mr. COCHRAN. Madam President, I ask unanimous consent that there be printed in the RECORD a chart on exports of high-performance computers; and an unclassified report from the Director of Central Intelligence, as mentioned in my earlier remarks; and an editorial from the St. Louis Post-Dispatch suggesting that the administration should not wait, that it must act now on this issue.

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

EXPORTS OF HIGH PERFORMANCE COMPUTERS FROM JANUARY 25, 1996 TO MARCH 1997

[Number of systems by country]

Argentina	4
Australia	63
Austria	17
Belgium	38
Brazil	15
Canada	11
China	47
Colombia	5
Croatia	1
Czech Rep.	4
Denmark	10
Egypt	2
Finland	2
France	86
Germany	232
Greece	1
Hong Kong	20
Hungary	3
India	7
Indonesia	6
Ireland	6
Israel	17
Italy	42
Jamaica	1
Japan	150
Kenya	1
Korea, South	133
Luxembourg	2
Malaysia	33
Mexico	24
Netherlands	23
New Zealand	15
Nigeria	2
Norway	7
Peru	7
Philippines	4
Poland	2
Portugal	8
Romania	4
Russia	10
Saudi Arabia	2
Singapore	24
Slovak Rep.	1
Slovenia	2
S. Africa	12
Spain	37
Sweden	38
Switzerland	41
Taiwan	6
Thailand	10
Turkey	4
UAE	1

EXPORTS OF HIGH PERFORMANCE COMPUTERS FROM JANUARY 25, 1996 TO MARCH 1997—Continued

UK	187
Uruguay	1
Venezuela	4
Zimbabwe	1
Total number of systems	1436

THE ACQUISITION OF TECHNOLOGY RELATING TO WEAPONS OF MASS DESTRUCTION AND ADVANCED CONVENTIONAL MUNITIONS

SCOPE NOTE

The DCI submitted this biannual report in response to a Congressionally directed action in Section 721 of the FY 1997 Intelligence Authorization Act:

''(a) Not later than 6 months after the date of the enactment of this Act, and every 6 months thereafter, the Director of Central Intelligence shall submit to Congress a report on

(1) the acquisition by foreign countries during the preceding 6 months of dual-use and other technology useful for the development or production of weapons of mass destruction (including nuclear weapons, chemical weapons, and biological weapons) and advanced conventional munitions; and

(2) trends in the acquisition of such technology by such countries.''

At the DCI's request, the Nonproliferation Center (NPC) drafted this report and coordinated it throughout the Intelligence Community. As directed by Section 721, subsection (b) of the Act, it is unclassified.

INTRODUCTION

The threat from the proliferation of weapons of mass destruction and missiles is one of the highest priorities for intelligence. In the US effort to counter weapons proliferation, the Intelligence Community has taken an active role in supporting US government initiatives to strengthen export controls in supplier countries and to work with other countries to prevent the sale of weapons of mass destruction (WMD), advanced conventional weapons, and their related technologies. While it is an extremely difficult problem, US government efforts have made some progress, making both the acquisition and development of WMD more difficult and costly for proliferators.

Interdiction of WMD and the technologies necessary to acquire a WMD capability is a key component in the acquisition prevention effort. We see interdiction efforts falling into three basic categories:

Preventing the transfer of materials through export controls and international nonproliferation regimes;

Halting the transfer or the negotiation of transfer of materials through diplomatic and liaison initiatives;

Seizing proscribed materials in transit, through law enforcement agencies in cooperation with the Intelligence Community.

Interdiction efforts are an extremely important part of our overall nonproliferation strategy. By themselves, however, they generally do not get countries out of the business of proliferation. They do, though, buy time for other initiatives that may be more successful in halting or rolling back a WMD program. These other initiatives can include:

Diplomatic efforts designed to reduce the perceived need for a WMD capability;

Education efforts to show that WMD-related funds would be better spent elsewhere;

Bilateral or multilateral incentives. Such incentives could be financial, including membership in an international economic forum, in exchange for halting or rolling back a WMD program;

Military assistance or security guarantees.

The US clearly leads the way in programs in all three classes of interdiction efforts. US export license applications of concern are scrutinized by a number of agencies, including the Intelligence Community. The US also is developing procedures to share appropriate end user information with key allies in an effort to strengthen our mutual export control activities. In addition, the procedures for alerting other governments of impending transfers and tracking resulting actions are in place and working. Interdictions of shipments are occurring.

An example of a successful interdiction would be the seizure of chemical precursors destined for Libya. Although such a seizure would not halt Tripoli's aggressive chemical weapons development program, at a minimum it would:

Slow Tripoli's ability to begin serial production of chemical agents;

Provide the US time to persuade supplier nations or companies to halt future shipments to Libya;

Allow the Intelligence Community and US law enforcement agencies to identify and target new intelligence sources that could contribute to rolling back Libya's CW program;

Increase the cost to Libya of its CW development program.

Interdiction successes rest, in large measure, not on the quantity of information available to the policymaker, but on the quality. This is true for all three classes of interdictions. In licensing, for example, policymakers need unambiguous intelligence information before making a decision to deny a license, thereby denying a sale for the US company. Likewise, demarches to other governments must be accurate or the US will be accused of crying wolf and lose support from even friendly countries. And interdictions of shipments in transit often become international incidents, and potential embarrassment if the targeted material is not found in the shipment.

Actionable intelligence in support of interdiction efforts requires more than cooperation between US intelligence, policy, and law enforcement agencies. It demands close working relationships between the United States and other foreign governments committed to halting the proliferation of WMD. Such relationships will, of course, include intelligence sharing arrangements, but equally important are diplomatic, military, and scientific exchanges at all levels.

As noted above, interdiction programs by themselves cannot halt the proliferation of WMD. Alternative suppliers and technologies, increasing use of denial and deception, and a growing ability to produce indigenously weapons or their component parts are opening new avenues to states or organizations determined to obtain a WMD capability. The increasing diffusion of modern technology through the growth of the world market is making it harder to detect illicit diversions of materials and technologies relevant to a weapons program.

We are addressing these new challenges with more aggressive efforts, which go beyond traditional cold-war efforts aimed merely at understanding weapons and associated plans. We are better integrating technical analysis with political, military, and diplomatic analysis to provide policymakers with information on the motivations that drive foreign actions and decisions, and on influential opposition forces that could support initiatives to diminish or eliminate the proliferation threat.

Our concerns are not limited to interdicting materials and technologies to state-sponsored WMD development programs. As worrisome, in our judgment, are terrorist groups and cults that seek to acquire or develop

chemical and biological weapons on their own. For example, the incidents staged in March 1995 by the Japanese cult Aurn Shinrikyo demonstrate the use of WMD is not longer restricted to the battlefield. Terrorist groups and violent sub-national groups need not acquire a massive infrastructure to create a deadly, arsenal. Only small quantities of precursors, available on the open market, are needed.

Interdiction efforts are further complicated by the fact that most WMD programs are based on dual-use technologies and materials that have legitimate civilian or military applications unrelated to WMD. For example, chemicals used to make nerve agents are also used to make plastics and to process foodstuffs; trade in those technologies cannot be banned.

Nonproliferation regimes provide international standards to gauge and address behavior. They provide diplomatic tools to isolate and punish violators. The past few years, many states have joined these regimes and outsiders are encountering new pressures to join. Procurement costs have risen because of the need for convoluted efforts to hide purchases. That said, these regimes can be deceived by determined proliferators. The sheer volume of international commerce, increased self-sufficiency, and the global diffusion of technology and its dual-use nature make the regimes' road ahead a difficult one. Intelligence will play an increasingly important role in maintaining their effectiveness. Protecting sources throughout this process will be a challenge.

Following are summaries by country of ACW- and WMD-related acquisition activities (solicitations, negotiations, contracts, and deliveries) that occurred between 1 July and 31 December 1996.

ACQUISITION BY COUNTRY

We chose to exclude countries that already have substantial ACW and WMD programs such as China and Russia, as well as countries of lower priority that demonstrated little acquisition activity of concern.

EGYPT

During the last half of 1996, Egypt obtained Scud-related ballistic missile equipment from North Korea and Russia.

INDIA

India sought some items for its ballistic missile program during the reporting period from a variety of sources. It also sought nuclear-related items, some of which may have been intended for its nuclear weapons program.

IRAN

Iran continues to be one of the most active countries seeking to acquire all types of WMD technology and advanced conventional weapons. Its efforts in the last half of 1996 have focused on acquiring production technology that will give Iran an indigenous production capability for all types of WMD. Numerous interdiction efforts by the US government have interfered with Iranian attempts to purchase arms and WMD-related goods, but Iran's acquisition efforts remain unrelenting.

For the reporting period, China and Russia have been primary sources for missile-related goods. Iran obtained the bulk of its CW equipment from China and India. Iran sought dual-use biotech equipment from Europe and Asia, ostensibly for civilian uses. Iran was actively seeking modern tanks, SAMs, and other arms from the Commonwealth of Independent States (CIS), China, and Europe. Besides some large projects with China, Iranian nuclear-related purchases were not focused on any particular countries and were only indirectly related to nuclear weapons production.

IRAQ

We have not observed Iraq purchasing advanced conventional weapons or WMD-related goods, although it has purchased numerous dual-use items.

LIBYA

Despite the UN embargo, Libya continued to aggressively seek ballistic missile-related equipment, materials, and technology from Europe, the CIS, and the Far East. CW-related purchases diminished, however.

NORTH KOREA

North Korea's WMD programs are largely indigenous. We observed no significant procurement involving ACW or WMD-related goods.

PAKISTAN

Pakistan was very aggressive in seeking our equipment, material, and technology for its nuclear weapons program, with China as its principal supplier. Pakistan also sought a wide variety of nuclear-related goods from many Western nations, including the United States. China also was a major supplier to Pakistan's ballistic missile program, providing technology and assistance. Of note, Pakistan has made strong efforts to acquire an indigenous capability in missile production technologies.

SYRIA

Syria continued to seek CW- and Scud-related goods during the reporting period. Russia and Eastern Europe were the primary target for CW-related purchases, while North Korea and Iran have become important suppliers of Scud-related equipment and materials.

KEY SUPPLIERS

CHINA

During the last half of 1996, China was the most significant supplier of WMD-related goods and technology of foreign countries. The Chinese provided a tremendous variety of assistance to both Iran's and Pakistan's ballistic missile programs. China also was the primary source of nuclear-related equipment and technology to Pakistan, and a key supplier to Iran during this reporting period. Iran also obtained considerable CW-related assistance from China in the form of production equipment and technology.

RUSSIA

Russia supplied a variety of ballistic missile-related goods to foreign countries during the reporting period, especially to Iran. Russia was an important source for nuclear programs in Iran and, to a lesser extent, India and Pakistan. Russia also negotiated the sale of advanced weapon systems, such as the SA–10 to Cyprus, and is an important target for Middle Eastern countries seeking to upgrade and replace their existing arms.

NORTH KOREA

North Korea continued to export Scud-related equipment and materials to countries of concern during this reporting period.

GERMANY

Among Western nations, Germany was the favorite target for foreign WMD programs. German export controls were effective in thwarting many of these attempts, but some dual-use goods were exported, purportedly to civilian end users.

TRENDS

Despite our efforts, countries of concern continued last year to acquire substantial amounts of WMD-related equipment, materials, and technology, as well as modern conventional weapons. China and Russia continued to be the primary suppliers, and are key to any future efforts to stem the flow of dual-use goods and modern weapons to countries of concern.

Countries determined to maintain WMD programs over the long term have been placing significant emphasis on securing their programs against interdiction and disruption. In response to broader, more effective export controls, these countries have been tying to reduce their dependence on imports by developing an indigenous production capability. Many Third World countries—with Iran being the most prominent example—are responding to Western counterproliferation efforts by relying more on legitimate commercial firms as procurement fronts and by developing more convoluted procurement networks. Should countries such as Iran ever become self-sufficient producers and exporters of WMD-related goods and conventional weapons, however, opportunities to prevent acquisition will be dramatically limited.

[From the St. Louis Post-Dispatch, July 6, 1997]

CHINA'S DANGEROUS COMPUTER DIVERSION

The Chinese have done it again—diverted machinery supposedly purchased for commercial purposes to military uses. Predictably, China denies all, but the U.S. State and Commerce departments say they have proof that China diverted a supercomputer that can be used to upgrade military hardware. The Clinton administration is rightly calling attention to the problem, but may have been lax in allowing it to happen in the first place.

Supercomputers can process so much data so quickly that any nation possessing one can significantly upgrade its weapons. That's why sales of supercomputers for military purposes require a license. But under a Clinton edict adopted in 1995, sales of supercomputers for commercial purposes don't. That appears to have been a mistake.

U.S. officials have discovered that a supercomputer manufactured by Sun Microsystems was sold to a Hong Kong company, then purchased by the Chinese government. It was supposed to be sent to a science institute in Beijing, but ended up instead in Changsha where it is being used for military applications, the U.S. says.

China denies it, as it also rejects State Department charges that it has been selling nuclear and ballistic missile technology to Pakistan and Iran. These wouldn't be China's first untruths; last year, China diverted a huge metal stamping machine sold by McDonnell Douglas for commercial airline manufacture to military use.

All supercomputers are capable of so-called dual use, that is, of being employed for both peaceful and military purposes, so they must be carefully monitored. Though the United States has been fairly successful in that effort with its sales to Russia, China has been largely uncooperative. Congress is so concerned that the House has passed a bill reinstating the requirement that all supercomputers sold abroad for any purpose be licensed—and their use be tracked.

In 1995, the administration deregulated the sale of supercomputers for peaceful purposes on the ground that if America doesn't sell its machines, the Europeans or the Japanese would sell theirs. But the importance of slowing the spread of higher grade nuclear weapons and ballistic missiles requires the U.S. to prevent the sale of supercomputers which defeat that purpose, never mind helping the computer industry compete abroad. Only strict licensing is safe, and our competitors should be pressured to follow that policy. The administration shouldn't wait for Congress, but require it now.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, I would like to make a parliamentary inquiry.

Would the Cochran amendment be germane in a postcloture situation if cloture were approved tomorrow?

The PRESIDING OFFICER. At this time the amendment does not appear to be germane in a postcloture situation, but the sponsor of the amendment has not had the opportunity to make his case for germaneness, and the Chair would rule on germaneness only after cloture had been invoked and after the sponsor had an opportunity to make his arguments for the amendment being germane.

Mr. LEVIN. I appreciate the Chair's care.

Mr. COCHRAN. If the Senator will yield in response to that response by the Chair.

Mr. LEVIN. I am happy to yield.

Mr. COCHRAN. Would there be any way to modify the amendment to make it germane in a postcloture situation?

The PRESIDING OFFICER. Once cloture is invoked, it would take unanimous consent to modify the amendment.

Mr. COCHRAN. I thank the Chair.

Mr. LEVIN. The reason I raise this, Madam President, is this is an example of where we are prematurely faced with a cloture vote. I say premature, because we have not had an opportunity to vote on key amendments and will not have an opportunity to vote on key amendments, including the Cochran amendment, before cloture. Because under the unanimous-consent agreement that we are operating under, cloture is going to be voted on first. That is the first vote tomorrow.

It strikes me as being unfair to amendments and to those sponsors of amendments who have put in a serious effort on major security issues.

I do not know how I am going to vote on the Cochran amendment. I am studying the amendment. It raises a very significant issue relative to American security. But it is not technically germane because of our postcloture rules. It surely is relevant to this bill in any, I think, general sense. We are talking about the security of this Nation and we are trying to weigh the issue here, the pros and cons of the Cochran amendment. Surely, it is a serious national security issue which the Senator from Mississippi has raised, the chairman of a subcommittee which has had hearings into a very important issue.

So I urged before that we not invoke cloture tomorrow for a number of reasons and stated that there were a number of very significant pending amendments that would be or might be ruled nongermane after cloture, and I failed to list this amendment as an example of that type of amendment that could very well fall although I think by any reasonable definition of national security this surely is relevant to that issue.

So I commend my good friend from Mississippi for raising this issue.

Again, it is an issue that I am going to be giving some real study to this evening. It is a very thoughtful amendment. It is a carefully drawn amendment. It is based on a current classification. And I want to commend him on it and hope that he will be able to at least have a vote on his amendment. That very well will be impossible if cloture were invoked tomorrow.

Madam President, I want to ask another parliamentary inquiry because there is a second-degree amendment which is also pending, a second-degree amendment to the Cochran amendment. I ask the Chair the following question.

Would the question put relative to the Grams amendment receive the same response from the Chair as my question relative to the Cochran amendment?

The PRESIDING OFFICER. After conferring with the Parliamentarian, the Chair would give the same response to the question with regard to the Grams amendment.

Mr. LEVIN. I thank the Chair.

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

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

Mr. THURMOND. Madam President, I am just notifying Senators that if they have any amendments, come over and we'll take them up. This is the time and this is the place. We are just killing time here, wasting time, wasting the Government's time, wasting our time waiting on people to come in and offer amendments. I want to say to my colleagues, if you have an amendment, come on over here and let's take it up and get action on it. I am here waiting to cooperate. Thank you very much.

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. THURMOND. 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. I thank the distinguished chairman of the Armed Services Committee for asking the quorum call be rescinded and I thank the Chair for waiting. I knew today we would be discussing the Department of Defense authorization bill. As soon as I completed work on our hearings for tomorrow, the Government Operations Committee, I notified the floor that I would be coming over and I thank the Chair for waiting and I thank the distinguished chairman for waiting.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I have sought recognition to discuss an amendment which has been circulated with both the majority and minority, which refers to establishing procedures for a report not later than 90 days after the enactment of the defense authorization bill, for the Secretary of Defense to submit to the congressional defense committees a report containing the following: No. 1, an assessment of the current policies and practices of the Department of Defense with respect to the protection of members of the Armed Forces against terrorist attack abroad, including any modifications of such policies or practices that are proposed or implemented as a result of the assessment; and, second, an assessment of the procedures of the military departments intended to determine accountability, if any, in the command structure in instances in which a terrorist attack results in the loss of life at an installation or facility of the Armed Forces abroad.

This report is being sought because of what happened on June 25, 1996, when a bomb detonated not more than 80 feet from the Air Force housing complex known as Khobar Towers in Dhahran, Saudi Arabia, killing 19 members of the Air Force and injuring hundreds more, as many as 400 more.

This incident came under very intensive scrutiny by the Intelligence Committee, which I chaired last year. I have very serious reservations as to the adequacy of the Department of Defense response to the kind of threat which was posed by having those living quarters within 80 feet of a fence.

The Department of Defense had a report on June 13, 1996 from the Bureau of Intelligence and Research, Department of State, highlighting security concerns in the region in which Dhahran was located. Previously, in January 1996, the Office of Special Investigations of the Air Force issued a vulnerability assessment for the complex, and that assessment highlighted the vulnerability of perimeter security at the complex, given the proximity of the complex to a boundary fence and the lack of the protective coating mylar on its windows. And then, just 8 days before the terrorist attack, the Department of Defense received an intelligence report detailing a high level of risk to the complex. That report went to the highest levels of the Department of Defense and had the picture of Khobar Towers on it.

Immediately after the incident occurred, the Secretary of Defense, William J. Perry, said that it was very unusual to have a bomb of the magnitude of 3,000 to 5,000 pounds used in the Mideast. I took issue with that statement on a factual basis that on October 23, 1983, according to the results of the Long Commission, a bomb weighing 12,000 pounds had killed 283 marines in Beirut, in the Mideast. That is the same region where, regrettably, terrorist attacks have become all too commonplace. So it struck me as strange that the Secretary of Defense would say that a bomb weighing 3,000 to 5,000

pounds was unusual in the Mideast, when there had been a bomb of 12,000 pounds, as I say, in 1983, detonated, giving tremendous warning for just this kind of attack; and that, in fact, a reading of the Long Commission report, for anybody who had read it, would have demonstrated the kind of threat which was posed by a high-powered bomb detonated near a fence in that area.

I personally saw that fence in August 1996 when I visited Khobar Towers in Dhahran as part of my effort and the Intelligence Committee's efforts to try to find out exactly what had happened there. We had testimony from General Peay, who was the four-star commander in the area, who testified before a Senate committee in early July. Asked about the closeness of the perimeter fence to those living quarters, ''Was it too close?'' he said words to the effect of, ''I don't know. I just don't know.''

Certainly after the fact it is hard to understand how a ranking general would not know that that fence was too close to the living quarters and, realistically, before the fact, it seems hard to understand how the commanding general would not know about the extraordinary and unwarranted danger which was faced by the airmen who were living in those quarters.

The Chairman of the Joint Chiefs of Staff, General Shalikashvili, had visited Dhahran in the spring of 1996 and was within sight of Khobar Towers, although, as I understand it, he did not actually visit Khobar. But a question to be raised and a question to be answered, which has not yet been answered by the Department of Defense, is why the Chairman of the Joint Chiefs of Staff when in the area, within sight of Khobar Towers, knowing what the security risks were, did not take a look at that facility and make an assessment as to the vulnerability, since he was on the spot. That is especially true in light of the fact that there had been an attack in Riyahd, Saudi Arabia, in November 1995, killing a number of Americans, and that four Saudis had been executed by the Saudi Government in late May 1996, which would give rise to a concern as to what the militants in Saudi Arabia would do next. That was especially troublesome to the United States from a number of points of view, one of which was that the FBI, charged with investigating those matters overseas, had not been given access to those terrorists before they were executed.

So, here you have the general on the spot, a brigadier general, with the fence 80 feet from the towers, you have the four-star general in command of the overall area even after the fact, not knowing whether there was an unacceptable risk, and you have the Chairman of the Joint Chiefs of Staff in the vicinity, within sight of Khobar Towers, and no corrective action taken notwithstanding all of these warnings which had been given in a number of contexts about the danger which was present there.

Following the attack on Khobar Towers, a commission was formed with General Downing, a retired four-star general, in command. When he testified before the Intelligence Committee on September 19, 1996, among other questions I asked him about a series of criteria established by the Secretary of Defense, Secretary William J. Perry, about what the responsibility was of the Secretary of Defense.

General Downing testified that even under Secretary Perry's two standards they were not met. The first two standards articulated by Secretary Perry were ''establishing the policies and guidance for our commanders, including the policy and guidance for force protection.''

I asked General Downing:

> . . . Was there an adequate policy and guidance on force protection?

General Downing's response:

> No, there was not, Senator.

Then I asked about Secretary Perry's second criterion, organizing and structuring the Department of Defense in such a way that force protection is optimal. Then the question was:

> So did they meet the second criterion which stated ''organizing and structuring the Department of Defense in such a way that force protection is optimal?''

General Downing:

> The answer is no.

I ask unanimous consent, Mr. President, that at the conclusion of my remarks this extract from the hearings before the Intelligence Committee be printed in the RECORD.

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

(See exhibit 1.)

Mr. SPECTER. Mr. President, in sequence, the committee then learned that there had been a report on the force protection issue, ''Force Protection in Southwest Asia, An Air Force Perspective,'' dated September 17. Our committee learned about this as a result of a report in the press, the Washington Post specifically, on October 10, 1996. So by letter dated October 17, 1996, Senator ROBERT KERREY, vice chairman of the Intelligence Committee, and I, in my capacity as chairman, wrote to Secretary of the Air Force, Sheila Widnall, asking for a copy of that report.

I ask unanimous consent that the letter dated October 17, 1996, be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 2.)

Mr. SPECTER. Mr. President, the next sequence of events was a letter which I sent to Secretary Perry, with a copy to Air Force Secretary Widnall, dated November 5, 1996, which reads as follows:

> This letter constitutes a formal complaint on the obstruction by you, others and the Department of Defense on the inquiry by the Intelligence Committee to determine whether there was an intelligence failure relating to the terrorist attack in Dhahran on June 25, 1996 on the following:
>
> 1. Prohibiting key witnesses from being interviewed by this Committee (Brigadier General Terryl Schwalier, Colonel Gary Boyle, Lt. Colonel James Traister).

Notwithstanding our efforts to interview these key personnel, the Department of Defense precluded the Intelligence Committee from conducting those interviews.

Second, in my letter to Secretary Perry, I pointed out the concerns we had on prohibiting General Downing from testifying before the Intelligence Committee except on the terms set forth by the Secretary of Defense with that questioning only being in closed session. With our interest in having an open session, with General Downing having told the Intelligence Committee that he was employed by the Department of Defense and had to comply with instructions not to testify in open session, the impact of that was obvious. When General Downing testified in closed session that Secretary Perry had not even followed the Secretary's own criteria for force protection, it was not much of an impact contrasted to what it would have been had it been in open session.

The third item:

> Refusing to give this committee access to an Air Force report which, as reported in the Washington Post on October 10.

Then, finally, on November 6, after this letter was faxed on November 5, we received a response from General Trapp dated November 6, 1996, which I ask unanimous consent be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 3.)

Mr. SPECTER. Then there is my reply dated December 5 stating that that reply was insufficient, and referring to other letters. I ask unanimous consent that my letter of December 5 be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 4.)

Mr. SPECTER. Mr. President, I then note an article in the New York Times dated December 12, 1996, which discussed release of another report which apparently had been leaked to the New York Times for reasons set forth in the New York Times article, which said:

> Officials sympathetic to the Air Force position made available Wednesday selected parts of a classified review the Air Force conducted into the bombing. The review, written by Lt. Gen. James F. Record, commander of the 12th Air Force, cites, for example, the assessment of a senior U.S. intelligence official in Riyadh, the Saudi capital, that the intelligence reports given to General Schwalier ''did not give a target'' for the terrorist attack.

So, by this time, some of the Air Force were dissatisfied with General Downing's report and wanted a report

which would satisfy them. So another report had been commissioned, this time to be written by Lt. Gen. James F. Record.

On seeing that additional news leak of the report, which the Intelligence Committee did not have a copy of, Mr. President, I then wrote to Secretary Widnall on the same day, December 12, noting the access by the New York Times but no access by the Senate Intelligence Committee.

Again, I ask unanimous consent that the New York Times article of December 12, and my letter to Secretary Widnall dated December 12 be printed in the RECORD at the conclusion of my remarks.

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

(See exhibits 5 and 6.)

Mr. SPECTER. Mr. President, in the next series of events, I note a story in the New York Times which, again, makes reference to these reports which the Intelligence Committee never had access to, quoting ''Gen. Ronald Fogleman, the Air Force Chief of Staff, arguing that the case for accountability is nothing more than a Washington scalp hunt.''

I then wrote, again, to Secretary of the Air Force, Sheila Widnall, on April 25, 1997, noting the comments by General Fogleman and again asking that these reports be made available to the Senate, to me, and to the Senate Intelligence Committee.

I again ask unanimous consent that at the conclusion of my remarks copies of the New York Times article dated April 15, 1997, together with my letter dated April 25, 1997, be printed in the RECORD.

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

(See exhibits 7 and 8.)

Mr. SPECTER. Mr. President, all of these letters to Secretary of the Air Force went unanswered. Then, on May 21 of this year, the Air Force had the responsibility of coming to the Defense Appropriations Subcommittee. I had an opportunity, finally, to ask Secretary Widnall these questions and why there had not been any response to any of these letters of inquiry and the question of General Fogleman on this subject.

Finally, subsequent to that meeting, I received a very brief letter from Secretary Widnall, in fact, after I had bumped into her in the hallway on the 7th floor of the Hart Building and said to her, ''Madam Secretary, why don't you at least respond to the letters saying that you can't respond if that is your point because there is an inquiry underway?''

In the context of all the letters which had been written and that conversation, I finally received a letter saying she could not respond, the matter was being reviewed now by the new Secretary of Defense, and that, in due course, a copy of the report would be obtained by Senators.

Here we are on July 7, 1997 and still no copy of the report has been made available to this Senator or, to the best of my knowledge, to other Senators, but copies of the report were made available to the news media as it suits the purposes of the Department of the Air Force and the Department of Defense.

Mr. President, in offering this amendment, it is my hope we will have a statement of law requiring a report so we know what action is being considered in the future to protect personnel of the Department of Defense from terrorist attacks. News reports of the past week, an article in the Washington Post a week ago yesterday, reported the Secretary of Defense expected to make a finding sometime during the month of July. It is my hope that when the Secretary of Defense speaks on the subject, that he will go beyond the conduct of General Schwalier, which was criticized in the early report, and will pick up the issues of the conduct of the Department of Defense generally.

Brigadier General Schwalier's conduct was criticized in the Downing report, but, to my way of thinking, that is not nearly enough of an answer as to the conduct beyond Brigadier General Schwalier, moving to a four-star general, moving to the Chairman of the Joint Chiefs of Staff, General Shalikashvili, and moving to the Secretary of Defense himself, William J. Perry.

In this context, it is my judgment that the record shows forcefully and conclusively that there were warnings all along the line; that when you have a fence 80 feet from living quarters of hundreds of Air Force personnel within easy distance of a large bomb, a bomb, according to defense estimates, the Secretary of Defense, of 3,000 to 5,000 pounds, substantially smaller than the experience of the 12,000-pound bomb in Beirut in 1983, that there was forceful, obvious, and conclusive neglect of duty. It goes beyond the brigadier general on the scene. It goes to the commanding four star general, it goes to the Chairman of the Joint Chiefs of Staff and it goes to the Secretary of Defense.

If we are to have confidence in what the Secretary of Defense does in putting young men and women in harm's way, then there has to be accountability for the 19 airmen who died on June 25 in Khobar Towers and for the 400 who were wounded. That, Mr. President, is what I hope will come from the findings of the Secretary of Defense.

In the meantime, this requirement for a report will be some help to the future. But if we permit on this record those responsible, those in the chain of command to go by unscathed, unreprimanded, unaccounted for, then it is a blank check and open invitation for this kind of conduct to be repeated in the future.

The problems of terrorism are too serious to turn our back on what happened at Dhahran on June 25, 1996. I personally consider inexcusable that we have had more than a year pass and nothing has been said in an official way by the Department of Defense, the Department of the Air Force, and all of the components, this is to say nothing about who the terrorists are who have escaped punishment, and that is a matter which yet has to be reckoned with.

But within our own Department of Defense, we have a right to expect better, and I, for one, am awaiting the report of the Secretary of Defense to see what the position of the Department of Defense is. But at least as to the future, we will have some indication as to what precautionary measures will be taken for the future, but there also has to be an answer for the past. I thank the Chair. I yield the floor.

EXHIBIT 1

SENATE SELECT COMMITTEE ON INTELLIGENCE
CLOSED HEARING: THE DOWNING REPORT ON KHOBOR TOWERS, SEPTEMBER 19, 1996

Chairman SPECTER. I am going to try to finish up in the course of the next few minutes. It's been a long morning for you, I know, gentlemen.

I want to go to Secretary Perry's testimony on his articulation of the responsibility of the Secretary of Defense, and what I want to try to do is get your insights, your judgment, General Downing, having headed the task force and having done the investigation, having a lot of experience in the military, from 1962 when you graduated from West Point, to 1996, when you had retired, this is what Secretary Perry said as to his responsibility.

I manifest this responsibility in four important ways. First of all, by establishing the policies and guidance for our commanders, including the policy and guidance for force protection.

I think I already know your answer from your report, but was there an adequate policy and guidance on force protection?

General DOWNING. No, there was not, Senator.

Chairman SPECTER. Secondly, by organizing and structuring the Department of Defense in such a way that force protection is optimal. And I would include in that his testimony later where he said, quote, ''But General Downing is correct in saying that we do not have a budgetary focus on force protection, nor do we have a budgetary focus in our resource allocation process, in the institutional process by which we decide how to pass funds out to different programs.'' So did they meet the, quote, ''organizing and structuring the Department of Defense in such a way that force protection is optimal.''

General DOWNING. The answer is no. We gave them some recommendations on how to do that better.

Chairman SPECTER. And third, and I guess this is included in what I just said, by allocating resources to our commanders, including resources for force protection.

General DOWNING. Sir, we—that was one where we did not find—we found that—there was not a good structure for it, but that they had not been denied funds for force protection. The field had not been denied funds for force protection.

Chairman SPECTER. And finally, by carefully selecting and supervising the military and civilian leadership in the Department of Defense—and I asked you if that was meant, first as to the Secretary, and then as to the Joint Chiefs of Staff, who have these reports up from General Peay's unit as to delegation of authority and guidance, etc. Was that criterion met?

General DOWNING. Senator, I believe that the Secretary met that and that the inherent responsibility of commanders for force

protection is something I don't believe the Secretary of Defense has to tell a commander he needs to do.

Chairman SPECTER. How about as to the Joint Chiefs of Staff?

General DOWNING. The Joint Chiefs of Staff, we felt and we recommended that they change those command relationships.

EXHIBIT 2

U.S. SENATE,
SELECT COMMITTEE ON INTELLIGENCE,
Washington, DC, October 17, 1996.

Hon. SHEILA E. WIDNALL,
Secretary of the Air Force,
The Pentagon, Washington, DC.

DEAR SECRETARY WIDNALL: As you know, the Committee is reviewing the adequacy of intelligence support and its use by consumers in the context of the recent terrorism incidents affecting your forces in Saudi Arabia. Recently it came to our attention that the Air Force completed a report entitled ''Force Protection in Southwest Asia, An Air Force Perspective,'' dated 17 September 1996. This report was quoted in Washington Post article appearing October 10, 1996.

Since we have been unable to obtain a copy of the report through your legislative liaison office, we are forwarding our request for a copy of this report directly to you and ask for your assistance. Given the widespread coverage of the report in the media and its importance to our ongoing oversight responsibilities, there can be little justification for not promptly providing a copy to the Committee.

Sincerely,

ARLEN SPECTER,
Chairman.
J. ROBERT KERREY,
Vice Chairman.

EXHIBIT 3

DEPARTMENT OF THE AIR FORCE,
Washington, DC, November 6, 1996.

Hon. ARLEN SPECTER,
Chairman, Select Committee on Intelligence,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This is in response to your joint letter of October 17, 1996, regarding what you describe as a document concerning force protection in Southwest Asia that was referred to in a Washington Post article on October 10, 1996.

Contrary to the implications in the article, the Air Force has not issued a report entitled ''Force Protection in Southwest Asia, An Air Force Perspective.'' Rather, a preliminary briefing was prepared by the Office of the Deputy Chief of Staff, Plans and Operations, for internal use on the consideration and evaluation of the protection of our forces against terrorism following the bombing of Khobar Towers in Saudi Arabia. That preliminary briefing has now been given to Lieutenant General Record for his use in reviewing this matter and considering issues of accountability. When Lieutenant General Record's process is complete, we will be glad to provide the Committee with the results of his review and related official documents.

A similar letter is being provided to Vice Chairman Kerrey who joined you in your letter.

Sincerely,

LANSFORD E. TRAPP, JR.,
Director, Legislative Liaison.

EXHIBIT 4

U.S. SENATE,
SELECT COMMITTEE ON INTELLIGENCE,
Washington, DC, December 5, 1996.

Hon. SHEILA E. WIDNALL,
Secretary of the Air Force,
The Pentagon, Washington, DC.

DEAR SECRETARY WIDNALL: I want you to know that I consider the letter from Brig. Gen. Lansford E. Trapp, Jr., of November 6, 1996, *totally insufficient* in response to the letter from Senator Kerrey and me to you dated October 17, 1996, and the copy of the letter which I sent to you dated November 5, 1996, with the original going to Secretary Perry.

Sincerely,

ARLEN SPECTER.

EXHIBIT 5

[From the New York Times, Dec. 12, 1996]

AIR FORCE INQUIRY CLEARS GENERAL IN SAUDI BOMBING THAT KILLED 19

(By Eric Schmitt)

WASHINGTON.—The Air Force has concluded that the general in charge of a military housing complex in Saudi Arabia where 19 Americans were killed and 500 wounded in a terrorist truck-bombing last June took reasonable steps to protect against attack and should not be punished in any way.

The finding contradicts a major conclusion of a separate Pentagon investigation in September that singled out the Air Force officer, Brig. Gen. Terryl Schwalier, for failing to adequately safeguard the Khobar Towers complex in Dhahran, where the blast occurred.

Senior Pentagon officials, who described the results of the Air Force inquiry Wednesday on condition of anonymity, said the Air Force found the deaths a terrible tragedy, but not the fault of Schwalier.

The officials said the inquiry concludes that none of the 10 officers responsible for the safety of the troops in Dhahran violated any laws, Air Force regulations or codes of conduct.

Under military law, the Air Force decides who, if anyone, should be held accountable for a disaster like the Dhahran bombing. The punishments range from mild reprimands to court-martial proceedings that can lead to prison terms. In this case, the Air Force recommended that no punishment of any kind was warranted.

Officials said Air Force Secretary Sheila Widnall and Gen. Ronald Fogleman, the Air Force chief of staff, had approved the decision to exonerate the officers. They said that the finding was expected to be announced later this month. Defense Secretary William Perry has the authority to overrule the Air Force decision, but Pentagon officials said that he would be unlikely to do so.

''Surely there is a desire to hang somebody for this,'' said a senior Pentagon official who supports the Air Force decision. ''But as you look back over the evidence it's pretty hard without 20–20 hindsight to say, 'I'd have done that.'''

The truck bomb exploded on Schwalier's last day as commander of the air base and housing complex in Dhahran. He is now in a Pentagon job overseeing Air Force operations and is awaiting a promotion to major general.

''It's the wrong call,'' one official involved in the initial Pentagon investigation said of the Air Force's decision to exonerate the general. ''It just bothers me from standpoint of the families. It's not right.''

The question of responsibility in the bombing has caused deep strains among the armed services.

While some senior officers have been reprimanded for their roles in recent military disasters, it is rare for a general to face court-martial.

When two Air Force F–15 fighters flying over northern Iraq mistakenly shot down two U.S. Army helicopters in 1994, killing all 26 people aboard, only a captain serving as a weapons-control officer in an AWACS control place went to trial. He was acquitted.

Similarly, none of the 16 officers, including two generals, who were disciplined in connection with the crash in April in Croatia that killed Commerce Secretary Ron Brown and 34 others, were court-martialed.

But a Defense Department investigation, headed by a retired Army officer, Gen. Wayne A. Downing, issued a scathing report that said Schwalier ''did not protect his forces from a terrorist attack.''

The Pentagon report said Schwalier did not heed intelligence reports that Khobar Towers was highly vulnerable to terrorist attack, even though there had already been one deadly terrorist bombing against U.S. troops in Saudi Arabia.

Among a number of warnings was one eerily prescient. A security officer wrote that the tightened security on the base could lead terrorists to strike with a truck bomb at the base's fence.

Air Force officials said they weighed the same evidence that Downing's commission examined, but came to very different conclusions about culpability.

Officials sympathetic to the Air Force position made available Wednesday selected parts of a classified review the Air Force conducted into the bombing. The review, written by Lt. Gen. James F. Record, commander of the 12th Air Force, cites, for example, the assessment of a senior U.S. intelligence official in Riyadh, the Saudi capital, that the intelligence reports given to Schwalier ''did not give a target'' for a terrorist attack.

In addition, Record's review quotes the U.S. consul general in Dhahran, David Winn, saying, ''No one really thought that anything would happen in Dhahran.''

Air Force officials also said Schwalier took several steps to protect the housing complex, from increasing the number of guard posts to installing a double row of concrete highway barriers around the fence-line.

Air Force officials acknowledged that those measures were inadequate. ''There's no disagreement there,'' said the senior Pentagon official who supports the Air Force decision. ''The fact is, 19 people were killed. But then the issue becomes, was there dereliction of duty?''

Record, who had the power to recommend Schwalier face court-martial, concluded there was no such neglect of duty. Widnall and Fogleman concurred.

''People need to understand that accountability is a two-edged sword,'' said the senior Pentagon official who supports the Air Force decision. ''If you examine someone's actions and you find them wanting, you hold them accountable. But if you define that as court-martialing everyone, I can't live by your definition.

''At the same time, if you believe that person is not culpable,'' the Pentagon official continued, ''then it's every bit your obligation to stand up and defend that person. If you don't do that, you'll erode the fighting spirit of commanders. You'll have people looking over their shoulders. They'll always know they'll be second-guessed by people in Washington.''

The attack in Saudi Arabia continues to create thorny problems for the Clinton administration. In response to FBI complaints that Saudi officials had been uncooperative in what was to have been a joint inquiry, Riyadh has recently turned over information to support its contention that the bombing plot was heavily supported by Iran.

The information included videotaped interviews with some of the several dozens suspects arrested after the bombing. But some law enforcement officials expressed skepticism over the interviews, saying they lacked credibility because the confessions may have been obtained under duress.

The Air Force signaled months ago it did not believe Schwalier was to blame. In an internal review that paralleled Downing's inquiry, Air Force officials said Schwalier's responsibility extended only to the fenced perimeter of the base.

Beyond that, the responsibility for security belonged to the Saudis. The truck bomb exploded in a parking lot just outside the base's property.

EXHIBIT 6

U.S. SENATE,
SELECT COMMITTEE ON INTELLIGENCE,
Washington, DC, December 12, 1996.

Hon. SHEILA E. WIDNALL,
Secretary of the Air Force, The Pentagon, Washington, DC.

DEAR SECRETARY WIDNALL: Please reference my letters to you of October 17, November 5, and December 5, 1996.

According to The New York Times today, selected portions of the Air Force report on Dhahran have already been made available to the news media by representatives of the Air Force who are favorably disposed to the Air Force report.

I would like your prompt advice as to whether that news report is accurate.

In any event, this is a formal demand that the report be turned over to the Intelligence Committee forthwith.

Sincerely,

ARLEN SPECTER.

EXHIBIT 7

[From the New York Times, Apr. 15, 1997]

SECRETARY COHEN'S CALL

It will be interesting to see if Defense Secretary William Cohen has the moxie to hold the Air Force accountable for security failures in Saudi Arabia last year. So far the Pentagon's handling of the terrorist bombing in Dhahran that killed 19 American airmen and wounded 500 has followed a dismally familiar script. The Air force high command has sloughed off responsibility, betting that top civilians will once again bow to the shopworn argument that punishing individual commanders is unfair and would damage morale.

Mr. Cohen, who knew how to cut through thicker Pentagon smokescreens as a Senator, can set an admirably exacting standard for his stewardship as Defense Secretary by overturning the Air Force decision. The principle of civilian leadership of the military requires the application of independent judgment in cases like this. Since Air Force Secretary Sheila Widnall seems a willing captive of her service, Mr. Cohen must show that accountability in the American military is not governed by the protective instincts of the officer corps.

The security breakdown at the Khobar Towers apartment complex in Dhahran last June is beyond dispute. Though safeguards were enforced to prevent a suicide truck bomber from entering the compound, the towers were left exposed to attack from a nearby parking area. When a large truck bomb was detonated there last June, the explosion sheared off the northern facade of two towers.

The perimeter security fence was barely 35 yards from the buildings. Despite intelligence warnings about a possible terrorist attack, Air Force commanders made only a feeble effort to extend the perimeter. Even the most elementary and inexpensive defense—covering windows with a plastic film to prevent shattering—was not used. Many of the deaths and injuries were caused by flying glass.

These and other lapses were made plain in a Pentagon investigation conducted by a retired Army general, Wayne Downing. The Downing report concluded that Brig. Gen. Terryl Schwalier, the Air Force commander in Dhahran, ''did not adequately protect his forces from a terrorist attack.'' General Schwalier did not even bother to make security a primary concern on his watch.

Now comes Gen. Ronald Fogleman, the Air Force Chief of Staff, arguing that the case for accountability is nothing more than a Washington scalp hunt. His view, in essence, is that General Schwalier and his staff did everything they reasonably could to secure the compound and that the method and explosive power of the bombing exceeded any threat that could have been anticipated.

Yet the destruction of the Alfred Murrah Federal Building in Oklahoma City 14 months before the Dhahran attack showed the power of a large truck bomb placed near but not inside a high-rise building. It was lesson enough for the Secret Service, which quickly closed a stretch of Pennsylvania Avenue to expand the security perimeter around the White House.

General Fogleman mistakes his own blind loyalty for leadership. Morale is not served by dodging responsibility and circling the wagons around a fellow officer. Perhaps honor and duty are just quaint notions these days, but Mr. Cohen might actually do wonders for the morale of Americans in uniform if he rules that the Air Force cannot escape responsibility for its failures in Dhahran.

EXHIBIT 8

U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, April 25, 1997.

Hon. SHEILA WIDNALL,
Secretary, Department of the Air Force, Washington, DC.

DEAR SECRETARY WIDNALL: I have noted repeated press accounts on an Air Force report on the responsibility, if any, for the terrorist attack at Dhahran on June 25, 1996.

As you know, I have made repeated requests for copies of all DoD, including Air Force, reports on this incident.

According to press reports, Secretary of Defense William Cohen is personally reviewing this matter.

I would very much appreciate it if you would promptly provide to me a copy of any report on assessing responsibility for the Dhahran terrorist attack of June 25, 1996.

Sincerely,

ARLEN SPECTER.

Mr. SPECTER. 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. ROBB. 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. ROBB. Mr. President, I would like to take just a few minutes to discuss an amendment I am offering to this year's DOD authorization bill that will make a real difference in the lives of all members of the naval service—and eventually all members of our Armed Forces. It will eliminate many long lines and hours of frustration, it will substantially reduce recordkeeping errors and it will save the DOD and the taxpayers hundreds of millions of dollars. And it represents the next phase of the effective utilization of smart card technology—a technology I have been encouraging and working on for many years.

Mr. President, when a new recruit joins the service today, he or she faces a long and tedious registration process. A typical new recruit faces hours of waiting in line to fill out forms with his or her name, date of birth, rank, military I.D. number, and so forth, only to be sent over to another line to fill out another form with much of the same information again. Not only is this process aggravating for our new recruits—it is a waste of the Armed Service's time and personnel. It takes dozens of people countless hours to process in each new recruit through this inefficient system, costing the service valuable time and money, that it could be putting to better use elsewhere.

Once registered, a new recruit is issued a handful of ID's and cards to carry. A typical service member today might be required to carry a general ID card, an immunization card, a meal card, an equipment card, a weapons card, a military driver's license, a vehicle registration, a card to pick up mail, a card to carry if staying as a guest at another base, and if lucky enough to be stationed near some good fishing, a fishing permit. With so much clutter, it is not uncommon for a service member to misplace one of their cards, which wastes even more of the military's time and resources replacing them.

For years, I have been looking at ways that the military could streamline the methods it uses for its registration and recordkeeping, looking for a way to improve what I saw as an outdated and inefficient system of issuing multiple cards containing duplicate information.

The Government and the private sector have been using cards for years as a means of information storage. Many of the earliest cards had just a name and number much like the Social Security card that is still in use today. As the need for increased security and efficiency in the transfer of information from a card grew however, we saw the introduction of cards that relied on new information storage systems like bar codes and magnetic stripes, much like the kind found on today's credit cards, ATM cards, telephone calling cards, and in dozens of other card-based applications. And as the technological capabilities of cards have increased, so has the number of cards that each of us carries every time we leave our residence.

Mr. President, we now stand on the brink of a new explosion in card technology, one that promises to offer us even greater convenience and efficiency in everyday life, saving money and time while increasing our control over the information we provide to others. After years of research and development, I am pleased to report that a new user-friendly card technology will soon allow us to replace the handful of cards now used in the DOD with a single, multiapplication ''smart'' card.

Mr. President, with the amendment that I am offering today, next year,

under a pilot program that I have been working closely with the Department of Defense and the Department of the Navy to develop, a new recruit will not face the long and wasteful lines, the duplication of information or the cumbersome bundles of cards that many of us remember. Instead, upon arriving at boot camp, each new sailor and marine will be issued a single card: the MARC card. Short for Multitechnology Automated Reader Card this card will be used across the entire Navy and Marine Corps next year, and if it works as well as some of us believe it will, we will then extend it to all of the Armed Forces.

The MARC card is a remarkable achievement. The MARC card can carry your security clearance. The MARC card can carry your meal information. The MARC card can hold your immunization records. The MARC card can serve as your room key.

Mr. President, the long-term savings that will result from this program will be substantial; the improvements in the increased speed and quality of services will be enormous. With the MARC card, we can reduce support infrastructure, thereby improving our tooth-to-tail ratio while making our sailors' and marines' lives easier.

The MARC card is one of the first widespread applications of the most exciting new card technology on the market today: the smart card. Smart cards, like the MARC card, rely on an integrated circuit chip—a microchip—to store more information and data than was ever before possible on a single card. Within each card is a small microprocessor along with a sizable memory capacity, which gives each smart card the capabilities of a small microcomputer.

The capabilities of the smart card are so great that a single card can perform all of the functions that this entire stack of cards that I am holding up right here used to perform of still perform today, for that matter, and will perform dozens of new time-saving applications as well. Unlike older cards, the smart card is easily updatable, and has the capability to constantly take on new information.

Yet the real strength of smart cards, like the MARC card lies not in the convenience of carrying so much information on a single card, but in the money that we can save as a result. By harnessing the strength and memory of a small computer inside of a portable plastic card, a multitude of new applications can be offered that will increase the efficiency of Government, cutting down expensive and unnecessary administrative costs while reducing waste, fraud, and abuse at all levels of government.

Mr. President, I have seen this card in action, and the savings and increased efficiency it can offer the members of our Armed Forces are really impressive.

In the past, when our sailors would dock at a naval base upon their return from sea they faced a long and tedious process of waiting in line after line to check in to their shore station. Often taking up to a week a sailor would need to fill out countless forms to register for quarters, for medical treatment, for security clearance, for his next assignment, for the mess hall et cetera.

But today at the Smart Base in Pascagoula, MS, the first naval base to automate its operations using the MARC card, a sailor who arrives off of the U.S.S. *Yorktown* faces a check-in time of just a few minutes. By simply walking up to a kiosk, he can insert his MARC card into a reader not unlike an automatic teller machine, and within seconds be assigned his quarters and other necessary information, while personal data needed by the command is simultaneously zipped electronically around the rest of the base. His MARC card even serves as his room key.

Not only does this process save sailors a lot of wasted time, but it reduces the number of administrative staff needed to check in an entire ship. To process every sailor from an arriving ship, a base need only have a handful of staff on hand and a few kiosks that interact with the MARC card.

Mr. President, the MARC card can improve the efficiency of every operation across the military. Let me give you an example. Today, when a sailor or marine heads to a mess hall to eat, he has to show his ID card, as well as his meal card to one of the duty personnel, who tediously records the information from both cards by hand into a ledger. After each meal another officer must spend hours reconciling who ate what on that particular day, at a great expense both in the time involved and the money it costs. On average, it takes a mess hall 4 to 6 hours a day to account for all the meals that are eaten.

With the MARC card, however, sailors and marines will simply swipe their cards through a reader as they enter the mess hall and be automatically accounted for by a computer. Anyone who tries to sneak an extra meal without paying is caught in the act, which helps the Navy reduce fraud. After each meal, the officer in charge of the mess hall will only need to call up a file on their computer to account for the meals served. The total time involved is reduced from several hours to just a few minutes.

Not only will this project save the Navy time and money—the food service savings alone will save over $2 million in the first year, a savings of 49 percent—it will also allow our Armed Forces to allocate more resources to the duties they most need to focus on. From security access to dining hall access, from checking out weapons to checking out library books, the MARC card can save the Armed Forces thousands of hours a year in wasted administrative costs.

The $36 million I am asking for in this amendment does not authorize any new spending—it only redirects the use of $36 million within the Navy and Marines O&M account that has already been authorized by the committee. Because the MARC card program has been so effective in reducing the costs of general administration in the military, our investment of $36 million in an expansion of the MARC program will save the Navy and Marines O&M account many millions more in fiscal year 1998 and beyond.

By investing $36 million, in the MARC program, the Navy's project manager, estimates that the savings to O&M from using the three MARC applications, already in place across the Navy and Marines will top $134 million in FY 98.

Now that's just the savings from using the MARC card in three applications—Food Service, Security Access, and Clearance Verification.

As other applications are deployed, the savings may top $200 million in just FY 98, and well over $500 million over the next 5 years.

Mr. President, with the budget situation, that we face today we are compelled to look to all areas of the government to eliminate needless administrative services and streamline the many duties that our government performs.

In this era of reinventing government, smart card technology has potential applications not just in the military but all across the government.

By eliminating long waits in lines at government agencies, by eliminating the manual entry of data all across government agencies, by doing away with duplication of data across the government by eliminating fraud, smart cards can slash the administrative costs of government while improving the quality and speed with which many government services are delivered.

Mr. President, the technology is here, in our hands, and the savings to be had are real, immediate, and substantial. I firmly believe that we should move forward with applying smart card technology, not only in the military, but all across the government.

Mr. President, I realize that smart cards are still a new technology right now, and that they're unfamiliar to many potential users.

I am aware that some people are uncomfortable with the idea of having a single card for everything they need.

Placing so much information on a single card raises more than a few eyebrows over privacy and security concerns.

And I know that a lot of people are concerned that by placing so much personal information on a single card an employer might have access to medical records, or a librarian might be able to find out what you ate for lunch that day.

Let me say that I share these concerns.

But in fact, Mr. President, while all this information may be carried on a

single card, powerful encryption technology ensures that personal information is seen only by those who the individual wants to see it.

The technology available today allows us to select what information is carried on our smart card and guarantees that we are the only ones who can grant access to that information.

Even though we can store our financial and medical records on the same smart card the card's microchip is divided into separate compartments that make it impossible for our bank to see our medical records and our doctor to see our last bank deposit.

And if we should lose our card, anybody who finds it will discover that it's useless to them.

Because without the proper authorization code that only the individual knows—and with more sensitive applications, without biometric authentication like hand geometry scanners—the card won't work in the hands of anybody but its owner.

Just as our ATM card is useless to a thief without the proper PIN number, a thief will find that, without authentication by its owner, a stolen smart card is a worthless piece of plastic.

In an era where our personal information is becoming increasingly easier for others to access, where our very personal and private activities can be electronically tracked, smart cards are a way to return control over this information where it belongs: in the hands of the individual.

And with modern-day encryption and other security measures built into the chip on a smart card, the information on this card is more secure from theft or fraud than any credit card or ATM card in use today.

Mr. President, there is no doubt of the need for increased efficiency, security, and portability of information across all sectors of our Government.

We have the technology, literally, in our hands to make it happen.

Already, several other Government agencies have begun to implement this technology in a variety of applications across Government.

Today, for example, smart cards are used as identification and security badges in Government buildings.

In States like Wyoming, pilot programs are underway to use smart cards to electronically disburse WIC and food stamp benefits.

In several western States, a smart card called the health passport is being used to increase the portability and accessibility of an individual's medical records while safeguarding their confidentiality.

At colleges like the University of Michigan, a single smart card can call up a student's financial aid records, buy her books, and open the door of her dorm.

On our subways, and our military bases, in our hospitals, and our schools, across the public and private sector, smart cards can cut down the time we spend on burdensome administrative work and save us valuable time and resources.

But the reason I'm so enthusiastic about this new technology, Mr. President, is not just because smart cards can eliminate waste.

I'm not here speaking today simply because smart cards can save us time and money.

I'm strongly supportive of this new technology because smart cards can make our lives better and easier.

Whether it's reducing the time we wait in line at a government office or providing a doctor the information needed to save a life smart cards can make our entire infrastructure more user-friendly and efficient; smart cards make technology work better for us.

I am confident that pilot smart card programs, like the MARC program, will demonstrate the effectiveness of smart cards and the need for this technology across government, and will lead to increased use of this technology in our future.

That's why I'm so excited about it, and that's why I'm so pleased the managers seem willing to include this provision in their manager's amendment.

With that, Mr. President, I thank the chair, and I yield the floor.

Mr. LEVIN. Mr. President, I just want to commend the Senator from Virginia on his amendment. It is a very thoughtful amendment, the product of months, and, indeed, years of work by Senator ROBB. I hope that in the next day or two we will be able to work with the majority to see this amendment is adopted.

I want to commend the Senator on his constant attack on waste and his constant effort to achieve efficiency, not just in the military, but all branches of Government.

Mr. ROBB. I thank the distinguished Senator from Michigan. I did not display my own MARC card here, but it is my hope that in the not-too-distant future not only will all members of the Armed Services, but all members who interact or interface with our Federal Government will have one of these and be able to use them in the same efficient way that the MARC card is being used today, and is being used in this particular experiment.

I yield the floor.

Mr. THURMOND. I want to say to the able Senator from Virginia, Senator ROBB, that you made a very interesting discourse here. What the Senator is recommending appears to deserve serious consideration. That consideration, I am sure, will be given by the committee.

Mr. ROBB. I thank the distinguished chairman of the committee and the senior Senator from South Carolina.

MORNING BUSINESS

Mr. THURMOND. Mr. President, I ask unanimous consent that 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.

TRIBUTE TO J. MELVILLE BROUGHTON, JR

Mr. HELMS. Mr. President, North Carolina lost a very special, very valuable and very distinguished leader this past April. He was known affectionately and respectfully across our State, and far beyond in every direction, simply as Mel Broughton. His full name was J. Melville Broughton, Jr., but you seldom heard all of that name.

Mel Broughton, by all measurements, was one of those nature's noblemen who comes along only once in a while. Though his family was one of North Carolina's most distinguished, Mel Broughton was one of the least pretentious men I have ever known.

His grandfather was North Carolina's Governor during the World War II years, 1941 to 1944. And in November 1948, former Governor Broughton was elected to the U.S. Senate. But fate was to allow Senator Broughton to serve in the U.S. Senate only a few months, because he had been sworn in as a Senator shortly after his having been elected in November 1948 but he died of a heart attack the following March.

Incidentally, Mr. President, misfortune hovered over North Carolina throughout the 10-year period between the late 1940's and the following 10 years. Our State had a succession of 10 U.S. Senators during that decade. Five of them died in office; three were defeated in their reelection bids; and the two surviving Senators of that decade were Sam J. Ervin, Jr. and B. Everett Jordan. Senator Ervin served 20 years; Senator Jordan served 17.

But let me return, Mr. President, to Mel Broughton, Jr., who was honored by North Carolina's general assembly on June 26 of this year when both Houses of our State legislature adopted ''A joint resolution honoring the life and memory of J. Melville Broughton, Jr.''

As that resolution states, Mel Broughton was devoted to North Carolina and to the people of our State. And he served in countless ways. Only once did he venture into Federal service, and that was when President Ford nominated him to serve on the board of directors of the U.S. Legal Services Corporation. And during those years, one of his colleagues on the Legal Services Corporation board was a young lady who today is the First Lady of America, Mrs. Hillary Rodham Clinton.

Mr. President, needless to say, Dot Helms and I have long been devoted to the Mel Broughton family. As a matter of fact, Mel's parents, Governor and Mrs. Broughton, were very dear to us and thoughtful to us in so many ways.

And last, but certainly not least, I am privileged that Mel Broughton's son—one of them—whom all of us call Jimmy, is administrative assistant and

thereby leader of the Helms Senate family. I do not have a staff. The fine, dedicated people in our offices are truly a family.

Mr. President, I ask unanimous consent the text of the June 26, 1997, resolution adopted by the North Carolina General Assembly honoring Mel Broughton be printed in the RECORD.

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

JOINT RESOLUTION BY THE GENERAL ASSEMBLY OF NORTH CAROLINA JUNE 26, 1997 HONORING THE LIFE AND MEMORY OF J. MELVILLE BROUGHTON, JR.—JUNE 26, 1997

Whereas, J. Melville Broughton, Jr., a lifelong resident of the City of Raleigh was born on March 24, 1922, and attended Wake Forest University, Duke University, and graduated from the University of North Carolina School of Law; and

Whereas, J. Melville Broughton, Jr., proudly served his country in World War II as a First Lieutenant in the United States Marine Corps; and

Whereas, following his admission to the North Carolina State Bar, J. Melville Broughton, Jr., served for four years as a prosecutor in Raleigh Municipal Court and then entered the general practice of law with the firm founded by his father (now known as Broughton, Wilkins, Webb and Sugg) where he remained for 45 years; and

Whereas, from 1957 to 1961, J. Melville Broughton, Jr., served as Chairman of the North Carolina Highway Commission, and later under Governor Dan K. Moore served as the Chairman of the North Carolina Democratic Party; and finally in 1968, ran for the Democratic nomination for Governor against then Lieutenant Governor Robert Scott and Reginald Hawkins, finishing second in the primary; and

Whereas, J. Melville Broughton, Jr., was devoted to his State above all else and counted among his friends and those he supported at the polls both Democrats and Republicans; and, indeed, his bipartisanship was such that in 1975, President Gerald Ford nominated him to the National Legal Services Board, which was dedicated to providing legal representation to indigent persons; and

Whereas, J. Melville Broughton, Jr., was an active and lifelong member of Christ Episcopal Church in Raleigh and was involved in the Laubach Literacy national movement; and

Whereas, J. Melville Broughton, Jr., was a beloved figure in this General Assembly and in our entire State, warming us with his easy laugh and ready smile; his tall, rumpled figure, with his coat pocket full of pencil stubs, moving gregariously among all sorts and conditions of men, encouraging, listening, advising, and at all times embodying the very essence of a true Christian gentleman; and

Whereas, J. Melville Broughton, Jr., passed away on April 17, 1997, and is survived by his wife, Mary Ann Cooper Broughton; his daughter, Harriet B. Gruber; two sons, J. Melville Broughton, III and James Wesley Cooper Broughton; and five grandchildren;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. The General Assembly expresses its high regard for the life and service of J. Melville Broughton, Jr., and mourns the loss to this date of such a distinguished citizen.

Section 2. The Secretary of State shall transmit a certified copy of this resolution to the family of J. Melville Broughton, Jr.

Section 3. This resolution is effective upon ratification.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Thursday, July 3, 1997, the Federal debt stood at $5,356,041,465,566.82. (Five trillion, three hundred fifty-six billion, forty-one million, four hundred sixty-five thousand, five hundred sixty-six dollars and eighty-two cents)

One year ago, July 3, 1996, the Federal debt stood at $5,151,168,000,000. (Five trillion, one hundred fifty-one billion, one hundred sixty-eight million)

Five years ago, July 3, 1992, the Federal debt stood at $3,982,257,000,000. (Three trillion, nine hundred eighty-two billion, two hundred fifty-seven million)

Ten years ago, July 3, 1987, the Federal debt stood at $2,316,907,000,000. (Two trillion, three hundred sixteen billion, nine hundred seven million)

Twenty-five years ago, July 3, 1972, the Federal debt stood at $428,504,000,000 (Four hundred twenty-eight billion, five hundred four million) which reflects a debt increase of nearly $5 trillion—$4,927,537,465,566.82 (Four trillion, nine hundred twenty-seven billion, five hundred thirty-seven million, four hundred sixty-five thousand, five hundred sixty-six dollars and eighty-two cents) during the past 25 years.

MESSAGES FROM THE HOUSE

At 12:01 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1119. An act 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.

MEASURE PLACED ON THE CALENDAR

The following measure was read the first and second times by unanimous consent and placed on the calendar:

H.R. 1119. An act 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.

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–2389. A communication from the Secretary of Energy, transmitting, pursuant to law, the thirteenth Annual Report on activities and expenditures of the Office of Civilian Radioactive Waste Management for Fiscal Year 1996; to the Committee on Energy and Natural Resources.

REPORTS OF COMMITTEES SUBMITTED DURING ADJOURNMENT

Under the authority of the order of the Senate of June 27, 1997, the following reports of committees were submitted on July 1, 1997:

By Mr. HATCH, from the Committee on the Judiciary:

Report to accompany the bill (S. 507) to establish the United States Patent and Trademark Organization as a Government corporation, to amend the provisions of title 35, United States Code, relating to procedures for patent applications, commercial use of patents, reexamination reform, and for other purposes (Rept. No. 105–42).

By Mr. JEFFORDS, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 830: A bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, and for other purposes (Rept. No. 105–43).

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. SPECTER (by request):

S. 986. A bill to amend title 38, United States Code, to make certain improvements in the housing loan programs for veterans and eligible persons, and for other purposes; to the Committee on Veterans Affairs.

S. 987. A bill to amend title 38, United States Code, to authorize a cost-of-living adjustment in the rates of disability compensation for veterans with service-connected disabilities and dependency and indemnity compensation for survivors of such veterans and to revise and improve certain veterans compensation, pension, and memorial affairs programs; and for other purposes; to the Committee on Veterans Affairs.

S. 988. A bill to amend chapter 72 of title 38, United States Code, to reform the retirement provisions relating to the Court's judicial component, to provide for a staggered judicial retirement option to avoid the large case backlog increase that would arise in the event of simultaneous judicial vacancies, to rename the United States Court of Veterans Appeals as the United States Court of Appeals for Veterans Claims, and for other purposes; to the Committee on Veterans Affairs.

By Mr. DORGAN (for himself and Mrs. FEINSTEIN):

S. 989. A bill entitled the ''Safer Schools Act of 1997''; to the Committee on Labor and Human Resources.

By Mr. FAIRCLOTH:

S. 990. A bill to amend the Public Health Service Act to establish the National Institute of Biomedical Imaging; to the Committee on Labor and Human Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER (by request):

S. 986. A bill to amend title 38, United States Code, to make certain improvements in the housing loan programs for veterans and eligible persons, and for other purposes; to the Committee on Veterans' Affairs.

THE VETERANS' HOUSING LOAN IMPROVEMENTS ACT OF 1997

Mr. SPECTER. Mr. President, as chairman of the Committee on Veterans' Affairs, I have today introduced, at the request of the Secretary of Veterans Affairs, S. 986, the proposed Veterans' Housing Loan Improvements Act of 1997. The Secretary of Veterans Affairs submitted this legislation to the President of the Senate by letter dated June 4, 1997.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration-proposed draft legislation referred to the Committee on Veterans' Affairs. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD, together with the transmittal letter and the enclosed section-by-section analysis of the draft legislation which accompanied it.

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

S. 986

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE.

(a) SHORT TITLE.—This Act may be cited as the ''Veterans' Housing Loan Improvements Act of 1997.''

(b) REFERENCES TO TITLE 38.—Except as otherwise may be specifically provided, whenever in the 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 title 38, United States Code.

SEC. 2. LOAN FEE.

(a) Section 3729 is amended by striking out everything after the catchline, and inserting in lieu thereof:

''(a)(1) Except as provided in subsection (c) of the section, a fee shall be collected from each person obtaining a housing load guaranteed, insured, or made under this chapter, and each person assuming a loan to which section 3714 of this title applies. Such a loan may not be guaranteed, insured, made, or assumed until the fee payable under this section has been remitted to the Secretary.

''(2) The fee may be included in the loan and paid from the proceeds thereof.

''(b)(1) The amount of the fee shall be determined from the table in subsection (d) of this section. The fee is expressed as a percentage of the total amount of the loan guaranteed, insured, or made, or, in the case of a loan assumption, the unpaid principal balance of the loan on the date of the transfer of the property.

''(2) Any reference to a section in the Type of Loan column in subsection (d) of this section refers to a section of this title.

''(3) For the purposes of this section:

''(A) The term 'Active Duty Veteran' means any veteran eligible for the benefits of this chapter other than a Reservist;

''(B) The term 'Reservist' means a veteran described in section 3701(b)(5)(A);

''(C) The term 'Other Obligor' means a person who is not a veteran, as defined by section 101 or other provision of this chapter;

''(D) The term 'initial loan described in section 3710' means a loan obtained by a veteran pursuant to section 3710 of this title if the veteran has never obtained a loan guaranteed under section 3710 or more under section 3711;

''(E) the term 'subsequent loan described in section 3710' means a loan obtained by a veteran pursuant to section 3710 title if the veteran has previously obtained a loan guaranteed under section 3710 or made under section 3711. The term shall not refer to an interest rate reduction refinancing loan;

''(F) The term 'interest rate reduction refinancing loan' means a loan described in section 3710(a)(8), 3710(a)(9)(B)(i), 7310(a)(11), 3712(a)(1)(F), or 3762(h);

''(G) The term '0-down' means a downpayment, if any, of less than 5 percent of the total purchase price or construction cost of the dwelling;

''(H) The term '5-down' means a downpayment of at least 5 percent but less than 10 percent of the total purchase price or construction cost of the dwelling;

''(I) The term '10-down' means a downpayment of 10 percent or more of the total purchase price or construction cost of the dwelling;

''(c) A fee may not be collected under this section from a veteran who is receiving compensation (or who but for the receipt of retirement pay would be entitled to receive compensation) or from a surviving spouse of any veteran (including a person who died in the active military, naval, or air service) who died from a service-connected disability.

''(d) The following table establishes the percentages of fees to be collected under this section:

''LOAN FEE TABLE

''Type of loan	Active duty veteran	Reservist	Other obligor
''Initial loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other initial loan described in section 3710(a)	2.00	2.75	NA
''Subsequent loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other subsequent loan described in section 3710(a)	3.00	3.00	NA
''Loan described in section 3710(a) to purchase or construct a dwelling with 5-down	1.50	2.25	NA
''Loan described in section 3710(a) to purchase or construct a dwelling with 10-down	1.25	2.00	NA
''Interest rate reduction refinancing loan	0.50	0.50	NA
''Direct loan made under section 3711	1.00	1.00	NA
''Manufactured home loan described in section 3712 (other than an interest rate reduction refinancing loan)	1.00	1.00	NA
''Loan to Native American veteran made under section 3762 (other than an interest rate reduction refinancing loan)	1.25	1.25	NA
''Assuming a loan to which section 3714 applies	0.50	0.50	0.50
''Loan made under section 3733(a)	2.25	2.25	2.25

''(e) Notwithstanding subsection (d) of this section, the Secretary, by regulation, may prescribe a different percentage for the fee applicable to loans made under section 3733(a), if the Secretary finds a different amount is necessary so that the fee charged for such loans is consistent with the fees charged by other departments of the Government for similar loans available to the public, or if the Secretary determines that considerations of the market for properties sold by the Secretary necessitate a different fee.''.

(b) This section applies to any loan closed after September 30, 1997.

SEC. 3. EXTENSION OF NO-BID FORMULA.

Section 3732(c) is amended by striking out paragraph (11) in its entirety.

SEC. 4. ENHANCED VENDEE LOAN SALES.

Section 3720(h) is amended by:

(a) striking out paragraph (2) in its entirety; and

(b) striking out ''(h)(1)'' and inserting in lieu thereof ''(h)''.

SEC. 5. REPEAL OF LOAN DEBT COLLECTION RESTRICTIONS.

Subchapter III of chapter 37 is amended by striking out section 3726 in its entirety.

SEC. 6. ACCOUNT CONSOLIDATION.

(a) Subchapter III of chapter 37 is amended by striking out sections 3723, 3724, and 3725 in their entirety.

(b) Such subchapter is further amended by inserting after section 3721 the following new section:

''§ 3722. Veterans Housing Benefit Program Fund

''(a) There is hereby established in the Treasury of the United States a fund known as the Veterans Housing Benefit Program Fund.

''(b) The Veterans Housing Benefit Program Fund shall be available to the Secretary, without fiscal year limitation, for all housing loan operations under this chapter, consistent with the Federal Credit Reform Act of 1990.

''(c) There shall be deposited in the Veterans Housing Benefit Program Fund:

''(1) All money as of September 30, 1997, in: (A) the Direct Loan Revolving Fund established by section 513 of the Servicemen's Readjustment Act of 1944; (B) the Department of Veterans Affairs Loan Guaranty Revolving Fund established by section 7(a) of Public Law 86–665; and (C) the Guaranty and Indemnity Fund established by section 302(a)(1) of Public Law 101–237;

''(2) All money hereafter appropriated for such Fund;

''(3) All fees collected by the Secretary on or after October 1, 1997, pursuant to section 3729, or any other provision of law or regulation established by the Secretary imposing fees on persons or other entities participating in the housing loan program under this chapter; and

''(4) All other amounts received by the Secretary on or after October 1, 1997, incident to housing loan operations under this chapter including, but not limited to, collections of principal and interest, proceeds from the sale, rental, use, or other disposition of property acquired under this chapter, proceeds from the sale of loans pursuant to sections 3720(h) and 3733(a)(3), and penalties collected pursuant to section 3710(g)(4)(B).

''(d) For purposes of this section, the term 'housing loan' shall not include a loan made pursuant to subchapter V of this chapter.''.

(c) The amendments made by this section shall take effect October 1, 1997.

SEC. 7. EXTENSION OF PILOT PROGRAM FOR DIRECT LOANS TO NATIVE AMERICAN VETERANS.

Section 3761(c) is amended by striking out ''1997.'' and inserting in lieu thereof ''1999.''.

SEC. 8. CONFORMING AMENDMENTS.

(a) Section 2106(e) is amended by striking out ''either the direct loan or loan guaranty revolving fund established by section 3723 or 3724 of this title, respectively.'' and inserting in lieu thereof ''the Veterans Housing Benefit Program Fund established by section 3722 of this title.''.

(b) Section 3703(e)(1) is amended by striking out ''3729(c)(1)'' and inserting in lieu thereof ''3729(c)''.

(c) Section 3711(k) is amended by striking out ''and section 3723 of this title'' both places it appears.

(d) Section 3720 is amended by striking out subsection (e) in its entirety and inserting in lieu thereof—

''(e) [Repealed.]''.

(e) Section 3727(c) is amended by striking out ''funds established pursuant to sections 3723 and 3724 of this title, as applicable.'' and inserting in lieu thereof ''fund established pursuant to section 3722 of this title.''.

(f) Section 3733(a)(6) is amended by—

(1) striking out ''Department of Veterans Affairs Loan Guaranty Revolving'' and inserting in lieu thereof ''Veterans Housing Benefit Program''; and

(2) striking out ''3724(a)'' and inserting in lieu thereof ''3722(a)''.

(g) Section 3733 is further amended by striking out subsection (e) in its entirety.

(h) Section 3734 is amended by—

(1) striking out, in the catchline, ''Loan Guaranty Revolving Fund and the Guaranty and Indemnity'' and inserting in lieu thereof ''Veterans Housing Benefit Program'';

(2) striking out, in subsection (a)(1), ''Loan Guaranty Revolving Fund and the Guaranty and Indemnity'' and inserting in lieu thereof ''Veterans Housing Benefit Program'';

(3) striking out, in subsection (a)(2), ''funds,'' and inserting in lieu thereof ''fund,'';

(4) striking out, in subsection (b), ''each'' and inserting in lieu thereof ''the''; and

(5) striking out, in paragraph (2) of subsection (b), subparagraphs (B), (C), and (D) in their entirety, and redesignating subparagraphs (E), (F), and (G) as (B), (C), and (D), respectively.

(i) Section 3735(a)(3)(A)(i) is amended by striking out ''Loan Guaranty Revolving Fund and the Guaranty and Indemnity'' and inserting in lieu thereof ''Veterans Housing Benefit Program''.

(j) The catchline for section 3763 is amended by striking out ''Housing'' and inserting in lieu thereof ''Native American veteran housing''.

(k) The table of sections for subchapter III of chapter 37 is amended by—

(1) striking out the items relating to sections 3722, 3723, 3724, 3725, and 3726 and inserting in lieu thereof—

''3722. Veterans Housing Benefit Program Fund.
''[3723. Repealed.]
''[3724. Repealed.]
''[3725. Repealed.]
''[3726. Repealed.]'';

(2) striking out, in the item relating to section 3734, ''Loan Guaranty Revolving Fund and the Guaranty and Indemnity'' and inserting in lieu thereof ''Veterans Housing Benefit Program''; and

(3) inserting at the end thereof the following new item:

''3736. Portfolio Loan Servicing.''.

(l) The table of sections for subchapter V of chapter 37 is amended by striking out, in the item related to section 3763, ''Housing'' and inserting in lieu thereof ''Native American veteran housing''.

(m) Section 7(h)(2)(B) of Public Law 102–54, as amended (38 U.S.C. 1718 note), is amended by striking out ''Loan Guaranty Revolving'' and inserting in lieu thereof ''Veterans Housing Benefit Program''.

SECTION–BY–SECTION ANALYSIS

SEC. 1. Subsection (a) provides that the draft bill may be cited as the ''Veterans' Housing Loan Improvements Act of 1997.''

Subsection (b) provides that, unless otherwise specified, whenever in the 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 title 38, United States Code.

SEC. 2. Subsection (a) of section 2 would replace the existing section 3729, which imposes fees on most persons obtaining or assuming a loan guaranteed or made by VA, with new, simplified language. The new section 3729 would contain an easy to read chart showing the appropriate fee depending on the type of loan and category of borrower.

The revised section would make permanent the increases in the fees enacted by section 12007 of the Omnibus Budget Reconciliation Act of 1993 (OBRA 93). That enactment increased the fees for most VA guaranteed housing loans by 75 basis points, or 0.75 percent of the loan amount, and imposed a fee of 3 percent of the loan on most veterans who had previously obtained a VA housing loan. These provisions are now set to expire on September 30, 1998.

In addition, the revised section 3729 increases the fee from 1.00 to 2.25 percent on loans made by VA in connection with the sale of VA-owned properties (vendee loans). Vendee loans are available to members of the public and are not a veterans benefit. This new fee would be set at the maximum initial mortgage insurance premium that the Federal Housing Administration (FHA) is permitted to charge for most single family mortgages. FHA also charges annual premiums that would not be authorized for VA. This section would also give VA discretion to issue regulations changing the fee charged for vendee loans if VA finds that a different amount is necessary so that this fee is consistent with the fees charged by other departments for similar loans, or if the Secretary determines that considerations of the market for properties sold by VA necessitate a different fee.

Except as noted above, the fee structure remains unchanged. The exemption from the fee in the current law given to certain disabled veterans and surviving spouses remains unchanged.

Subsection (b) would make the increased fee for vendee loans apply to all loans closed on or after October 1, 1997.

SEC. 3. Section 3 would repeal paragraph (11) of section 3732(c). This would make the no-bid formula permanent. As amended by section 12006 of OBRA 93, the no-bid formula requires VA to consider, in addition to other costs, VA's loss on the resale of the property. The no-bid formula currently applies to all loans closed before October 1, 1998, regardless of the date the loan is terminated. This amendment would repeal the sunset.

SEC. 4. Section 4 would make permanent VA's authority, contained in 38 U.S.C. §3720(h), to guarantee the certificates sold to investors when VA vendee loans are securitized. Since June 1988, vendee loans have been sold to a trust, which issues securities based on the pooled loans. Prior to the enactment of Public Law 102–291 in 1992, VA provided a full faith and credit guaranty on the vendee loans sold to the trust. VA could not, however, directly guarantee the certificates issued by the trust. Guaranteeing the certificates rather than the loans significantly increases the VA's net proceeds from such sales, but does not significantly change VA's exposure to loss. VA's authority to guarantee the certificates currently has a sunset of December 31, 1997.

SEC. 5. Section 5 would repeal section 3726. Section 3726 currently prohibits VA, in most cases, from offsetting against Federal payments, other than VA benefits, debts owed to the Government resulting from the foreclosure of VA guaranteed or direct housing loans. This provision would permit VA to collect these debts by offsetting Federal salaries and income tax refunds as permitted by other Federal debt collection laws. The right of veterans to challenge the existence and amount of the debt through VA's normal administrative process, including review by the Court of Veterans Appeals, and to seek waiver of the debt under current law would not be altered.

SEC. 6. Section 6 would consolidate the funding sources for the VA housing loan programs (except the pilot program for direct loans to native American Veterans) into a new fund in the Treasury.

Subsection (a) would repeal sections 3723, 3724, and 3725 which provide for the Direct Loan Revolving Fund (DLRF), the Loan Guaranty Revolving Fund (LGRF), and the Guaranty and Indemnity Fund (GIF), respectively. Those three funds currently provide the source of moneys for the VA housing loan programs (except the pilot program for direct loans to Native American veterans).

Subsection (b) would add a new section 3722 which would establish in the Treasury a new fund to be known as the ''Veterans Housing Benefit Program Fund.'' This new fund, consistent with the Federal Credit Reform Act of 1990, would be available, without fiscal year limitation, for all VA housing loan operations (except the pilot program for direct loans to Native American veterans).

The total available balances of the DLRF, LGRF, and GIF as of September 30, 1997, would be deposited into this new fund. Beginning October 1, 1997, all appropriations to the VA housing loan program would go into this new fund. In addition, beginning on that date, the new Veterans Housing Benefit Program Fund would receive all income from the loan program including, but not limited to, loan repayments, income from the sale, rental, or other use of acquired foreclosed properties, income from the sale of loans, and loan user fees.

Subsection (c) would make this section effective October 1, 1997.

SEC. 7. Section 7 would extend for two years; i.e., until September 30, 1999, the sunset for VA's pilot program (sections 3761–3764) to make direct loans to Native American veterans living on trust land.

SEC. 8. Section 8 would make conforming amendments to various sections of title 38 and other statutes.

Subsection (a) would make a conforming amendment to section 2106(e).

Subsection (b) would make a conforming amendment to section 3703(e)(1).

Subsection (c) would make a conforming amendment to section 3711(k).

Subsection (d) would repeal the obsolete subsection (e) of section 3720. That subsection authorized VA to sell participation certificates in connection with the Federal National Mortgage Association. Such certificates have not been sold since the 1960s and all outstanding certificates have been redeemed.

Subsection (e) would make a conforming amendment to section 3727(c).

Subsection (f) would make conforming amendments to section 3733(a)(6).

Subsection (g) would also remove the obsolete section 3733(e). That provision, pertaining to the crediting of the proceeds from the sale of loans by VA, was repealed by implication by the Federal Credit Reform Act of 1990.

Subsection (h) would make conforming amendments to section 3734. It would also strike out the requirement for VA to report to the Congress regarding Government credits and investment income to the GIF, which were repealed by implication by the Federal Credit Reform Act of 1990.

Subsection (i) would make a conforming amendment to section 3735(a)(3)(A)(i).

Subsection (j) would make a technical correction to the catchline for section 3763.

Subsection (k) would make conforming amendments to the table of sections for subchapter III of chapter 37.

Subsection (l) would make a conforming amendment to the table of sections for subchapter V of chapter 37.

Subsection (m) would make a conforming amendment to section 7(h)(2)(B) of Public Law 102–54, as amended, (38 U.S.C. §1718 note).

THE SECRETARY OF VETERANS AFFAIRS,
Washington, DC, June 4, 1997.

Hon. ALBERT GORE, Jr.,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: There is transmitted herewith a draft bill ''[t]o amend title 38, United States Code, to make certain improvements in the housing loan programs for veterans and eligible persons, and for other purposes.'' I request that this bill be referred to the appropriate committee for prompt consideration and enactment.

This measure, entitled the ''Veterans' Housing Loan Improvements Act of 1997,'' would make amendments to the Department of Veterans Affairs' housing loan programs that would save costs, provide management efficiencies, and extend the sunset on two expiring authorities.

The draft bill would permanently extend several cost-saving measures originally enacted by the Omnibus Budget Reconciliation Act (OBRA) of 1993, increase the funding fee for ''vendee'' loans available to the general public, consolidate the funding for the housing loan program into one new account, and permit VA to collect housing loan debts through offset against other Federal payments in the same manner as all other Federal debts are now being collected. The bill would also make permanent VA's enhanced vendee loan sales authority, and extend for 2 years the pilot program for direct loans to Native American veterans.

A detailed section-by-section analysis of the draft bill is enclosed.

VA estimates that enactment of the draft bill would produce first year loan subsidy savings of approximately $156 million in FY 1998 and $3.283 billion over five years. Extending the OBRA 93 provisions, increasing the fee on vendee loans, and allowing VA to collect housing loan debts by setoff will produce subsidy savings. There is no additional subsidy appropriation required to extend the pilot program for direct loans to Native American veterans since the program has not fully expended the subsidy initially appropriated by Public Law 102–389.

The Office of Management and Budget advises that there is no objection to the submission of this draft bill to the Congress, and that it's enactment would be in accord with the Administration's program.

Sincerely,

JESSE BROWN.

Enclosures.

By Mr. SPECTER (by request):

S. 987. A bill to amend title 38, United States Code, to authorize a cost-of-living adjustment in the rates of disability compensation for veterans with service-connected disabilities and dependency and indemnity compensation for survivors of such veterans and to revise and improve certain veterans compensation, pension, and memorial affairs programs; and for other purposes; to the Committee on Veterans' Affairs.

THE VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT AND BENEFITS PROGRAM IMPROVEMENT ACT OF 1997

Mr. SPECTER. Mr. President, as chairman of the Committee on Veterans' Affairs, I have today introduced, at the request of the Secretary of Veterans' Affairs, S. 987, the proposed Veterans' Compensation Cost-of-Living Adjustment and Benefits Program Improvement Act of 1997. The Secretary of Veterans Affairs submitted this legislation to the President of the Senate by letter dated May 9, 1997.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration-proposed draft legislation referred to the Committee on Veterans' Affairs. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD, together with the transmittal letter which accompanied it.

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

S. 987

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE.

(a) SHORT TITLE.—This Act may be cited as the ''Veterans' Compensation Cost-of-Living Adjustment and Benefit Programs Improvement Act of 1997''.

(b) REFERENCES.—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 title 38, United States Code.

TITLE I—COMPENSATION AND PENSIONS

SEC. 101. INCREASE IN COMPENSATION RATES AND LIMITATIONS.

(a) IN GENERAL.—(1) The Secretary of Veterans Affairs shall, as provided in paragraph (2), increase, effective December 1, 1997, the rates of and limitations on Department of Veterans Affairs disability compensation and dependency and indemnity compensations.

(2) The Secretary shall increase each of the rates and limitations in sections 1114, 1115(1), 1162, 1311, 1313, and 1314 of title 38, United States Code, that were increased by the amendments made by the Veterans' Compensation Cost-of-Living Adjustment Act of 1996 (Public Law 104–263; 110 Stat. 3212). This increase shall be made in such rates and limitations as in effect on November 30, 1997, and shall be by the same percentage that benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 1997, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(b) SPECIAL RULE.—The Secretary may adjust administratively, consistent with the increases made under subsection (a)(2), the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85–857 (72 Stat. 1263) who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

(c) PUBLICATION REQUIREMENT.—At the same time as the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 1998, the Secretary shall publish in the Federal Register the rates and limitations referred to in subsection (a)(2) as increased under this section.

SEC. 102. ROUNDING DOWN OF COMPENSATION-RATE INCREASES

In computing rates and limitations pursuant to legislation enacted for fiscal years 1998 and thereafter which increases by a specified percentage, or which directs the Secretary of Veterans Affairs to adjust administratively, the rates and limitations in sections 1114, 1115(1), 1162, 1311, 1313, and 1314 of title 38, United States Code, the Secretary of Veterans Affairs shall round down to the next lower whole-dollar amount any amount which as so computed is not an even multiple of $1.

SEC. 103. EXTENSION OF INCOME-VERIFICATION AUTHORITY.

(a) Section 5317 is amended by striking out subsection (g).

(b) Subparagraph (D) of section 6103(1)(7) of the Internal Revenue Code of 1986 (relating to disclosure of return information to Federal, State, and local agencies administering certain programs) is amended by striking ''Clause (viii) shall not apply after September 30, 1998.''.

SEC. 104. EXTENSION OF LIMITATION ON PENSION FOR CERTAIN RECIPIENTS OF MEDICAID-COVERED NURSING HOME CARE.

Section 5503(f) is amended by striking out paragraph (7).

SEC. 105. PROHIBITION REGARDING PAYMENT OF COMPENSATION FOR DISABILITY OR DEATH DUE TO TOBACCO USE.

(a) SERVICE CONNECTION.—Chapter 11 is amended by adding at the end of subchapter I the following new section:

''§ 1103. Special provisions relating to claims based upon effects of tobacco products

''(a) Notwithstanding any other provision of law, a veteran's disability or death shall not be considered to have resulted from personal injury suffered or disease contracted in line of duty in the active military, naval, or air service for purposes of this title on the basis that it resulted from injury or disease attributable in whole or in part to the use of tobacco products by the veteran during the veteran's service.

''(b) Nothing in subsection (a) shall be construed as precluding the establishment of service connection for disability or death from a disease or injury which became manifest or was aggravated in active military, naval or air service or became manifest to the requisite degree of disability during any applicable presumptive period specified in section 1112 or 1116 of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 11 is amended by adding the following new item after the item relating to section 1102: ''1103. Special provisions relating to claims based upon effects of tobacco products.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to claims filed after the date of enactment of this Act.

SEC. 106. REIMBURSEMENT OF COSTS ASSOCIATED WITH COMPENSATION AND PENSION MEDICAL EXAMINATIONS.

(a) AUTHORIZATION.—Chapter 77 of title 38, United States Code, is amended by adding at the end of subchapter I the following new section:

''7705. Reimbursement for compensation and pension medical examinations

''(a) REIMBURSEMENT.—The Under Secretary for Benefits is authorized to reimburse the Veterans Health Administration for costs associated with the conduct of medical examinations requested by the Veterans Benefits Administration in connection with claims for benefits under this title.

''(b) SOURCE OF FUNDS.—Reimbursements under this section shall be made from amounts available to the Secretary of Veterans Affairs for payment of general operating expenses.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 77 is amended by adding the following new item after the item relating to section 7703: ''7705.

Reimbursement for compensation and pension medical examinations.''.

TITLE II—MEMORIAL AFFAIRS

SEC. 201. STATE CEMETERY GRANTS PROGRAM.

(a)(1) AMOUNT OF GRANT RELATIVE TO PROJECT COST.—Section 2408(b) is amended by striking out paragraphs (1) and (2) and inserting in lieu thereof the following:

''(1) The amount of any grant under this section may not exceed—

''(A) in the case of the establishment of a new cemetery, the total of—

''(i) the cost of improvements to be made on the land to be converted into a cemetery, and

''(ii) the initial cost of equipment necessary to operate the cemetery; or

''(B) in the case of the expansion or improvement of an existing cemetery, the total of—

''(i) the cost of improvements to be made on any land to be added to the cemetery, and

''(ii) the cost of any improvements to be made to the existing cemetery.

''(2) If the amount of a grant under this section is less than the amount of costs referred to in paragraph (1), the State receiving the grant shall contribute the amount by which the costs exceed the grant, in addition to any land acquired or dedicated by the State for the cemetery.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall become effective 60 days after the date of enactment of this Act.

(b) AUTHORIZATION OF NO-YEAR APPROPRIATIONS.—Section 2408(d) is amended by striking out ''the end of the second fiscal year following the fiscal year for which they are appropriated'' and inserting in lieu thereof ''expended''.

THE SECRETARY OF VETERANS AFFAIRS,
Washington, DC, May 9, 1997.

Hon. ALBERT GORE, Jr.,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: Transmitted herewith is a draft bill, the ''Veterans' Compensation Cost-of-Living Adjustment and Benefit programs Improvement Act of 1997,'' to authorize a cost-of-living adjustment (COLA) for fiscal year (FY) 1998 in the rates of disability compensation and dependency and indemnity compensation (DIC), and to revise and improve certain veterans compensation, pension, and memorial affairs programs, and for other purposes. I request that this draft bill be referred to the appropriate committee for prompt consideration and enactment.

Section 101 of the draft bill would direct the Secretary of Veterans Affairs to increase administratively the rates of compensation for service-disabled veterans and of DIC for the survivors of veterans whose deaths are service related, effective December 1, 1997. The rate of increase would be the same as the COLA that will be provided under current law to veterans' pension and Social Security recipients, which is currently estimated to be 2.7 percent. We believe this proposed COLA is necessary and appropriate in order to protect the benefits of these most deserving recipients from the eroding effects of inflation. We estimate that enactment of this section, in conjunction with section 102 of this draft bill, would result in benefit costs of $330.7 million during FY 1998 and $1.94 billion over the five-year period beginning in FY 1998. The costs associated with the compensation COLA are considered to be part of the compensation baseline and not subject to the pay-as-you-go provisions of the Omnibus Budget Reconciliation Act of 1990.

Section 102 would require the Secretary of Veterans Affairs, in computing new rates of (or limitations affecting) disability compensation and DIC pursuant to the enactment of any legislation requiring the Secretary to increase such rates to provide a COLA for fiscal year 1998 and thereafter, to round down to the next lower whole dollar any rate that is not evenly divisible by one dollar. This proposal is consistent with the congressionally-mandated calculation methods applied to COLA's for fiscal years 1994, 1995, and 1996. We estimate this proposal would reduce FY 1998 benefit cost associated with the COLA proposed in section 101 of this draft bill by $17 million and reduce the five-year benefit cost for FY 1998 through FY 2002 by $287 million, as compared to the cost of the COLA and future COLAs based on rounding odd dollar amounts to the nearest whole dollar. The savings are subject to the pay-as-you-go provisions of the Omnibus Budget Reconciliation Act of 1990.

Section 103 would amend titles 26 and 38 of the United States Code to make permanent the authority of the Department of Veterans Affairs (VA) to access unearned income information from the Internal Revenue Services (IRS) and wage, self-employment, and retirement income information from the Social Security Administration (SSA) for purposes of income verification in determining eligibility for VA means-tested benefits such as pension and medical care for certain nonservice-related illnesses or conditions.

Experience has shown that authority to match unearned income information from IRS and wage, self-employment, and retirement income information from SSA with VA data for purposes of income verification in determining eligibility for or the proper amount of VA means-tested benefits has been an effective savings measure and has had a significant program-abuse deterrent effect. We estimate that enactment of this proposal would result in savings in monetary benefits of $10 million in FY 1999 and $120 million during the four-year period beginning in FY 1999. These savings are subject to the pay-as-you-go provisions of the Omnibus Budget Reconciliation Act of 1990.

Section 104 should amend section 5503(f) of title 38, United States Code, to make permanent the $90 limitation on monthly VA pension payments that may be made to beneficiaries, without dependents, who are receiving Medicaid-covered nursing-home care. The current payment limitation, which is due to expire at the end of fiscal year 1998, works to the advantage of these nursing-home residents because it permits them to keep the $90 to apply toward personal expenses rather than have it ''pass through'' to the Medicaid program. This section would simply remove the existing September 30, 1998, expiration date for section 5503(f). We estimate this proposal would result in government-wide savings because a beneficiary's nursing-home care costs, previously paid for with VA pension benefits, would be paid for by the Medicaid program, which shares a portion of the costs with the States. Government-wide savings are estimated to be $206 million in FY 1999 and a total of $893 million during the four-year period beginning in FY 1999.

Under current law, direct service connection of a disability or death may be established if the evidence establishes that injury or disease resulted from tobacco use in line of duty in the active military, naval, or air service, notwithstanding that the disability or death did not occur until after service and expiration of any applicable presumptive period. Section 105 would amend tile 38, United States Code, by adding a new section that would have the effect of prohibiting service connection of a death or disability on the basis that it resulted from injury or disease attributable, in whole or in part, to the use of tobacco products by the veteran during the veteran's service. This amendment is consistent with the 1990 budget reconciliation act, in which Congress prohibited compensation for disabilities which are the result of veterans' abuse of alcohol and drugs. This was fiscally responsible action which enhanced the integrity of our compensation program, and our proposal regarding tobacco use is offered in that same spirit. In addition, claims based upon tobacco-related disorders present medical and legal issues which could impede ongoing efforts to speed claim processing by placing significant additional demands on the adjudicative system. This provision would not preclude establishment of service connection for disability or death from a disease or injury which became manifest or was aggravated during active service or became manifest to the requisite degree of disability during any applicable presumptive period specified in section 1112 or 1116 of title 38, United States Code. This amendment would apply to claims filed after the date of its enactment.

This provision would result in some level of benefit cost avoidance and avoid potential delays in claim processing resulting from increased workload.

Section 106 would authorize the Veterans Benefits Administration (VBA) to reimburse, from the general operating expenses account, the Veterans Health Administration (VHA) for the cost of medical examinations conducted with respect to veterans' claims for compensation or pension. Currently, such examinations are paid for out of VA's medical-care fund.

In order to assure the funding for compensation and pension medical examinations is available throughout FY 1998, appropriate language would need to be included in both the ''Medical care'' and ''General operating expenses'' appropriations. It is contemplated that VBA will enter into a memorandum of understanding with VHA to provide that, should funds budgeted under general operating expenses for the purpose of ''purchasing'' compensation and pension medical examinations prove insufficient, alternate funding under ''Medical care'' would be available to permit VHA to continue to provide these examinations. Medical care funds would be used for this purpose only in the event of a shortfall in general operating expenses. There are no costs or savings associated with this proposal.

Section 201(a) would amend section 2408(b) of title 38, United States Code, to make state cemetery grants more attractive to States. Section 2408 authorizes the Secretary of Veterans Affairs to make grants to States to assist them in establishing, expanding, or improving State veterans' cemeteries. Currently, the amount of a State cemetery grant is limited to 50 percent of the total of the value of the land to be acquired or dedicated for a cemetery and the cost of improvement to be made on the land. The remaining amount must be contributed by the State receiving the grant. Pursuant to the amendments proposed in this section, the amount of a State cemetery grant could not exceed, in the case of the establishment of a new cemetery, the total of the cost of improvements to be made on land to be converted into a cemetery and the initial cost of equipment necessary to operate the cemetery. In the case of the expansion or improvement of an existing cemetery, the amount of the grant could not exceed the total of the cost of improvements to be made on any land to be added to the cemetery combined with the cost of improvements to be made to the existing cemetery. If the amount of a grant should, for any reason, be less than the amount of those costs, the State receiving the grant would be required

to contribute the remaining amount, in addition to providing any land necessary for the cemetery project.

Also, under current law, if at the time of a grant the State receiving the grant dedicates for the cemetery land which it already owns, the value of the land may constitute up to 50 percent of the State's contribution. Once that land value is so used, it may not constitute part of the State's contribution for any subsequent grant under section 2408. Under the amendments proposed in section 201(a) of this draft bill, a State would be responsible for providing any land required for a cemetery project, since the grant amount would not longer be based partly on the value of land to be acquired or dedicated for a cemetery.

We believe that excluding the value of land to be acquired for a cemetery from the basis of a grant would encourage states to be active partners in the cemetery grants program. In our experience, no State has acquired land for a cemetery in connection with a grant under section 2408. In every case, the State has dedicated land that was donated or transferred for that purpose, or land that it already owned. Further, any reduction of the basis from which a grant is calculated may be offset by an increase from 50 percent to up to 100 percent in the proportion of the amount of a project's cost that could be assumed by the Federal Government. Moreover, since, under the proposal, a grant may cover the entire cost of improvements (and initial cost of equipment in certain cases), a State may not have to contribute cash toward the initial cost of a project.

Another feature that would make grants more attractive to States is the inclusion in the basis of a grant of the initial cost of equipment necessary to operate the cemetery. Providing funds to acquire the equipment necessary to operate a cemetery will, we believe, be a critical financial incentive to encourage States to establish new cemeteries. Such equipment is as essential to the establishment of an operational cemetery as are the land and the improvements made on it. However, because our proposed amendment includes only the initial cost of equipment for the establishment of a cemetery, the State would retain the responsibility for long-term maintenance and operation of the cemetery, including costs associated with the acquisition of replacement equipment. Each Federal grant would assist in the establishment and activation of new veterans' cemeteries, or in the expansion or improvement of existing cemeteries, but the States would bear the costs of continuing operation and long-term maintenance.

Section 201(b) of the draft bill would authorize "no-year" appropriations for the State cemetery grants program. Under current 38 U.S.C. §2408(d), funds appropriated for State cemetery grants remain available only until the end of the second fiscal year following the fiscal year for which they are appropriated. However, in Public Law No. 104–204, 110 Stat. 2874 (1996), Congress appropriated funds for State cemetery grants, "to remain available until expended." Section 201(b) would amend section 2408(d) to reflect this no-year-funding policy.

The Office of Management and Budget advises that there is no objection to the submission of this draft bill to the Congress, and that its enactment would be in accord with the Administration's program.

Sincerely yours,

JESSE BROWN.

By Mr. SPECTER (by request):

S. 988. A bill to amend chapter 72 of title 38, United States Code, to reform the retirement provisions relating to the Court's judicial component, to provide for a staggered judicial retirement option to avoid the large case backlog increase that would arise in the event of simultaneous judicial vacancies, to rename the United States Court of Veterans Appeals as the United States Court of Appeals for Veterans Claims, and for other purposes; to the Committee on Veterans' Affairs.

THE COURT OF VETERANS APPEALS AMENDMENTS OF 1997

Mr. SPECTER. Mr. President, as chairman of the Committee on Veterans' Affairs, I have today introduced, at the request of the chief judge, U.S. Court of Veterans Appeals, S. 988, the proposed Court of Veterans Appeals Amendments of 1997. The chief judge submitted this proposed legislation to me, as chairman of the Committee on Veterans' Affairs, by letter dated June 16, 1997.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—proposed draft legislation referred to the Committee on Veterans' Affairs by the chief judge, Court of Veterans Appeals. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD, together with the transmittal letter and the enclosed summary and explanation of the draft legislation which accompanied it.

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

S. 988

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. SHORT TITLE.

This Act may be cited as the "Court of Veterans Appeals Amendments of 1997".

TITLE I—COMPARABILITY

SEC. 101. AUTHORITY TO PRESCRIBE RULES AND REGULATIONS.

Section 7254 of title 38, United States Code, in amended by adding at the end thereof the following new subsection:

"(f) The Court shall have the authority to prescribe rules and regulations that are necessary or appropriate to carry out the provisions of subchapters III and V of chapter 72 of this title and that are consistent with such chapter and any other applicable provision of law.".

SEC. 102. CALCULATION OF YEARS OF SERVICE AS A JUDGE.

Section 7296(b) of title 38, United States code, is amended by adding at the end thereof the following new paragraph:

"(4) For purposes of calculating the years of service of an individual under this subsection and subsection (c), only those years of service as a judge of the Court shall be credited, and that portion of the aggregate number of years of such service that is a fractional part of 1 year shall not be credited if it is less than 6 months, and shall be credited if it is 6 months or more.".

SEC. 103. LIMITATION ON COST-OF-LIVING ADJUSTMENT TO RETIRED PAY.

Section 7296 of title 38, United States Code, is amended by adding at the end thereof the following new subsection:

"(*l*) Notwithstanding any other provision of law, cost-of-living adjustments made or accruing to any retired pay that is paid under this section shall not result in such retired pay exceeding the rate of pay in effect under section 7253(e) of this title for a judge performing active service.".

SEC. 104. SURVIVOR ANNUITIES.

(a) ELECTION TO PARTICIPATE.—Section 7297(b) of title 38, United States Code, is amended in the first sentence by inserting before the period "or within 6 months after the date on which the judge marries if the judge has retired under section 7296 of this title".

(b) REDUCTION OF CONTRIBUTIONS OF ACTIVE JUDGES.—(1) Section 7297(c) of title 38, United States Code, is amended by striking out "3.5 percent of the judge's pay" and inserting in lieu thereof "2.2 percent of the judge's salary received under section 7253(e) of this title, 3.5 percent of the judge's retired pay received under section 7296 of this title when the judge is not serving in recall status under section 7257 of this title, and 2.2 percent of the judge's retired pay received under such section 7296 when the judge is serving in recall status under such section 7257".

(2) The amendment made by this subsection shall take effect on the first day of the first pay period beginning on or after January 1, 1995.

(c) INTEREST PAYMENTS.—Section 7297(d) of title 38, United States Code, is amended—

(1) by inserting "(1)" after "(d)"; and

(2) by adding at the end thereof the following new paragraph:

"(2) If a judge has previously performed a period of service as a judge, or has performed service as a judicial official as defined under section 376(a)(1) of title 28, a Member of Congress, or a congressional employee, the interest required under the first sentence of paragraph (1) shall not be required for any period—

"(A) during which a judge was separated from all such service; and

"(B) during which the judge was not receiving retired pay or a retirement annuity based on service as a judge or as a judicial official.".

(d) SERVICE ELIGIBILITY.—(1) Section 7297(f) of title 38, United States Code, is amended—

(A) in paragraph (1) in the matter preceding subparagraph (A)—

(i) by striking out "at least 5 years" and inserting in lieu thereof "at least 18 months"; and

(ii) by striking out "last 5 years" and inserting in lieu thereof "last 18 months"; and

(B) by adding at the end thereof the following new paragraph:

"(5) If a judge dies as a result of an assassination and leaves a survivor or survivors who are entitled to receive annuity benefits under this section, the matter in paragraph (1) preceding subparagraph (A) shall not apply.".

(2) Section 7297(a) of title 38, United States Code, is amended—

(A) by inserting "who is in active service or who has retired under section 7296 of this title" after "Court" in paragraph (2);

(B) by striking "(c)" in paragraph (3);

(C) by redesignating paragraphs (1) through (3) as paragraphs (2) through (4), respectively; and

(D) by inserting before paragraph (2) (as redesignated by clause (C) of this paragraph) the following new paragraph:

"(1) The term 'assassination' means the killing of a judge that is motivated by the performance by that judge of the judge's official duties.".

(3) AGE REQUIREMENT OF SURVIVING SPOUSE.—Section 7297(f)(1)(A) of title 38, United States Code, is further amended by

striking out ''or following the surviving spouse's attainment of the age of 50 years, whichever is later''.

(f) COLA FOR SURVIVORS ANNUITIES.—Section 7297(o) of title 38, United States Code, is amended to read as follows:

''(o) Each survivor annuity payable from the retirement fund shall be increased at the same time as, and by the same percentage by which, annuities payable from the Judicial Survivors' Annuities Fund are increased pursuant to section 376(m) of title 28.''.

SEC. 105. EXEMPTION OF RETIREMENT FUND FROM SEQUESTRATION ORDERS

Section 7298 of title 38, United States Code, is amended by adding at the end the following new subsection:

''(g) For purpose of section 255(g)(1)(B) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. §905(g)(1)(B)), the retirement fund shall be treated in the same manner as the Court of Federal Claims Judges' Retirement Fund.''.

SEC. 106. LIMITATION ON ACTIVITIES OF RETIRED JUDGES.

(a) IN GENERAL.—Chapter 72 of title 38, United States Code (as amended by this Act), is further amended by adding at the end thereof the following new section:

''§ 7299. Limitation on activities of retired judges

''Any judge of the Court of Appeals for Veterans Claims who retires from the Court under section 7296 of this title or under chapter 83 or 84 of title 5 and who thereafter in the practice of law represents (or supervises or directs the representation of) a client in making any civil claim relating to veterans' benefits against the United States or any agency thereof shall forfeit all rights to retired pay under such provisions for any period during which the judge engages in any such activity and for one year immediately following the cessation of such activity.''

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 72 of title 38, United States Code, is amended by adding at the end thereof the following:

''7299. Limitation on activities of retired judges.''.

TITLE II—STAGGERED RETIREMENT AND RECALL PROVISIONS

SEC. 201. STAGGERED RETIREMENT.

(A) ELIGIBILITY.—One individual each year shall be eligible to retire under this section starting in the year 1999 and ending in the year 2003. An individual is eligible to retire under this section, if the individual, at the time of retirement,

(1) is an associate judge of the United States Court of Appeals for Veterans Claims (as renamed by Title III of this Act) who has at least 10 years of service creditable under section 7296 of title 38, United States Code;

(2) has made an election to receive retired pay under section 7296 of such title;

(3) has at least 20 years of service allowable under section 7297(*l*) of such title;

(4) is at least fifty-five years of age;

(5) has years of age, years of service creditable under section 7296 of such title, and years of service allowable under section 7297(*l*) of such title not creditable under section 7296 of such title, that total at least 80; and

(6) has the greatest seniority as a judge of the United States Court of Appeals for Veterans Claims (as renamed by Title III of this Act) of the judges who provide notification in accordance with subsection (b).

(b) NOTIFICATION.—A judge who desires to retire under subsection (c) shall provide the President of the United States and the chief judge of the United States Court of Appeals for Veterans Claims (as renamed by Title III of this Act) with written notification to that effect not later than April 1 of any year specified in subsection (a). Such notification shall specify the retirement date in accordance with subsection (c). Notification provided under this subsection shall be irrevocable.

(c) RETIREMENT.—A judge who is eligible to retire under subsection (a) shall retire during the fiscal year in which notification is provided pursuant to subsection (b), but, in no event, earlier than 90 days after such notification is provided. Notwithstanding any other provision of law, such judge shall be deemed, for all purposes, to be retiring under section 7296(b)(1) of title 38, United States Code, except that, the rate of retired pay for a judge retiring under this section shall, on the date of such judge's separation from service, be equal to the rate described in section 7296(c)(1) of such title multiplied by the percentage represented by the fraction in which the numerator is the sum of the number represented by years of service as a judge of the United States Court of Appeals for Veterans Claims (as renamed by Title III of this Act) creditable under section 7296 of such title and the age of such judge, and the denominator is 80.

(d) DUTY OF ACTUARY.—Section 7298(e)(2) of title 38, United States Code, is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by adding the following new subparagraph:

''(C) For purposes of subparagraph (B) of this paragraph, notwithstanding any other provision of law, 'present value' includes a value determined by an actuary with respect to a payment that may be made under subsection (b) from the retirement fund within the contemplation of law.''

SEC. 202. RECALL OF RETIRED JUDGES.

(a) IN GENERAL.—Chapter 72 of title 38, United States Code (as amended by section 102 of this Act), is further amended by inserting after section 7256 the following new section:

''§ 7257. Recall of retired judges of the Court of Appeals for Veterans Claims

''(a) A judge of the United States Court of Appeals for Veterans Claims who has retired from the Court under the provisions of section 7296 of this title or the provisions of chapter 83 or 84 of title 5 shall be eligible for recall upon providing the chief judge of the Court of Appeals for Veterans Claims with written notification to that effect. In the event of a vacancy in the position of associate judge of the Court or otherwise as necessary to meet anticipated case workload, the chief judge may recall such a judge upon written certification by the chief judge that substantial service is expected to be performed by the eligible judge for such period as determined by the chief judge to be necessary to meet the needs of the Court, and to which certification the eligible judge agrees in writing.

''(b) A judge recalled under this section may exercise all of the powers and duties of the office of a judge in active service.

''(c) A judge recalled under this section shall be paid pay, during the period for which the judge serves in recall status, at the rate of pay in effect under section 7253(e) of this title for a judge performing active service, less the amount the judge is paid in retired pay under section 7296 of this title or an annuity under the applicable provisions in chapter 83 or 84 of title 5.

''(d) Except as provided in subsection (c), a judge recalled under this section who retired under the applicable provisions of title 5 shall be considered to be a reemployed annuitant under chapter 83 or chapter 84, as applicable, of title 5.

''(e) Nothing in this section shall affect the right of a judge who retired under the provisions of chapter 83 or 84 of title 5 to serve otherwise as a reemployed annuitant in accordance with the provisions of title 5.''

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 72 of title 38, United States Code (as amended by section 106(b) of this Act), is further amended by inserting after the item relating to section 7256 the following:

''7257. Recall of retired judges of the Court of Veterans Appeals.''.

TITLE III—RENAMING PROVISIONS

SEC. 300. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in section 301 an amendment or repeal is expressed in terms of an amendment, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 301. RENAMING OF THE COURT OF VETERANS APPEALS.

(a) IN GENERAL.—(1) The United States Court of Veterans Appeals shall hereafter be known and designated as the United States Court of Appeals for Veterans Claims.

(2) Section 7251 is amended by striking out ''United States Court of Veterans Appeals'' and inserting in lieu thereof ''United States Court of Appeals for Veterans Claims''.

(b) CONFORMING AMENDMENTS.—

(1) The following sections are amended by striking out ''Court of Veterans Appeals'' each place it appears and inserting in lieu thereof ''Court of Appeals for Veterans Claims'': sections 5904, 7101(b), 7252(a), 7253, 7254, 7255, 7256, 7261, 7262, 7263, 7264, 7266(a)(1), 7267(a), 7268(a), 7269, 7281(a), 7282(a), 7283, 7284, 7285(a), 7286, 7291, 7292, 7296, 7297, and 7298.

(2)(A)(i) The heading of section 7286 is amended to read as follows:

''§ 7286. Judicial Conference of the Court of Appeals for Veterans Claims''.

(ii) The item relating to section 7286 in the table of sections at the beginning of chapter 72 (as amended by sections 106(b) and 202(b) of this Act) is further amended to read as follows:

''7286. Judicial Conference of the Court of Appeals for Veterans Claims.''.

(B)(i) The heading of section 7291 is amended to read as follows:

''§ 7291. Date when Court of Appeals for Veterans Claims decision becomes final''.

(ii) The item relating to section 7291 in the table of sections at the beginning of chapter 72 (as amended by sections 106(b), 202(b), and subsection (b)(2)A)(ii) of this section) is further amended to read as follows:

''7291. Date when Court of Appeals for Veterans Claims decision becomes final.''.

(C)(i) The heading of section 7298 is amended to read as follows:

''§ 7298. Court of Appeals for Veterans Claims Retirement Fund''.

(ii) The item relating to section 7298 in the table of sections at the beginning of chapter 72 (as amended by sections 106(b), 202(b), and subsection (b)(2)(A)(ii) and (B)(ii) of this section) is further amended to read as follows:

''7298. Court of Appeals for Veterans Claims Retirement Fund.''.

(3) The item relating to chapter 72 in the table of chapters at the beginning of title 38 and the item relating to such chapter in the table of chapters at the beginning of part V are amended to read as follows:

''72. United States Court of Appeals for Veterans Claims ..... 7251.''

(c) CONFORMING AMENDMENTS TO OTHER LAWS.—

(1) The following provisions of law are amended by striking out ''Court of Veterans Appeals'' each place it appears and inserting in lieu thereof ''Court of Appeals for Veterans Claims'':

(A) Section 8440d of title 5, United States Code.

(B) Section 2412 of title 28, United States Code.

(C) Section 906 of title 44, United States Code.

(D) Section 109 of the Ethics in Government Act of 1978 (5 U.S.C. App.).

(2)(A) The heading of section 8440d of title 5, United States Code, is amended to read as follows:

''§ 8440d. Judges of the United States Court of Appeals for Veterans Claims''.

(B) The item relating to such section in the table of sections at the beginning of chapter 84 of such title is amended to read as follows:

''8440d. Judges of the United States Court of Appeals for Veterans Claims.''.

(d) OTHER LEGAL REFERENCES.—Any reference in a law, regulation, document, paper, or other record of the United States to the United States Court of Veterans Appeals shall be deemed to be a reference to the United States Court of Appeals for Veterans Claims.

SUMMARY AND EXPLANATION OF COURT OF VETERANS APPEALS AMENDMENTS OF 1997

Section 1: Short title

Summary: Section 1 would provide that the short title of the proposed legislation [hereinafter 'the Proposal''] is the ''Court of Veterans Appeals Amendments of 1997''.

Explanation: Self-explanatory.

TITLE I—COMPARABILITY

Title I contains provisions designed to provide comparability in a number of respects between the retirement/survivor program applicable to judges of the U.S. Court of Veterans Appeals (to be renamed by section 301 of the Proposal as the U.S. Court of Appeals for Veterans Claims) [hereinafter ''this Court'' or ''the Court''] and the program applicable to judges of other Article I courts. The explanation that follows each section in this title sets forth the comparable provisions that form the basis for the provision in the Proposal. Full comparability is not being proposed with other federal courts because the Court is not requesting elimination of the judge's contribution for participation in the Court retirement program.

Section-by-Section Analysis

Section 101: Authority to prescribe rules and regulations

Summary: Section 101 would provide to the Court the express authority to prescribe rules and regulations necessary or appropriate to carry out the provisions of subchapters III and V of chapter 72 of title 38, pertaining to the Court's administration and retirement/survivor system. Any rules and regulations prescribed would be required to be consistent with chapter 72 and all other applicable provisions of law.

Explanation: The Director of the Administrative Office of the United States Courts (Director) has express authority, subject to the supervision of the Judicial Conference of the United States, to regulate a wide range of activities that pertain to Article III, U.S. Court of Federal Claims (Claims), and U.S. Bankruptcy and Magistrate (B&M) Judges.[1] The Judicial Conference of the United States also has express authority to promulgate rules and regulations.[2] The U.S. Court of Appeals for the Armed Forces, formerly the U.S. Court of Military Appeals (COMA) [hereinafter so referenced to coordinate with references to ''COMA'' in Dennis W. Snook & Jennifer A. Neisner, Congressional Research Service Report for Congress, Income Protection for Judges of Selected Federal Courts, dated December 29, 1993, (CRS Report)] is located for administrative purposes in the Department of Defense.[3] Unlike these courts, this Court is a freestanding court in the judicial branch that is independently responsible for its own administration but that presently has no express statutory authority to prescribe rules and regulations.

Section 102: Calculation of years of service as a judge

Summry: Section 102 would provide that a fractional year of judicial service of less than 6 months would not be credited toward judicial service and that a fractional year of 6 months or more of judicial service would be calculated as a full year of service.

Explanation: This proposal would bring this Court's Judges in lien with Claims and U.S. Tax Court (Tax) Judges and is similar to how fractional years are credited for COMA Judges.[4]

Section 103: Limitation on cost-of-living adjustment to retired pay

Summary: Section 103 would provide for a cap on a cost-of-living adjustment (COLA) to this Court's judicial retired pay so that it may not exceed active pay.

Explanation: Article III and Article I Judges who have retired, as well as other federal retirees, have provisions for post-retirement increases in their annuities.[5] The B & M provision is the only existing provision that specifically prohibits an adjusted annuity from exceeding active pay. Section 103 adopts this restriction.[6] Although section 103 would permit COLA to accrue, the accrued COLA could not be paid unless the level of active pay permitted it.[7]

Section 104: Survivor annuities

Summary: Section 104 would revise this Court's survivor annuity system to incorporate certain provisions applicable under the Joint Survivors' Annuity System (JSAS), the system applicable to Article III, Claims, and B & M Judges, as follows:

a. Expand the period to elect participation while in office (38 U.S.C. §7297(b)) to permit a retired judge who marries to elect participation within 6 months after marriage, as provided for by JSAS.[8]

b. Reduce, effective the first day of the first pay period beginning on or after January 1, 1995, the contributions of judges in active service and on recall from 3.5 percent (38 U.S.C. §7297(c)) to 2.2 percent of salary and retired pay, respectively, the JSAS levels.[9]

c. Exclude from the 3-percent per annum interest payment requirement (38 U.S.C. §7297(d)) any period during which a judge was separated from certain previous service (as a judge, a judicial official under section 376(a)(1) of title 28, a Member of Congress, or a congressional employee) and was not receiving a retirement annuity based on service as a judge or judicial official, since such interest payment is not required by JSAS.[10]

d. Reduce the minimum period of civilian service needed for purposes of eligibility for a survivor annuity from 5 years (38 U.S.C. §7297(f)(1), (h)(1)) to 18 months,[11] and provide for an exemption from the 18-month requirement where the judge has been assassinated,[12] both as provided for in JSAS.

e. Eliminate the requirement that the surviving spouse be at least 50 years of age in order to receive a survivor annuity (38 U.S.C. §7297(f)(1)A)) since no minimum age is provided for in JSAS.[13]

f. Substitute the same COLA as provided under JSAS for the COLA presently in place (38 U.S.C. §7297(o) provides for a fractional COLA only when the cost of living rises by 5 percent or more in any 1 year).[14]

Explanation: These changes would bring the supervisors' annuity program for this Court into line with that for Article III, Claims, and B&M Judges, all of whom are covered by JSAS.

Section 105: Gramm-Rudman exemption

Summary: Section 105 would exempt this Court's Retirement Fund from possible Gramm-Rudman sequestration.

Explanation: This proposal would bring this Court's judicial retirement program into line with the retirement programs for Article III, Claims, Tax, COMA, and B&M Judges.[15]

Seciton 106: Limitation on activities or retired judges

Summary: Section 106 would provide that a Judge retired from this Court would forfeit that judge's retirement annuity, upon practicing law involving representation of any client in a federal claim for veterans' benefits, during the period in which the judge engages in the proscribed activity and for one year immediately following the cessation of such activity.

Explanation: Claims, Tax, and B&M Judges who have retired from active service are subject to statutory provisions that significantly restrict such judges from the practice of law in the representation of clients in the subject areas that came before their respective courts.[16] In addition to the proposed section 106, this Court's judges in active service are presently subject to the Code of Conduct for United States Judges[17] and, upon enactment of section 202, also will be subject to that Code under certain circumstances during retirement, including when in recall status. The Code of Conduct imposes prohibitions and restrictions on the activities of judges subject to that Code beyond those imposed by statute.

TITLE II—STAGGERED RETIREMENT AND RECALL

Title II contains a provision to address the looming problem of having as many as four simultaneous associate judgeship vacancies on the Court in 2005 by creating a staggered retirement option designed to encourage the sequencing of associate judge retirements starting in 1999. It also contains a provision to provide for recall of retired judges in the event of judicial vacancies or increased workload.

Section 201: Staggered retirement

Summary: Section 201 would provide a mechanism, in a transitional provision, to permit the early retirement of one associate judge per year starting in the year 1999 and ending in the year 2003. In order to be eligible, each retiring judge would need at least ten years of service on this Court; be a participant in this Court's retirement system; have at least 20 years of federal service allowable under 38 U.S.C. §7297(*l*); be at least 55 years of age; have years of age, years of service creditable under 38 U.S.C. §7296, and years of service allowable under 38 U.S.C. §7297(*l*) not creditable under section 7296, that total at least 80; and have the greatest seniority as a judge of this Court among this Court's judges who provide notification of intent to seek early retirement in the fiscal year in question. (The combination of 10 years of service on this Court and the ending year of 2003 would restrict this provision's availability to the Court's original associate judges.) Written notification will be provided to the President and Chief Judge not later than April 1 of years 1999 through 2003, specifying a retirement date not earlier than 90 days thereafter nor later than the end (September 30) of the fiscal year in which notification is provided. Notification shall be irrevocable once provided. Retired pay of an

[1] Footnotes at end of article.

early retiring judge will be based upon a modified rule of 80 in which the rate described in 38 U.S.C. §7296(c)(1) is reduced proportionally in accordance with the extent to which the retiring judge's combined years of service as a CVA judge and age do not reach 80.

Section 201 would further provide that 38 U.S.C. §7298(e)(2), which can presently be used with respect to funding actuarily determined present value of all benefits payable from the Court's Retirement Fund, be amended to permit the Court to use that provision also with respect to benefits that may be paid from the Retirement Fund within the contemplation of existing law.

Explanation: Section 201 would provide a mechanism to deal with a serious problem of judge turnover, the magnitude of which the Court has not previously appreciated. The Court was created in 1988 without any antecedent structure and with no judges in place (Veterans' Judicial Review Act, Pub. L. 100–687, Div. A., 102 Stat. 4105 (Nov. 18, 1988)). All 6 of the Court's original associate judges assumed office within a period of approximately 1 year of each other. The 15-year terms of the court's remaining 5 original associate judges will expire within a period of approximately 1 year of each other. Even assuming the application of the Rule of 80 under 38 U.S.C. §7296(b)(1) (and assuming no reappointments under 38 U.S.C. §7296(2)), 4 of 5 of the court's original associate judges will retire within 11 months of each other, beginning in September 2004 (two in September 2004, one in January 2005, and one in August 2005; the fifth associate judge would be eligible for retirement under the Rule of 80 in November 2002).

Given the length of time likely to be involved in the nomination and confirmation process, especially considering the election of a President in November 2004, 3 of the Court's judgeships are very likely to be simultaneously vacant during a substantial part of 2005, and it is quite possible that a majority of the judgeships could be simultaneously vacant during part of that year and possibly thereafter. Then, even after the judgeships are filled, there could well be considerable lack of experience among the majority of the Court's judges. This situation would almost certainly dramatically increase the Court's backlog—initially during the vacancies and continuing during the startup period for the replacement judges. As well, during the vacancy period the Court could be in a situation where two or three judges might be able to overrule prior Court precedent.

In order to preclude such problems, section 201 creates a staggered-retirement option designed to encourage the sequencing of associate judge retirements starting in 1999. It is important to bear in mind when considering the staggered-retirement provision that the formula for an early-retirement annuity must provide sufficient financial incentive for an associate judge to elect to forego the full retirement benefit that would be available upon completion of the 15-year term or satisfaction of the Rule of 80. There is no sense whatsoever in legislating a formula that will not produce the early retirements that are essential to avoid the serious adverse consequences that would result for the Court from having 3–4 simultaneous judicial vacancies in 2005 and possibly beyond.

Implementation of section 201 may be achievable without seeking additional appropriations for this purpose. In this regard, subsection (d)(2) of the proposed section 201 would add a subparagraph (C) to permit the Court to utilize 38 U.S.C. §7298(2)(A) in anticipation of a payment that may have to be made from the Court's Retirement Fund. It should be noted that, even absent staggered retirement, the proposed subparagraph (C) would allow the Court to provide for much better management of a judge's anticipated entry, under 38 U.S.C. §7296(d)(1)(A), into the Court's retirement system.

Precedent exists in 3 other Article I courts for fractional retirement based on completion of less than a full statutory term of service. In 2 of these 3 courts, as described below, the fractional retirement annuity may be enhanced by either a CSRS/Federal Employees Retirement System (FERS) annuity or by an additional component of court retirement calculated under CSRS, respectively.

When COMA was enlarged in 1989 from 3 to 5 active judges, one of the new judgeships was for a term of 13 years and the other for a term of 7 years.[18] The COMA Judges appointed to 7- and 13-year terms are eligible, upon completion of those terms, for immediate special annuities calculated by multiplying the last salary prior to retirement by a fraction based on a numerator of years of service and a denominator of 15.[19]

B & M Judges who have served at least 8 years are each entitled to a Judicial Retirement System (JRS) annuity, upon reaching age 65, calculated by multiplying the last salary prior to retirement by a fraction based on a numerator of years of service and a denominator of 14 (the number of years of a full term). This annuity is reduced by 2 percent for each year the annuitant was under age 65 at the time the annuitant left office not to exceed a 20-percent reduction.[20] The reduction is not applicable if a B & M Judge fails to be reappointed after serving a full term.[21] An alternative hybrid JRS annuity is available, in a transitional provision, to each full-time B & M Judge who was in office on November 15, 1988, regardless of the number of years of judicial service, calculated in the same manner as a regular IRS annuity for those years of judicial service designated by such judge for the period on or after October 1, 1979, plus a CSRS or FERS annuity for federal service prior to the designation.[22]

District of Columbia courts (D.C.) Judges are eligible for retirement upon completion of 10 years of judicial service, with retirement salary beginning at age 50, if they have 20 or more years of judicial service, or at age 60 if they have less than 20 years of such service, or at a reduced salary if they are between ages 55 and 60.[23] The retirement salary is the amount determined by multiplying the last judicial salary by that fraction where the numerator is total years of judicial service and the denominator is 30.[24] Provision is also made for an add-on to retirement salary, based on qualifying federal civilian and military service, generally computed on the basis of CSRS law. Two unique features of the add-on are that the deposit by the retiring judge in the D.C. Judges' Retirement Fund[25] is 3.5 percent of the salary earned for civilian service plus interest and that average pay for purposes of CSRS service is the last pre-retirement salary of the judge.[26] The total retirement salary, upon retirement, may not exceed 80 percent of the last judicial salary.[27] A judge who retires between ages 55 and 60 who has less than 20 years of judicial service and elects a reduced retirement salary shall have that salary reduced by 1/12th of 1 percent for each month the judge is under the age of 60 at the time of retirement.[28] In the case of a judge described in the preceding sentence whose calculation of retirement salary benefits, based on both fractional judicial service and CSRS law, results in an amount exceeding the 80% cap, the reduction based on age will be made to such calculation to the extent of the difference between such calculation and such cap.

In addition to the fractional retirement provisions noted above with respect to COMA, B & M, and D.C. Judges, there are a number of other provisions that permit full retirement where less than a full judicial term has been completed. A disabled Article III Judge, Claims Judge, or Tax Judge, with 10 years of judicial service on such judge's court, is entitled to the salary of an active judge.[29] A disabled Judge on this Court with 10 years of judicial service is entitled to the retired pay that he or she would have received had he or she completed his or her term.[30] In certain cases involving misconduct or disability, length-of-service requirements can be waived for Article III, Claims, and this Court's Judges.[31]

Finally, three other provisions should be noted. Claims and B & M Judges may retire under CSRS at age 60 with 10 years of judicial service. COMA Judges may retire under CSRS at any time without regard to age-and-service requirements, with a reduction in the annuity of a judge retiring under age 60. Retired Article III Judges are permitted separate annuities, without offset, one for judicial service, and one for nonjudicial service that qualifies for a CSRS/FERS annuity.[32]

Section 202: Recall of retired judges

Summary: Section 202 would provide that a retired judge of the Court would be eligible for recall, by providing the chief judge with written notification to that effect. Recall of such a judge, in the event of judicial vacancy or otherwise to meet case workload, would occur when the chief judge certifies that substantial service is expected to be performed by such retired judge, for such period as the chief judge determines to be necessary, and such retired judge agrees to such certification. During the period of recall service, the retired judge would receive, in addition to the judge's retired pay, the difference between that pay and pay of an active judge of the Court.

Explanation: All Article III and Article I Judges, except B & M and this Court's Judges, have specific provision for both senior status and post retirement judicial service.[33] B & M Judges have specific provision for postretirement judicial service.[34] Only this Court's Judges have no specific provision for either.

Article III, Claims, Tax, and COMA Judges automatically receive senior status upon retirement, and D.C. Judges may be appointed to such status subsequent to retirement and upon favorable recommendation of the District of Columbia Commission on Judicial Disabilities and Tenure.[35] Retired Article III Judges who perform the equivalent of the average 2-month workload of an active judge, and retired Claims and Tax Judges who make themselves available for work not to exceed 90 days per year receive pay of the office.[36] Those retired Article III Judges who perform service only upon their consent, and all retired COMA and B & M Judges, who may be recalled only upon their consent, receive their respective retirement annuities plus a cost-of-living adjustment (COLA).[37]

Retired senior D.C. Judges may be recalled only upon their consent.[38] Both retired senior and nonsenior D.C. Judges receive their annuities plus COLA.[39] Recalled COMA Judges receive pay of the office in lieu of retirement annuities.[40] Recalled B & M Judges and D.C. Judges receive, in addition to retirement annuities, an amount equal to the difference between annuity and pay of the office.[41]

As is the case with B & M Judges, section 202 would provide only for recall service, but would not provide for senior status. The latter generally involves substantially higher costs for judicial pay, space for chambers, and support staff.

TITLE III—RENAMING PROVISION

Section 301: Renaming of the Court of Veterans Appeals

Summary: Section 301 renames the United States Court of Veterans Appeals as the United States Court of Appeals for Veterans Claims.

Explanation: Section 301 is virtually identical to section 201 of H.R. 1092, 105th Cong., 1st Sess., which was passed by the House on April 16, 1997, and provides for the renaming of the Court. House Report No. 105–97, which accompanied the House-passed bill, states on page 3:

The bill would amend section 7251 of title 38, United States Code, to rename the United States Court of Veterans Appeals (''the Court'') as the United States Court of Appeals for Veterans Claims. According to Chief Judge Frank Q. Nebeker, many veterans and attorneys believe that the Court is an administrative tribunal of the Department of Veterans Affairs rather than an independent judicial entity.

Moreover, the Court's common acronym ''CVA'' is not readily distinguishable from ''BVA'', and acronym for the Board of Veterans' Appeals which is an administrative tribunal of the Department of Veterans Affairs. Adoption of the name ''United States Court of Appeals for Veterans Claims'' would also be consistent with recent name changes in other courts established by Congress under Article I of the United States Constitution. In 1994, the United States Court of Military Appeals was renamed the United States Court of Appeals for the Armed Forces. In 1992, the United States Court of Claims was renamed the United States Court of Federal Claims.

FOOTNOTES

[1] *See* 28 U.S.C. §604.

[2] *See, e.g., infra* note 41.

[3] *See* 10 U.S.C. §941.

[4] For Claims Judges, *see* 28 U.S.C. §178(g); *see also* *Pub. L. No. 101–650, §306(a)(1), 104 Stat. 5107; for Tax Judges, *see* 26 U.S.C. §7447(d)(2)(B); for COMA Judges, *see* 10 U.S.C. §942(b)(2); *see also* National Defense Authorization Act for Fiscal Years 1990 and 1991, *Pub. L. 101–189, §1301 (c), (g), 103 Stat. 1352, 1570, 1575–76 (Nov. 29, 1989). [Note: Starred references (*) were enacted in the same year as, or subsequent to, enactment of the Veterans' Judicial Review Act, Pub. L. No. 100–687, Div. A., 102 Stat. 4105 (1988).].

[5] For CSRS/FERS retirees, *see* 5 U.S.C. §§8340, 8462; for Article III Judges, *see* CRS Report at 17; 28 U.S.C. §371(b); for Claims Judges, *see* CRS Report at 17; 28 U.S.C. §178(a), (b); *see also* *Pub. L. 101–650, §306, 104 Stat. at 5105–12; for Tax Judges, *see* CRS Report at 17; 26 U.S.C. §7447(d)(1); for COMA Judges, *see* CRS Report at 17; 10 U.S.C. §945(e); *see also* *Pub. L. No. 101–189, §1301(c), 103 Stat. at 1577; for B & M Judges, *see* CRS Report at 8, 17; Memorandum, CVA Committee on Legislative Matters, Nov. 14, 1994, item 6; 28 U.S.C. §377(e); *see also* Retirement and Survivors' Annuities for Bankruptcy Judges and Magistrates Act of 1988, *Pub. L. No. 100–659, §2(a), 102 Stat. 3910, 3911 (Nov. 15, 1988); for D.C. Judges, *see* 11 D.C. Code Ann. §1571(a)(1981).

[6] *Ibid.*

[7] *Ibid.*

[8] For JSAS, *see* CRS Report at 22; 28 U.S.C. §376(a)(1)(ii); for Claims Judges, *see also* *Pub. L. No. 101–650, §306(b), 104 Stat. at 5109–10; for B & M Judges, *see also* *Pub. L. No. 100–659, §3(a), 102 Stat. at 3917–18.

[9] For JSAS, *see* 28 U.S.C. §376(b)(1); *see also* *Pub. L. No. 102–572, §201(b), 106 Stat. at 4508–09.

[10] For JSAS, *see* 28 U.S.C. §376(d); for Claims Judges, *see also* *Pub. L. No. 101–650, §306(b), 104 Stat. at 5109–10; for B & M Judges, *see also* *Pub. L. No. 100–659, §3(a), 102 Stat. at 3917–3918.

[11] For JSAS, *see* CRS Report at 12; 28 U.S.C. §376(o)(1)(A), (B); for Claims Judges, *see also* *Pub. L. No. 101–650, §306(b), 104 Stat. at 5109–10; for B & M Judges, *see also* *Pub. L. No. 100–659, §3(a), 102 Stat. at 3917–18.

[12] For JSAS, *see* 28 U.S.C. §376(o)(2); *see also* *Pub. L. No. 101–650, §322(e)(4), 104 Stat. 5119.

[13] For JSAS, *see* CRS Report at 12; 28 U.S.C. §376(h)(1)(i); for Claims Judges, *see also* *Pub. L. No. 101–650, §306(b), 104 Stat. at 5109–10; for B & M Judges, *see also* *Pub. L. No. 100–659, §3(a), 102 Stat. at 3917–18.

[14] For JSAS, *see* CRS Report at 12, 26; 28 U.S.C. §376(m); *see also* Judicial Improvements and Access to Justice Act, *Pub. L. No. 100–702, §1017(a), 102 Stat. 4642, 4670 (Nov. 19, 1988).

[15] For Article III, Claims, Tax, COMA, and B & M Judges, *see* 2 U.S.C. §905(g)(1)(B); for Claims and B & M Judges, *see also* Federal Courts Administration Act of 1992, *Pub. L. No. 102–572, §601(a), 106 Stat. 4506, 4514 (Oct. 29, 1992).

[16] For Claims Judges, *see* CRS Report at 20; 28 U.S.C. §178(j)(1), (4)); *see also* *Pub. L. No. 101–650, §306(a), 104 Stat. at 5107; for Tax Judges, *see* CRS Report at 20; 26 U.S.C. §7447(f)(2), (4); for B & M Judges, *see* CRS Report at 20; 28 U.S.C. §377(m)(1)); *see also* *Pub. L. No. 100–659, §2, 102 Stat. at 3913.

[17] *See* Guide to Judiciary Policies and Procedures, vol. 2, ch. 1, I–46, §C (1994).

[18] *See* *Pub. L. No. 101–189, §1301(d), 103 Stat. at 1574 (found at 10 U.S.C. §942 note).

[19] *See* *Pub. L. No. 101–189, §1301(e)(3), 103 Stat. at 1575 (found at 10 U.S.C. §942 note).

[20] *See* CRS Report at 16; 28 U.S.C. §377(c); *see also* *Pub. L. No. 100–659, §2(a), 102 Stat. at 3910–11.

[21] *See* CRS Report at 16; 28 U.S.C. §377(b); *see also* *Pub. L. No. 100–659, §2(a), 102 Stat. at 3910.

[22] *See* CRS Report at 7, *Eligibility and Choices; see also* *Pub. L. No. 100–59, §2(c)(1), 102 Stat. at 3916–17.

[23] *See* 11 D.C. Code Ann. §1562 (1981). D.C. Judges have a term of 15 years. *See* 11 D.C. Code Ann. §1502 (1981).

[24] *See* 11 D.C. Code Ann. §1564(a) (1981).

[25] *See* 11 D.C. Code Ann. §1564(c), (d)(1) (1981).

[26] *See* 11 D.C. Code Ann. §1564(c) (1981).

[27] *See* 11 D.C. Code Ann. §1564(a) (1981).

[28] *Ibid.*

[29] For disabled Article III, Claims, and Tax Judges, *see* CRS Report at 20; 28 U.S.C. §178(c)(2) (Article III); 28 U.S.C. §372(a) (Claims); 26 U.S.C. §7447(d)(2)(A) (Tax); for Claims Judges, *see also* *Pub. L. No. 101–650, §306(a)(1), 104 Stat. at 5105–09.

[30] *See* CRS Report at 11, 38 U.S.C. §7296(b)(3), (c)(2).

[31] For Article III Judges, *see* 28 U.S.C. §372(c)(6)(B)(iii); for Claims Judges, *see* 28 U.S.C. §372(c)(18); for CVA Judges, *see* 38 U.S.C. §7253(g)(1).

[32] For Claims and B&M Judges, *see* CRS Report at 9, *Special Early Retirement;* 5 U.S.C. §8336(k); *see also* *Pub. L. 101–650, §306(c)(3), 104 Stat. at 5110; for COMA Judges, *see* CRS Report at 11, *Special Early Retirement;* 5 U.S.C. §8336(b); for Article III Judges, *see* CRS Report at 6, *Contributions;* 28 U.S.C. §371.

[33] For Article III and Article I Judges, *see* CRS Report at 16–17, 19; 11 D.C. Code Ann. §1504(a), (b); for Claims Judges, *see also* *Pub. L. No. 101–650, §306(a), 104 Stat. at 5106.

[34] *See* CRS Report at 19; 28 U.S.C. §155(b), 375(b), 636(h); *see also* *Pub. L. No. 100–659, §4, 102 Stat. at 3918.

[35] For Article III, Claims, Tax, and COMA Judges, *see* CRS Report at 16, 17, 19; for Claims Judges, *see also* *Pub. L. No. 100–659, §4, 102 Stat. at 3918; for D.C. Judges, *see* 11 D.C. Code Ann. §1504 (1981).

[36] For Article III, Claims, and Tax Judges, *see* CRS Report at 17, 19; for Claims Judges, *see also* *Pub. L. No. 101–650, §306(a), 104 Stat. at 5106.

[37] *See infra* note 41.

[38] *See* 11 D.C. Code Ann. §1504(a)(1) (1981).

[39] *See* 11 D.C. Code §1571.

[40] *See* CRS Report at 19; 10 U.S.C. §942(e)(1), (2).

[41] For B & M Judges, *see* CRS Report at 19; 28 U.S.C. §155(b) (generic recall for Bankruptcy Judges); Regulations of the Judicial Conference of the United States Governing the Recall of Retired Bankruptcy Judges, sec. 5, Period of Service (1987) (appearing in Administrative Office of the U.S. Courts, Retirement Benefits for Bankruptcy Judges and Magistrate Judges (1995) [hereinafter B & M Retirement Benefits], App. E) (providing for 1-year renewable recall terms); *Regulations of the Judicial Conference of the United States Governing the Extended Recall Service of Retired Bankruptcy Judges, sec. 7, Period of Service (1987) (appearing in B & M Retirement Benefits, App. F) (providing for 3-year renewable recall terms); 28 U.S.C. §636(h) (generic recall for Magistrate Judges); Regulations of the Judicial Conference of the United States Establishing Standards and Procedures for the Recall of United States Magistrate Judges, sec. 5, Period of Service (1987) (appearing in B & M Retirement Benefits App. D) (providing for 1-year renewable recall terms); *see* CRS Report at 19; 28 U.S.C. §375(a)(1) (providing for 5-year renewable recall terms for B & M Judges); not implemented by regulation (B & M Retirement Benefits, sec. 8.a.); for D.C. Judges, *see* 11 D.C. Code Ann. §1565 (1981); for B & M Judges, *see* also *Pub. L. No. 101–659, §4, 102 Stat. at 3918.

U.S. COURT OF VETERANS APPEALS,
Washington, DC, June 16, 1997.

Hon. ARLEN SPECTER,
Chairman, Committee on Veterans' Affairs, 412 Senate Russell Office Building, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to submit to you a legislative proposal that replaces the one I sent you in June 1996. As I indicated in my letter of February 4, 1997, the Court had experienced a substantial change in case filings for the prior 10 months. With a monthly average of new case filings of over 160 during the past year, I am convinced that the downsizing proposal transmitted last June is no longer advisable.

For the reasons stated in my February 4, 1997, letter, and as set forth in my budget testimony in the last several months, the Court now anticipates that case filings in fiscal year 1997 will be over 1900—a figure that could increase further if the Board of Veterans' Appeals continues to increase its output of final, appealable decisions. Moreover, the workload in each of the judge's chambers will increase if the long delays in case processing, due to numerous filing extensions granted to the Secretary, occasioned by the staffing difficulties in Group VII of the Department's General Counsel's office, are reduced; this matter has recently received considerable attention by the Court and the General Counsel herself. In that regard, I am enclosing an April 8, 1997, letter (with attachment) to me from the General Counsel that addresses this problem.

Against this background of a substantial caseload increase, I am submitting a new, single legislative proposal that incorporates as Title I the provisions of Title II from last year's proposal. These provisions are designed to provide comparability in a number of respects between the retirement/survivor annuity programs available for this Court's judges and those applicable to judges of other Article I Courts. Enactment of section 104 will be of particular benefit to the widow of Judge Hart Mankin, who died last year, because section 104 would rectify the disparity between her survivor annuity and the annuities of survivors of deceased Article I Judges under the Joint Survivors' Annuity System.

The Court's new legislative proposal adds a new Title II to deal with a serious problem of judge turnover, the magnitude of which the Court had not previously appreciated. As I indicated in my February 4, 1997, letter, the Court was created in 1988 without any antecedent structure and with no judges in place (Veterans' Judicial Review Act, Pub. L. No. 100–687, Div. A., 102 Stat. 4105 (Nov. 18, 1988)). All 6 of the Court's original associate judges assumed office within a period of approximately 1 year of each other. The 15-year terms of the Court's remaining 5 original associate judges will expire within a period of approximately 1 year of each. Even assuming the application of the Rule of 80 under 38 U.S.C. §7296(b)(1) (and assuming no reappointments under 38 U.S.C. §7296(2)), 4 of 5 of the court's original associate judges will retire within 11 months of each other, beginning in September 2004.

Given the length of time likely to be involved in the nomination and confirmation process, especially considering the election of a President in November 2004, 3 of the Court's judgeships are very likely to be simultaneously vacant during a substantial part of 2005, and it is quite possible that a majority of the judgeships could be simultaneously vacant during part of that year and possibly thereafter. Then, even after the judgeships are filled, there could well be considerable lack of experience among the majority of the Court's judges. This situation would almost certainly dramatically increase the Court's backlog—initially during

the vacancies and continuing during the startup period for the replacement judges. As well, during the vacancy period the Court could be in a situation where two or three judges might be able to overrule prior Court precedent. In order to preclude such problems, the enclosed legislative proposal includes, as section 201, a provision to create a staggered-retirement option designed to encourage the sequencing of associate judge retirements starting in 1999. It is important to bear in mind, when considering the staggered-retirement provision, that the formula for an early retirement annuity must provide sufficient financial incentive for an associate judge to elect to forego the full retirement benefit that would be available upon completion of the 15-year term or satisfaction of the Rule of 80. There is no sense whatsoever in legislating a formula that will not produce the early retirements that are essential to avoid the serious adverse consequences that would result for the Court from having 3–4 simultaneous judicial vacancies for an extended period of time.

Moreover, as I also indicated in my February 4, 1997, letter, implementation of this proposed Title II may be achievable without seeking additional appropriations for this purpose. In this regard, subsection (d) of the proposed section 201 would permit the Court to utilize 38 U.S.C. §7298(e)(2)(A) in anticipation of a payment that may have to be made from the Court's retirement fund. It should be noted that, even absent staggered retirement, the proposed subsection (d) would allow the Court to provide for much better management of a judge's anticipated entry, under 38 U.S.C. §7296(d)(1)(A), into the Court's retirement system.

In addition, in order to provide for recall of retired judges in the event of judicial vacancies or increased workload, included in the legislative proposal as section 202 is the same basic provision that was included in last year's proposal as section 102. In order to help with the simultaneous vacancy problem described above, the provision has been revised to make specific reference to a voluntary recall in the event of a vacancy in an associate judge position. However, this recall provision could not itself prevent the simultaneous vacancies that section 201 is designed to forestall.

Finally, for completeness sake, the proposal includes, as Title III, a provision to change the Court's name to the United States Court of Appeals for Veterans Claims, which I proposed in my February 4, 1997, letter and which passed the House on April 16, 1997, in section 201 of H.R. 1092. Title III differs from section 201 only so as to accommodate the former to the style of the rest of the proposal.

Enclosed, for your information, is an overview, a cost estimate, a draft bill, and a detailed section-by-section summary and explanation.

Thank you for your assistance. I urge that you and the Committee give favorable consideration to the enclosed legislative proposal to reform the Court's judicial retirement provisions and provide for a staggered-retirement option designed to avoid the impact of simultaneous judicial vacancies. I am sending the same letter and enclosures to Chairman Stump, and Ranking Minority Members Rockefeller and Evans.

Sincerely,

FRANK Q. NEBEKER,
Chief Judge.

By Mr. DORGAN (for himself and Mrs. FEINSTEIN):

S. 989. A bill entitled the ''Safer Schools Act of 1997''; to the Committee on Labor and Human Resources.

THE SAFER SCHOOLS ACT OF 1997

Mr. DORGAN. Mr. President, I am going to introduce a piece of legislation today that I will describe briefly.

In the Senate a couple of years ago, I authored, with Senator FEINSTEIN from California, and several others, a piece of legislation that says we ought to have zero tolerance in this country for guns in schools, zero tolerance for guns in schools. We said in the legislation that school districts in this country should have in place a policy that says if a student is caught bringing a gun to school, the student will be expelled for a year. Mr. President, over 6,000 students have now suffered expulsion as a result of bringing weapons to school.

Weapons in school are serious. You cannot learn unless a school is a safe place for learning. Yet, even today we see the news stories. On February 17, this year, a 16-year-old Miami Edison Senior High School student shot a 9th grade girl at school. In Memphis, TN, on March 28, this year, a 16-year-old student was shot on the campus of Chicksaw Junior High by a 15-year-old student. On February 11, two students were shot and wounded in Bronx high schools. On March 29, Detroit, MI, a 16-year-old student was shot seven times while standing in the back hallways of a high school. On February 18 this year, a 13-year-old middle school student was charged with attempting to murder his teacher.

I was at a school not too many blocks from this building a couple of years ago. You go through metal detectors; there are security guards seated at the front of the school. The school is a lock-down school. When the students get in, they lock the door. You have to go through metal detectors to get in. About a month after I was there, a student bumped another one at the water fountain and the other student pulled a gun and shot him four times. That is a school within blocks of this U.S. Capitol building.

We passed a piece of legislation that says there shall be zero tolerance for guns in schools, and students bringing guns to school shall be expelled from school for a year. That has worked in the sense that it has taken those who brought guns to school out of school to make sure other students are safe. But something has happened in the meantime. After we passed that legislation and it became law, a court in New York issued a ruling that was about as goofy a court ruling as any I have ever heard. In New York, in a school, a young boy came in one day wearing a leather jacket and went through the front door of the school and began walking down a hallway. The security guard noticed a bulge under the leather jacket near the waistline, so he apprehended the student and reached under this jacket and took from the student a loaded pistol—a loaded pistol was in the possession of this 16-year-old boy walking down the hallway. The 16-year-old boy was obviously taken from school that day and put in a disciplinary proceeding and expelled, and a number of things happened. The boy appealed it, and a court in New York decided that the evidence of a gun on a 16-year-old boy in school had to be discarded because the security guard did not have probable cause to search the student in the hallway of the school.

Now, when I saw the decision by the New York court, it occurred to me to be so nonsensical as to require nothing from any of us. Then I decided that if we do nothing, it means that somehow someone believes that court was thinking straight. Well, it was not, and I introduced in the last session, and will reintroduce today on behalf of myself and Senator FEINSTEIN, a piece of legislation that makes it clear that evidence of a gun seized in school cannot be dismissed as evidence. Evidence of a gun can be used in a school disciplinary proceeding.

There is no right to carry a gun in school. If that 16-year-old boy had gone to National Airport to try to board a plane, they would have forced him to go through a metal detector and they would have said you cannot get on a commercial airplane if you are carrying a pistol. But the judge's decision seems to say somehow that the security guard was at fault. The security guard noticed a gun on this young student, or at least a bulge in the leather jacket, and took a loaded pistol from this boy in a public school, and the security guard is at fault for obtaining evidence inappropriately? I do not think so. That is not the way this country should work. If we say you cannot take a loaded gun on an airplane, we ought to be able to say a 16-year-old boy cannot take a loaded pistol into a school. If we do not have the opportunity and ability to say that and make it stick, there is precious little hope for education in this country.

This legislation will make sure that no judge ever again is able to say that a security guard erred in taking away a loaded pistol from a 16-year-old boy walking in the hallways of our public schools. When we passed the Gun Free Schools Act and said that there shall be expulsion all across this country for kids bringing guns to schools, we wanted to send a national message to every student in this country, ''Don't even think about bringing a gun to school, because there will be certain and immediate results. The results will be you will be expelled, no ifs, ands, or buts.''

It has been successful. Have we prevented every act of violence in school? No, but thousands of children who brought guns to school are now not in the classroom threatening other students. They are expelled from those classrooms, many of them probably in some alternative setting, but they are not in the classroom terrorizing other students.

I am so appalled by the decision of the court in New York that I want a Federal law to complete the Gun Free Schools Act with the legislation we introduce today called the Safer Schools

Act. Any young person who brings a gun to school should expect that a security guard at the front door can remove that gun from them and that it will later be used as evidence in a school disciplinary proceeding.

Mr. President, I appreciate the courtesy of the Senator from South Carolina. I know that the piece of legislation that he brings to the floor of the Senate, called the defense authorization bill, is one of the largest pieces of legislation that we deal with at any time during the year here in Congress. It contains important matters dealing with America's preparedness. I am anxious to debate parts of that bill and I wanted to compliment the Senator from South Carolina, Senator THURMOND, for his leadership and Senator LEVIN from Michigan for his leadership. I hope we can make significant progress this week on the legislation. I hope my speaking in morning business has not impeded that in any way. I appreciate the Senator's courtesy.

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. 989

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 ''Safer Schools Act of 1997''.

SEC. 2. SAFER SCHOOLS.

(a) IN GENERAL.—Section 14601(b)(1) of the Gun-Free Schools Act of 1994 (20 U.S.C. 8921(b)(1)) is amended—

(1) by striking ''under this Act shall have'' and inserting the following: ''under this Act—

''(A) shall have'';

(2) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(B) beginning not later than 2 years after the date of enactment of the Safer Schools Act of 1997, shall have in effect a State law or regulation providing that evidence that a student brought a weapon to a school under the jurisdiction of the local educational agencies in that State, that is obtained as a result of a search or seizure conducted on school premises, shall not be excluded in any school disciplinary proceeding on the ground that the search or seizure was in violation of the fourth amendment to the Constitution of the United States.''.

(b) REPORT TO STATE.—Section 14601(d) of the Gun-Free Schools Act of 1994 (20 U.S.C. 8921(d)) is amended—

(1) in paragraph (1), by striking ''the State law required by'' and inserting ''each State law or regulation''; and

(2) in paragraph (2), by striking ''subsection (b)'' and inserting ''subsection (b)(1)(A)''.

(c) REPORT TO CONGRESS.—Section 14601(f) of the Gun-Free Schools Act of 1994 (20 U.S.C. 8921(f)) is amended by inserting ''of subsection (b)(1)(A)'' before ''of this''.

By Mr. FAIRCLOTH:

S. 990. A bill to amend the Public Health Service Act to establish the National Institute of Biomedical Imaging; to the Committee on Labor and Human Resources.

NATIONAL INSTITUTE OF BIOMEDICAL IMAGING ESTABLISHMENT ACT

Mr. FAIRCLOTH. Mr. President, I am today introducing the National Institute of Biomedical Imaging Establishment Act.

This legislation would consolidate imaging research activities that are currently dispersed throughout the National Institutes of Health under a single administrative structure. This consolidation is needed to ensure that the American taxpayer receives the maximum possible return on our investment in critical new medical technologies. My legislation does not authorize any new spending; instead, it restructures existing programs in order to increase efficiency, provide greater accountability, and improve the process of setting priorities and allocating valuable resources for research. It also establishes a mechanism to coordinate the imaging research that is currently funded—without an overall plan—by federal agencies outside NIH.

The NIH is a national treasure, but it is organized to support research into specific diseases and organ systems. Its structure is less well suited to a technology that cuts across these lines and is applicable to virtually all diseases and organs. This legislation will create a research infrastructure at NIH to develop the imaging technologies of the 21st century. Based on the remarkable record of imaging innovations in the past 25 years, breakthroughs in the coming years will allow physicians to detect, diagnose, and treat disease more effectively, less invasively, and less expensively. Nearly every American who needs health care services will benefit from this proposal.

I urge my colleagues to join in this effort to meet the scientific and budgetary challenges we face in medical research.

ADDITIONAL COSPONSORS

S. 28

At the request of Mr. THURMOND, the name of the Senator from Minnesota [Mr. GRAMS] 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. 230

At the request of Mr. THURMOND, the name of the Senator from Arkansas [Mr. HUTCHINSON] 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. 489

At the request of Mr. KYL, the name of the Senator from Georgia [Mr. COVERDELL] was added as a cosponsor of S. 489, a bill to improve the criminal law relating to fraud against consumers.

S. 493

At the request of Mr. KYL, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 493, a bill to amend section 1029 of title 18, United States Code, with respect to cellular telephone cloning paraphernalia.

S. 511

At the request of Mr. CHAFEE, the names of the Senator from Illinois [Mr. DURBIN] and the Senator from New Jersey [Mr. TORRICELLI] were added as cosponsors of S. 511, a bill to require that the health and safety of a child be considered in any foster care or adoption placement, to eliminate barriers to the termination of parental rights in appropriate cases, to promote the adoption of children with special needs, and for other purposes.

S. 649

At the request of Ms. SNOWE, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 649, a bill to amend title XVIII of the Social Security Act to provide for coverage of bone mass measurements for certian individuals under part B of the medicare program.

S. 766

At the request of Ms. SNOWE, the names of the Senator from Pennsylvania [Mr. SPECTER] and the Senator from New Mexico [Mr. BINGAMAN] were added as cosponsors of S. 766, a bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans.

S. 834

At the request of Mr. HARKIN, the name of the Senator from Washington [Mrs. MURRAY] was added as a cosponsor of S. 834, a bill to amend the Public Health Service Act to ensure adequate research and education regarding the drug DES.

S. 912

At the request of Mr. BOND, the name of the Senator from Missouri [Mr. ASHCROFT] was added as a cosponsor of S. 912, a bill to provide for certain military retirees and dependents a special medicare part B enrollment period during which the late enrollment penalty is waived and a special medigap open period during which no under-writing is permitted.

SENATE CONCURRENT RESOLUTION 30

At the request of Mr. HELMS, the name of the Senator from Ohio [Mr. DEWINE] was added as a cosponsor of Senate Concurrent Resolution 30, a concurrent resolution expressing the sense of the Congress that the Republic of China should be admitted to multilateral economic institutions, including the International Monetary Fund and the International Bank for Reconstruction and Development.

SENATE RESOLUTION 99

At the request of Mr. DASCHLE, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of Senate Resolution 99, a resolution to encourage consumers to consult with their pharmacists in connection with the purchase and use of over-the-counter drug products.

AMENDMENT NO. 420

At the request of Mr. COCHRAN the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of amendment No. 420 proposed to S. 936, 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.

AMENDMENTS SUBMITTED

DEPARTMENT OF DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997

MURRAY (AND OTHERS) AMENDMENT NO. 593

(Ordered to lie on the table.)

Mrs. MURRAY (for herself, Mrs. SNOWE, Mr. ROBB, Mr. KENNEDY, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by them to the bill, S. 936, 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; as follows:

At the end of title VII add the following:

SEC. 708. RESTORATION OF PREVIOUS POLICY REGARDING RESTRICTIONS ON USE OF DEPARTMENT OF DEFENSE MEDICAL FACILITIES.

Section 1093 of title 10, United States Code, is amended—

(1) by striking out subsection (b); and

(2) in subsection (a), by striking out ''(a) RESTRICTIONS ON USE OF FUNDS.—''.

WYDEN AMENDMENTS NOS. 594–595

(Ordered to lie on the table.)

Mr. WYDEN submitted two amendments intended to be proposed by him to the bill, S. 936, supra; as follows:

AMENDMENT NO. 594

At the end of subtitle E of title X, add the following:

SEC. 1075. RESTRICTIONS ON USE OF HUMANS AND EXPERIMENTAL SUBJECTS IN BIOLOGICAL AND CHEMICAL WEAPONS RESEARCH.

(a) PROHIBITED ACTIVITIES.—no officer or employee of the United States may, directly or by contract—

(1) conduct any test or experiment involving the use of any chemical or biological agent on a civilian population; or

(2) otherwise conduct any testing of biological or chemical agents on human subjects.

(b) INAPPLICABILITY TO CERTAIN ACTIONS.—The prohibition in subsection (a) does not apply to any action carried out for any of the following purposes:

(1) Any peaceful purpose that is related to a medical, therapeutic, pharmaceutical, agricultural, industrial, research, or other activity.

(2) Any purpose that is directly related to protection against toxic chemical and to protection against chemical weapons.

(3) Any military purpose of the United States that is not connected with the use of a chemical weapon and is not dependent on the use of the toxic or poisonous properties of the chemical weapon to cause death or other harm.

(4) Any law enforcement purpose, including any domestic riot control purpose and any imposition of capital punishment.

(c) BIOLOGICAL AGENT DEFINED.—In this section, the term ''biological agent'' means any micro-organism (including bacteria, viruses, fungi, rickettsiac, or protozoa), pathogen, or infectious substance, and any naturally occurring, bioengineered, or synthesized component of any such micro-organism, pathogen, or infectious substance, whatever its origin or method of production, that is capable of causing—

(1) death, disease, or other biological malfunction in a human, an animal, a plant, or another living organism;

(2) deterioration of food, water, equipment, supplies, or materials of any kind; or

(3) deleterious alteration of the environment.

(d) REPORT AND CERTIFICATION.—Section 1703(b) of the National Defense Authorization Act for Fiscal Year 1994 (50 U.S.C. 1523(b)) is amended by adding at the end the following:

''(9) A description of any program involving the testing of biological or chemical agents on human subjects that was carried out by the Department of Defense during the period covered by the report, together with a detailed justification for the testing, a detailed explanation of the purposes of the testing, the chemical or biological agents tested, and the Secretary's certification that informed consent to the testing was obtained from each human subject in advance of the testing on that subject.''.

(e) REPEAL OF DUPLICATIVE, SUPERSEDED, AND EXECUTED LAWS.—(1) Section 808 of the Department of Defense Appropriation Authorization Act, 1978 (50 U.S.C. 1520) is repealed.

(2)(A) Section 980 of title 10, United States Code, is repealed.

(B) The table of sections at the beginning of chapter 49 of such title is amended by striking out the item relating to section 980.

AMENDMENT NO. 595

At the end of subtitle E of tile X, add the following:

SEC. . SUPPORT FOR FAMILIES OF VICTIMS OF MILITARY AIRCRAFT DISASTERS.

(a) NOTIFICATION REQUIREMENTS.—(1) Chapter 88 of title 10, United States Code, is amended by adding at the end the following:

''SUBCHAPTER III—MISCELLANEOUS

''Sec.
''2000. Assistance for families of victims of military aircraft disasters.

§ 2000. Assistance for families of victims of military aircraft disasters

''(a) RESPONSIBILITIES OF SECRETARY OF DEFENSE.—(1) In the case of an accident involving an aircraft of the armed forces that results in any loss of life of Department of Defense personnel, the Secretary of Defense shall have the primary responsibility within the Federal Government for facilitating the recovery and identification of the personnel.

''(2) Immediately after being notified of such an accident, the Secretary of Defense shall—

''(A) designate an employee of the Department of Defense as the director of family support services for the accident to carry out the responsibilities set forth in subsection (b); and

''(B) designate an organization described in subsection (c) as the coordinator of family care for the accident to carry out the responsibilities set forth in that subsection.

''(3) During the investigation of the accident by the Department of Defense, the Secretary of Defense shall ensure that the members of the families of persons involved in the accident—

''(A) are briefed about the accident, its causes, and any other findings from the investigation before any public briefing on such matters is provided; and

''(B) are individually informed of, and allowed to attend, any public hearings and meetings of the Department of Defense about the accident.

''(b) DIRECTOR OF FAMILY SUPPORT SERVICES.—(1) The director of family support services designated for an aircraft accident under subsection (a)(2)(A) shall be the point of contact for the Federal Government for providing the families of victims of the accident with information on the accident and the assistance available to the families from the Federal Government. The Secretary of Defense shall ensure that the director's name and telephone number are publicized.

''(2) As soon as is practicable after the occurrence of the accident, the director of family support services shall compile a list of the persons who were aboard the aircraft involved in the accident. The list shall be compiled from the best information available within the Department of Defense when compiled.

''(c) COORDINATOR OF FAMILY CARE.—(1) The organization designated as the coordinator of family care for an accident under subsection (a)(2)(B) shall be an independent nonprofit organization with experience in disasters and post-trauma communication with families of victims of disasters. The Secretary of Defense may enter into any contract or other agreement that is necessary to engage such an organization to serve as the coordinator of family care for the accident.

''(2) The coordinator of family care for an accident shall have the primary responsibility for coordinating the emotional care and support of the families of victims of the accident. To carry out its responsibility, the coordinator shall have the following duties:

''(A) To provide mental health and counseling services, in coordination with the disaster response team of the Department of Defense.

''(B) To take such actions as may be necessary to afford the families a meaningful opportunity to grieve privately.

''(C) To meet with families who travel to the location of the accident, to contact the families who do not travel to such location, and to contact all of the families periodically until such time as the organization, in consultation with the director of family support services designated for the accident under subsection (a)(2)(A), determines that further assistance is no longer needed.

''(D) To inform the families on the roles of the coordinator of family care, the Department of Defense, and other Federal Government agencies with respect to the accident and the post-accident activities.

''(E) To arrange a suitable memorial service, in consultation with the families.

''(4) To the maximum extent practicable—

''(A) the Secretary of Defense shall provide the coordinator of family care with resources of the Department of Defense to support the coordinator in the performance of its responsibilities; and

''(B) the coordinator shall coordinate its activities with the Department of Defense for that purpose.

''(d) LIST OF VICTIMS.—(1) As soon as the director of family support services for an aircraft accident compiles a list of persons involved in the accident under subsection (b)(2), the director shall make the list available to the coordinator of family care for the accident. The coordinator may request the

director to provide the list to the coordinator.

''(2) The director of family support services or the coordinator of family care shall provide the name of a person on the list to the family of that person if the director or the organization, respectively, considers it appropriate to do so.

''(3) Neither the director nor the organization may disclose the name of any person on the list to any person not authorized to receive the information under paragraph (1) or (2).

''(e) PROHIBITED ACTIONS.—(1) No person, State, or political subdivision of a State may impede—

''(A) the Department of Defense (including the director of family support services designated for an accident under subsection(a)(2)(A)) or a coordinator of family care designated for an accident under subsection (a)(2)(B) in the performance of responsibilities under this section: or

''(B) the ability of any member of a family of a person involved in the accident to contact any member of a family of any other person involved in the accident.

''(2) No attorney and no potential party to litigation regarding an accident described in subsection (a) may communicate with any person injured in the accident, or any relative of a person involved in the accident, within 30 days after the date of the accident unless the communication is solicited by that person or relative of a person.

''(g) AIRCRAFT ACCIDENT DEFINED.—In this section, the term 'aircraft accident' means any Department of Defense aviation disaster regardless of its cause or suspected cause.''.

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

''III. Miscellaneous ..... 2000''

(b) REVIEW OF AVIATION SAFETY PROCEDURES.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall review the aviation safety and maintenance procedures of the Department of Defense and submit to Congress a report on the Secretary's findings resulting from the review, including any recommendations for improving aviation safety maintenance and procedures.

LEAHY AMENDMENT NO. 596

(Ordered to lie on the table.)

Mr. LEAHY submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

On page 382, line 15, strike out ''$155,416,000'' and insert in lieu thereof ''$162,135,000''.

BYRD AMENDMENT NO. 597

(Ordered to lie on the table.)

Mr. BYRD submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

In section 301(9), strike out ''$1,624,420,000'' and insert in lieu thereof ''$1,631,200,000''.

In section 301(11), strike out ''$2,991,219,000'' and insert in lieu thereof ''$3,004,282,000''.

In section 411(a)(5), strike out ''107,377'' and insert in lieu thereof ''108,002''.

In section 411(a)(6), strike out ''73,431'' and insert in lieu thereof ''73,542''.

In section 412(5), strike out ''10,616'' and insert in lieu thereof ''10,671''.

At the end of subtitle B of title IV, add the following:

SEC. 413. ADDITION TO END STRENGTHS FOR MILITARY TECHNICIANS.

(a) AIR NATIONAL GUARD.—In addition to the number of military technicians for the Air National Guard of the United States as of the last day of fiscal year 1998 for which funds are authorized to be appropriated in this Act, 100 military technicians are authorized for fiscal year 1998 for five Air National Guard C–130 aircraft units.

(b) AIR FORCE RESERVE.—In addition to the number of military technicians for the Air Force Reserve as of the last day of fiscal year 1998 for which funds are authorized to be appropriated in this Act, 21 military technicians are authorized for fiscal year 1998 for three Air Force Reserve C–130 aircraft units.

On page 108, line 11, reduce the amount by $20,000,000.

DODD AMENDMENT NO. 598

(Ordered to lie on the table.)

Mr. DODD submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

On page 226, between lines 2 and 3, insert the following:

Subtitle B—Persian Gulf Illnesses

SEC. 721. DEFINITIONS.

For purposes of this subtitle:

(1) The term ''Gulf War illness'' means any one of the complex of illnesses and symptoms that might have been contracted by members of the Armed Forces as a result of service in the Southwest Asia theater of operations during the Persian Gulf War.

(2) The term ''Persian Gulf War'' has the meaning given that term in section 101 of title 38, United States Code.

(3) The term ''Persian Gulf veteran'' means an individual who served on active duty in the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf War.

(4) The term ''contingency operation'' has the meaning given that term in section 101(a) of title 10, United States Code, and includes a humanitarian operation, peacekeeping operation, or similar operation.

SEC. 722. PLAN FOR HEALTH CARE SERVICES FOR PERSIAN GULF VETERANS.

(a) PLAN REQUIRED.—The Secretary of Defense and the Secretary of Veterans Affairs, acting jointly, shall prepare a plan to provide appropriate health care to Persian Gulf veterans (and their dependents) who suffer from a Gulf War illness.

(b) CONTENT OF PLAN.—In preparing the plan, the Secretaries shall—

(1) use the presumptions of service connection and illness specified in paragraphs (1) and (2) of section 721(d) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 10 U.S.C. 1074 note) to determine the Persian Gulf veterans (and the dependents of Persian Gulf veterans) who should be covered by the plan;

(2) consider the need and methods available to provide health care services to Persian Gulf veterans who are no longer on active duty in the Armed Forces, such as Persian Gulf veterans who are members of the reserve components and Persian Gulf veterans who have been separated from the Armed Forces; and

(3) estimate the costs to the Government of providing full or partial health care services under the plan to covered Persian Gulf veterans (and their covered dependents).

(c) FOLLOWUP TREATMENT.—The plan required by subsection (a) shall specifically address the measures to be used to monitor the quality, appropriateness, and effectiveness of, and patient satisfaction with, health care services provided to Persian Gulf veterans after their initial medical examination as part of registration in the Persian Gulf War Veterans Health Registry or the Comprehensive Clinical Evaluation Program.

(d) SUBMISSION OF PLAN.—Not later than March 1, 1998, the Secretaries shall submit to Congress the plan required by subsection (a).

SEC. 723. COMPTROLLER GENERAL STUDY OF REVISED DISABILITY CRITERIA FOR PHYSICAL EVALUATION BOARDS.

Not later than March 1, 1998, the Comptroller General shall submit to Congress a study evaluating the revisions that were made by the Secretary of Defense to the criteria used by physical evaluation boards to set disability ratings for members of the Armed Forces who are no longer medically qualified for continuation on active duty so as to ensure accurate disability ratings related to a diagnosis of a Persian Gulf illness pursuant to section 721(e) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 10 U.S.C. 1074 note).

SEC. 724. IMPROVED MEDICAL TRACKING SYSTEM FOR MEMBERS DEPLOYED OVERSEAS IN CONTINGENCY OR COMBAT OPERATIONS.

(a) SYSTEM REQUIRED.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1074d the following new section:

''§ 1074e. Medical tracking system for members deployed overseas

''(a) SYSTEM REQUIRED.—The Secretary of Defense shall establish a system to assess the medical condition of members of the armed forces (including members of the reserve components) who are deployed outside the United States or its territories or possessions as part of a contingency operation (including a humanitarian operation, peacekeeping operation, or similar operation) or combat operation.

''(b) ELEMENTS OF SYSTEM.—The system shall include the use of predeployment medical examinations and postdeployment medical examinations (including an assessment of mental health and the drawing of blood samples) to accurately record the medical condition of members before their deployment and any changes in their medical condition during the course of their deployment. The postdeployment examination shall be conducted when the member is redeployed or otherwise leaves an area in which the system is in operation (or as soon as possible thereafter).

''(c) RECORDKEEPING.—The results of all medical examinations conducted under the system, records of all health care services (including immunizations) received by members described in subsection (a) in anticipation of their deployment or during the course of their deployment, and records of events occurring in the deployment area that may affect the health of such members shall be retained and maintained in a centralized location to improve future access to the records.

''(d) QUALITY ASSURANCE.—The Secretary of Defense shall establish a quality assurance program to evaluate the success of the system in ensuring that members described in subsection (a) receive predeployment medical examinations and postdeployment medical examinations and that the recordkeeping requirements are met.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074d the following new item:

''1074e. Medical tracking system for members deployed overseas.''.

SEC. 725. REPORT ON PLANS TO TRACK LOCATION OF MEMBERS IN A THEATER OF OPERATIONS.

Not later than March 1, 1998, the Secretary of Defense shall submit to Congress a report containing a plan for collecting and maintaining information regarding the daily location of units of the Armed Forces, and to the

extent practicable individual members of such units, serving in a theater of operations during a contingency operation or combat operation.

SEC. 726. REPORT ON PLANS TO IMPROVE DETECTION AND MONITORING OF CHEMICAL, BIOLOGICAL, AND SIMILAR HAZARDS IN A THEATER OF OPERATIONS.

Not later than March 1, 1998, the Secretary of Defense shall submit to Congress a report containing a plan regarding the deployment, in a theater of operations during a contingency operation or combat operation, of a specialized unit of the Armed Forces with the capability and expertise to detect and monitor the presence of chemical hazards, biological hazards, and similar hazards to which members of the Armed Forces may be exposed.

SEC. 727. NOTICE OF USE OF INVESTIGATIONAL NEW DRUGS.

(a) NOTICE REQUIREMENTS.—Chapter 55 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1107. Notice of use of investigational new drugs

''(a) NOTICE REQUIRED.—(1) Whenever the Secretary of Defense requests or requires a member of the armed forces to receive an investigational new drug, the Secretary shall provide the member with notice containing the information specified in subsection (d).

''(2) The Secretary shall also ensure that medical care providers who administer an investigational new drug or who are likely to treat members who receive an investigational new drug receive the information required to be provided under paragraphs (3) and (4) of subsection (d).

''(b) TIME FOR NOTICE.—The notice required to be provided to a member under subsection (a)(1) shall be provided before the investigational new drug is first administered to the member, if practicable, but in no case later than 30 days after the investigational new drug is first administered to the member.

''(c) FORM OF NOTICE.—The notice required under subsection (a)(1) shall be provided in writing unless the Secretary of Defense determines that the use of written notice is impractical because of the number of members receiving the investigational new drug, time constraints, or similar reasons. If the Secretary provides notice under subsection (a)(1) in a form other than in writing, the Secretary shall submit to Congress a report describing the notification method used and the reasons for the use of the alternative method.

''(d) CONTENT OF NOTICE.—The notice required under subsection (a)(1) shall include the following:

''(1) Clear notice that the drug being administered is an investigational new drug.

''(2) The reasons why the investigational new drug is being administered.

''(3) Information regarding the possible side effects of the investigational new drug, including any known side effects possible as a result of the interaction of the investigational new drug with other drugs or treatments being administered to the members receiving the investigational new drug.

''(4) Such other information that, as a condition for authorizing the use of the investigational new drug, the Secretary of Health and Human Services may require to be disclosed.

''(e) RECORDS OF USE.—The Secretary of Defense shall ensure that the medical records of members accurately document the receipt by members of any investigational new drug and the notice required by subsection (d).

''(f) DEFINITION.—In this section, the term 'investigational new drug' means a drug covered by section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''1107. Notice of use of investigational new drugs.''.

SEC. 728. REPORT ON EFFECTIVENESS OF RESEARCH EFFORTS REGARDING GULF WAR ILLNESSES.

Not later than March 1, 1998, the Secretary of Defense shall submit to Congress a report evaluating the effectiveness of medical research initiatives regarding Gulf War illnesses. The report shall address the following:

(1) The type and effectiveness of previous research efforts, including the activities undertaken pursuant to section 743 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 10 U.S.C. 1074 note), section 722 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 10 U.S.C. 1074 note), and sections 270 and 271 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1613).

(2) Recommendations regarding additional research regarding Gulf War illnesses, including research regarding the nature and causes of Gulf War illnesses and appropriate treatments for such illnesses.

(3) The adequacy of Federal funding and the need for additional funding for medical research initiatives regarding Gulf War illnesses.

SEC. 729. PERSIAN GULF ILLNESS CLINICAL TRIALS PROGRAM.

(a) FINDINGS.—Congress finds the following:

(1) There are many ongoing studies that investigate risk factors which may be associated with the health problems experienced by Persian Gulf veterans; however, there have been no studies that examine health outcomes and the effectiveness of the treatment received by such veterans.

(2) The medical literature and testimony presented in hearings on Gulf War illnesses indicate that there are therapies, such as cognitive behavioral therapy, that have been effective in treating patients with symptoms similar to those seen in many Persian Gulf veterans.

(b) ESTABLISHMENT OF PROGRAM.—The Secretary of Defense and the Secretary of Veterans Affairs, acting jointly, shall establish a program of cooperative clinical trials at multiple sites to assess the effectiveness of protocols for treating Persian Gulf veterans who suffer from ill-defined or undiagnosed conditions. Such protocols shall include a multidisciplinary treatment model, of which cognitive behavioral therapy is a component.

(c) FUNDING.—Of the amount authorized to be appropriated in section 201(1), the sum of $4,500,000 shall be available for program element 62787A (medical technology) in the budget of the Department of Defense for fiscal year 1998 to carry out the clinical trials program established pursuant to subsection (b).

On page 217, between lines 15 and 16, insert the following:

Subtitle A—General Matters

MOYNIHAN (AND D'AMATO) AMENDMENT NO. 599

(Ordered to lie on the table.)

Mr. MOYNIHAN (for himself and Mr. D'AMATO) submitted an amendment intended to be proposed by them to the bill, S. 936, supra; as follows:

On page 409, between lines 13 and 14, insert the following:

SEC. 2819. LAND CONVEYANCE, HANCOCK FIELD, SYRACUSE, NEW YORK

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to Onondaga County, New York (in this section referred to as the ''County''), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 14.9 acres and located at Hancock Field, Syracuse, New York, the site of facilities no longer required for use by the 152nd Air Control Group of the New York Air National Guard.

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

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

ROCKEFELLER AMENDMENT NO. 600

(Ordered to lie on the table.)

Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

At the end of subtitle D of title X, add the following:

SEC. . EYE SAFETY AT SMALL ARMS FIRING RANGES.

(a) ACTIONS REQUIRED.—The Secretary of the Defense shall—

(1) conduct a study of eye safety at small arms firing ranges of the Armed Forces; and

(2) develop for the use of the Armed Forces a protocol for reporting eye injuries incurred in small arms firing activities at the ranges.

(b) AGENCY TASKING.—The Secretary may delegate authority to carry out the responsibilities set forth in subsection (a) to the United States Army Center for Health Promotion and Preventive Medicine or any other element of the Department of Defense that the Secretary considers well qualified to carry out those responsibilities.

(c) CONTENT OF STUDY.—The study shall include the following:

(1) An evaluation of the existing policies, procedures, and practices of the Armed Forces regarding medical surveillance of eye injuries resulting from weapons fire at the small arms ranges.

(2) An examination of the existing policies, procedures, and practices of the Armed Forces regarding reporting on vision safety issues resulting from weapons fire at the small arms ranges.

(3) Determination of rates of eye injuries, and trends in eye injuries, resulting from weapons fire at the small arms ranges.

(4) An evaluation of the costs and benefits of a requirement for use of eye protection devices by all personnel firing small arms at the ranges.

(d) REPORT.—The Secretary shall submit a report on the activities required under this section to the Committees on Armed Services and on Veterans' Affairs of the Senate and the Committees on National Security and on Veterans' Affairs of the House of Representatives. The report shall include—

(1) the findings resulting from the study required under paragraph (1) of subsection (a); and

(2) the protocol developed under paragraph (2) of such subsection.

(e) SCHEDULE.—(1) The Secretary shall ensure that the study is commenced not later

than October 1, 1997, and is completed within six months after it is commenced.

(2) The Secretary shall submit the report required under subsection (d) not later than 30 days after the completion of the study.

CONRAD (AND OTHERS) AMENDMENT NO. 601

(Ordered to lie on the table.)

Mr. CONRAD (for himself, Mr. DORGAN, Mr. BREAUX, and Ms. LANDRIEU) submitted an amendment intended to be proposed by them to the bill, S. 936, supra; as follows:

At the end of subtitle E of title I, add the following:

SEC. 144. AIR FORCE AIRCRAFT ENGINE MODERNIZATION PROGRAM.

(a) ENGINE REPLACEMENT PROGRAM.—(1) The Secretary of the Air Force may carry out an acquisition reform demonstration program to replace existing engines on B–52H aircraft in active service with commercial aircraft engines. Any such replacement engine may only be an engine that is a commercial item described in section 4(12)(A) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)(A)).

(2) An engine modernization program carried out under this section may include (in addition to other elements) any or all of the following elements:

(A) Integration of replacement engines and related equipment into existing aircraft and testing of the integrated engines and related equipment.

(B) Fabrication and installation of the replacement engines and related equipment.

(C) Acquisition of the replacement engines and related equipment by means of leasing under commercial terms and conditions, including commercial terms and conditions pertaining to indemnification.

(D) Acquisition of the logistical support for the replacement engines and related equipment.

(b) MULTIPLE CONTRACTS AUTHORIZED.—The Secretary may enter into more than one contract for the purposes of subsection (a).

(c) LEASE TERMS AND CONDITIONS.—(1) A contract for the lease of aircraft engines and related equipment under this section may be for a period not to exceed 20 years.

(2) Any contract for the lease of aircraft engines and related equipment under this section may provide for the termination liability of the United States under the contract. Any such termination liability shall be subject to a limitation in the contract that any obligation of the United States to pay the termination liability is subject to the availability of funds specifically appropriated for that purpose pursuant to an authorization of appropriations specifically for that purpose.

(3)(A) Any contract for the lease of aircraft engines and related equipment entered into under this section may provide for the United States to indemnify the lessor for any covered loss (except as provided in subparagraph (C)).

(B) A covered loss under this paragraph may, to the extent provided in the contract, include any loss, injury, or damage to the lessor, any employee of the lessor, or any third party, or to any property of the lessor or a third party, that arises out of, or is related to, the lease.

(C) Any such requirement for indemnification shall be subject to a limitation in the contract that any obligation of the United States to pay such indemnification is subject to the availability of funds specifically appropriated for that purpose pursuant to an authorization of appropriations specifically for that purpose.

(D) The United States shall be required to indemnify a lessor, and a contract under this section may not obligate the United States to indemnify a lessor, for a loss, injury, or damage that is caused by willful misconduct of managerial personnel of the lessor or of the engine supplier.

(d) SOURCE OF FUNDS.—Notwithstanding any other provision of law (including any law regarding fiscal year limitations), payments under any such contract for a fiscal year may be made from funds appropriated for the Air Force for that fiscal year for operations and maintenance.

(e) WAIVER OF CERTAIN PROVISIONS OF LAW.—The Secretary of the Air Force may enter into contracts and incur obligations under this section without regard to the following provisions of law:

(1) The limitations on making and authorizing an obligation and involving the United States in a contract or obligation that are set forth in section 1341 of title 31, United States Code.

(2) The limitations on accepting voluntary services and employing personal services that are set forth in section 1342 of such title.

(3) The limitations on availability of funds that are set forth in section 1502 of such title.

(4) Any apportionment or other division of appropriations, any other administrative restriction, and any reporting requirement that, but for this paragraph, would otherwise apply to the contract or obligation under subchapter II of chapter 15 of such title.

(5) The limitations on contracting and purchasing that are set forth in section 3732(a) of the Revised Statutes (41 U.S.C. 11(a)).

(f) BUDGETARY TREATMENT OF LEASES.—(1) The Secretary of Defense, the Secretary of the Air Force, and the Director of the Office of Management and Budget shall treat a contract for a lease entered into pursuant to this section as an operating lease for all purposes of the Federal budget without regard to any provision of law relating to the Federal budget, including part C of title II of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.) and any regulation or directive (including any directive of the Office of Management and Budget) issued thereunder.

(2) The Secretary may enter into contracts under this section only to the extent, and in the amount, specifically provided in an Act enacted after the date of the enactment of this Act. A provision in an Act enacted after the date of the enactment of this Act that provides specific authority to enter into a contract under this section, subject to a specific maximum dollar amount, shall not be considered to be budget authority for any purpose, and appropriations provided in annual appropriations Acts for payments of United States obligations under such a contract as those payments become due shall be considered to be budget authority.

(g) PRIOR CONGRESSIONAL NOTIFICATION.—Before entering into a contract under this section, the Secretary shall notify the congressional defense committees and the Committees on the Budget of the Senate and House of Representatives of the Secretary's intent to enter into the contract and certify to those committees that such contract is in the national interest. The contract may then be entered into only after the end of the 30-day period beginning on the date of such notification and certification.

CONRAD (AND OTHERS) AMENDMENT NO. 602

(Ordered to lie on the table.)

Mr. CONRAD (for himself, Mr. DORGAN, and Mr. WELLSTONE) submitted an amendment intended to be proposed by them to the bill, S. 936, supra; as follows:

At the end of title X, add the following:

SEC. . CLAIMS BY MEMBERS OF THE ARMED FORCES FOR LOSS OF PERSONAL PROPERTY DUE TO FLOODING IN THE RED RIVER BASIN.

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

(1) The flooding that occurred in the portion of the Red River Basin encompassing East Grand Forks, Minnesota, and Grand Forks, North Dakota, during April and May 1997 is the worst flooding to occur in that region in the last 500 years.

(2) Over 700 military personnel stationed in the vicinity of Grand Forks Air Force Base reside in that portion of the Red River Basin.

(3) The military personnel stationed in the vicinity of Grand Forks Air Force Base have been stationed there entirely for the convenience of the Government.

(4) There is insufficient military family housing at Grand Forks Air Force Base for all of those military personnel, and the available off-base housing is almost entirely within the areas adversely affected by the flood.

(5) Many of the military personnel have suffered catastrophic losses, including total losses of personal property by some of the personnel.

(6) It is vital to the national security interests of the United States that the military personnel adversely affected by the flood recover as quickly and completely as possible.

(b) AUTHORIZATION.—The Secretary of the military department concerned may pay claims for loss and damage to personal property suffered as a direct result of the flooding in the Red River Basin during April and May 1997, by members of the Armed Forces residing in the vicinity of Grand Forks Air Force Base, North Dakota, without regard to the provisions of section 3721(e) of title 31, United States Code.

GRASSLEY AMENDMENT NO. 603

(Ordered to lie on the table.)

Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1041. REPORT ON COSTS OF EXECUTIVE COMPENSATION REIMBURSED TO CONTRACTORS.

(a) REQUIREMENT.—Not later than October 1, 1997, the Secretary of Defense shall submit to Congress a report on Department of Defense payments of contract costs attributable to executive compensation.

(b) CONTENT OF REPORT.—(1) The report shall contain, for each of the five fiscal years preceding fiscal year 1997, the following:

(A) The total amount of executive compensation that was reimbursed to contractors as allowable costs under Department of Defense contracts.

(B) The total number of contractor executives whose compensation was reimbursed, in whole or in part, by the payment of such contracts costs.

(C) The total number of contractors that were paid such costs.

(D) If any such total amount or number is estimated for the report, a discussion of why the actual total amount or number could not be established.

(2) The report shall also contain—

(A) a discussion of whether the information required under subparagraphs (A), (B), and (C) of paragraph (1) is readily available or is difficult to compile; and

(B) if it is difficult to compile the information, a discussion of the reasons for the difficulty.

SHELBY AMENDMENT NO. 604

(Ordered to lie on the table.)

Mr. SHELBY submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

At the end of subtitle B of title XXVIII, add the following:

SEC. 2819. LAND CONVEYANCE, ARMY RESERVE CENTER, GREENSBORO, ALABAMA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to Hale County, Alabama, all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 5.17 acres and located at the Army Reserve Center, Greensboro, Alabama, that was conveyed by Hale County, Alabama, to the United States by warranty deed September 12, 1988.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property conveyed under subsection (a) shall be as described in the deed referred to in that subsection.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary 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.

KYL AMENDMENT NO. 605

(Ordered to lie on the table.)

Mr. KYL submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

On page 347, between lines 15 and 16, insert the following:

SEC. 1075. ADVICE TO THE PRESIDENT AND CONGRESS REGARDING THE SAFETY, SECURITY, AND RELIABILITY OF UNITED STATES NUCLEAR WEAPONS STOCKPILE.

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

(1) Nuclear weapons are the most destructive weapons on earth. The United States and its allies continue to rely on nuclear weapons to deter potential adversaries from using weapons of mass destruction. The safety and reliability of the nuclear stockpile are essential to ensure its credibility as a deterrent.

(2) On September 24, 1996, President Clinton signed the Comprehensive Test Ban Treaty.

(3) Effective as of September 30, 1996, the United States is prohibited by relevant provisions of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–377) from conducting underground nuclear tests ''unless a foreign state conducts a nuclear test after this date, at which time the prohibition on United States nuclear testing is lifted''.

(4) Section 1436(b) of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456; 42 U.S.C. 2121 note) requires the Secretary of Energy to ''establish and support a program to assure that the United States is in a position to maintain the reliability, safety, and continued deterrent effect of its stockpile of existing nuclear weapons designs in the event that a low-threshold or comprehensive test ban on nuclear explosive testing is negotiated and ratified.''.

(5) Section 3138(d) of the National Defense Authorization Act for Fiscal Year 1994 requires the President to submit an annual report to Congress which sets forth ''any concerns with respect to the safety, security, effectiveness, or reliability of existing United States nuclear weapons raised by the Stockpile Stewardship Program of the Department of Energy''.

(6) President Clinton declared in July 1993 that ''to assure that our nuclear deterrent remains unquestioned under a test ban, we will explore other means of maintaining our confidence in the safety, reliability, and the performance of our weapons''. This decision was codified in a Presidential Directive.

(7) Section 3138 of the National Defense Authorization Act for Fiscal Year 1994 also requires that the Secretary of Energy establish a ''stewardship program to ensure the preservation of the core intellectual and technical competencies of the United States in nuclear weapons''.

(8) The plan of the Department of Energy to maintain the safety and reliability of the United States nuclear stockpile is known as the Stockpile Stewardship and Management Program. This approach is yet unproven. The ability of the United States to maintain warheads without testing will require development of new and sophisticated diagnostic technologies, methods, and procedures. Current diagnostic technologies and laboratory testing techniques are insufficient to certify the future safety and reliability of the United States nuclear stockpile. In the past these laboratory and diagnostic tools were used in conjunction with nuclear testing.

(9) On August 11, 1995, President Clinton directed ''the establishment of a new annual reporting and certification requirement [to] ensure that our nuclear weapons remain safe and reliable under a comprehensive test ban''.

(10) On the same day, the President noted that the Secretary of Defense and the Secretary of Energy have the responsibility, after being ''advised by the Nuclear Weapons Council, the Directors of DOE's nuclear weapons laboratories, and the Commander of United States Strategic Command'', to provide the President with the information to make the certification referred to in paragraph (9).

(11) The Joint Nuclear Weapons Council established by section 179 of title 10, United States Code, is responsible for providing advice to the Secretary of Energy and Secretary of Defense regarding nuclear weapons issues, including ''considering safety, security, and control issues for existing weapons''. The Council plays a critical role in advising Congress in matters relating to nuclear weapons.

(12) It is essential that the President receive well-informed, objective, and honest opinions from his advisors and technical experts regarding the safety, security, and reliability of the nuclear weapons stockpile.

(b) POLICY.—

(1) IN GENERAL.—It is the policy of the United States—

(A) to maintain a safe, secure, and reliable nuclear weapons stockpile; and

(B) as long as other nations covet or control nuclear weapons or other weapons of mass destruction, to retain a credible nuclear deterrent.

(2) NUCLEAR WEAPONS STOCKPILE.—It is in the security interest of the United States to sustain the United States nuclear weapons stockpile through programs relating to stockpile stewardship, subcritical experiments, maintenance of the weapons laboratories, and protection of the infrastructure of the weapons complex.

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

(A) the United States should retain a triad of strategic nuclear forces sufficient to deter any future hostile foreign leadership with access to strategic nuclear forces from acting against our vital interests;

(B) the United States should continue to maintain nuclear forces of sufficient size and capability to hold at risk a broad range of assets valued by such political and military leaders; and

(C) the advice of the persons required to provide the President and Congress with assurances of the safety, security and reliability of the nuclear weapons force should be scientifically based, without regard for politics, and of the highest quality and integrity.

(c) ADVICE AND OPINIONS REGARDING NUCLEAR WEAPONS STOCKPILE.—Any director of a nuclear weapons laboratory or member of the Joint Nuclear Weapons Council, or the Commander of United States Strategic Command, may submit to the President or Congress advice or opinion in disagreement with, or in addition to, the advice presented by the Secretary of Energy or Secretary of Defense to the President, the National Security Council, or Congress, as the case may be, regarding the safety, security, and reliability of the nuclear weapons stockpile.

(d) EXPRESSION OF INDIVIDUAL VIEWS.—No representative of a government agency or managing contractor for a nuclear weapons laboratory may in any way constrain a director of a nuclear weapons laboratory, a member of the Joint Nuclear Weapons Council, or the Commander of United States Strategic Command from presenting individual views to the President, the National Security Council, or Congress regarding the safety, security, and reliability of the nuclear weapons stockpile.

(e) PROHIBITED PERSONNEL ACTIONS.—No representative of a government agency or managing contractor may take any administrative or personnel action against a director of a nuclear weapons laboratory, a member of the Joint Nuclear Weapons Council, or the Commander of the United States Strategic Command, in order to prevent such individual from expressing views under subsection (c) or (d) or as retribution for expressing such views.

(f) DEFINITIONS.—

(1) REPRESENTATIVE OF A GOVERNMENT AGENCY.—The term ''representative of a government agency'' means any person employed by, or receiving compensation from, any department or agency of the Federal Government.

(2) MANAGING CONTRACTOR.—The term ''managing contractor'' means the non-government entity specified by contract to carry out the administrative functions of a nuclear weapons laboratory.

(3) NUCLEAR WEAPONS LABORATORY.—The term ''nuclear weapons laboratory'' means any of the following:

(A) Los Alamos National Laboratory.

(B) Livermore National Laboratory.

(C) Sandia National Laboratories.

ALLARD AMENDMENT NO. 606

(Ordered to lie on the table.)

Mr. ALLARD submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

At the end of subtitle B of title XXVIII, add the following:

SEC. 28 . MODIFICATION OF LAND CONVEYANCE AUTHORITY, ROCKY MOUNTAIN ARSENAL, COLORADO.

Section 5(c)(1) of the Rocky Mountain Arsenal National Wildlife Refuge Act of 1992 (Public Law 102–402; 106 Stat. 1966; 16 U.S.C. 668dd note) is amended by striking out the second sentence and inserting in lieu thereof the following new sentence: ''The Administrator shall convey the transferred property to Commerce City, Colorado, upon the approval of the City, for consideration equal to

the fair market value of the property (as determined jointly by the Administrator and the City).''.

KYL AMENDMENT NO. 607

(Ordered to lie on the table.)

Mr. KYL submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1075. LIMITATION ON USE OF COOPERATIVE THREAT REDUCTION FUNDS FOR DESTRUCTION OF CHEMICAL WEAPONS.

(a) LIMITATION.—No funds authorized to be appropriated under this or any other Act for fiscal year 1998 for Cooperative Threat Reduction programs may be obligated or expended for chemical weapons destruction activities, including for the planning, design, or construction of a chemical weapons destruction facility or for the dismantlement of an existing chemical weapons production facility, until the date that is 15 days after a certification is made under subsection (b).

(b) PRESIDENTIAL CERTIFICATION.—A certification under this subsection is a certification by the President to Congress that—

(1) Russia is making reasonable progress toward the implementation of the Bilateral Destruction Agreement;

(2) the United States and Russia have resolved, to the satisfaction of the United States, outstanding compliance issues under the Wyoming Memorandum of Understanding and the Bilateral Destruction Agreement;

(3) Russia has fully and accurately declared all information regarding its unitary and binary chemical weapons, chemical weapons facilities, and other facilities associated with chemical weapons;

(4) Russia has deposited its instrument of ratification of the Chemical Weapons Convention; and

(5) Russia and the United States have concluded an agreement that—

(A) provides for a limitation on the United States financial contribution for the chemical weapons destruction activities; and

(B) commits Russia to pay a portion of the cost for a chemical weapons destruction facility in an amount that demonstrates that Russia has a substantial stake in financing the implementation of both the Bilateral Destruction Agreement and the Chemical Weapons Convention, as called for in the condition provided in section 2(14) of the Senate Resolution entitled ''A resolution to advise and consent to the ratification of the Chemical Weapons Convention, subject to certain conditions'', agreed to by the Senate on April 24, 1997.

(c) DEFINITIONS.—In this section:

(1) The term ''Bilateral Destruction Agreement'' means the Agreement Between the United States of America and the Union of Soviet Socialist Republics on Destruction and Nonproduction of Chemical Weapons and on Measures to Facilitate the Multilateral Convention on Banning Chemical Weapons, signed on June 1, 1990.

(2) The term ''Chemical Weapons Convention'' means 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.

(3) The term ''Cooperative Threat Reduction program'' means a program specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201: 110 Stat. 2731; 50 U.S.C. 2362 note).

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

THURMOND AMENDMENTS NOS. 608–609

(Ordered to lie on the table.)

Mr. THURMOND submitted two amendments intended to be proposed by him to the bill, S. 936, supra; as follows:

AMENDMENT NO. 608

At the end of subtitle B of title II, insert the following:

SEC. 220. F–22 AIRCRAFT PROGRAM.

Of the funds authorized to be appropriated under section 201(3), $1,651,000,000 is available for engineering manufacturing and development of the F–22 aircraft program.

AMENDMENT NO. 609

On page 37, line 9, strike out ''6,006'' and insert in lieu thereof ''6,206''.

On page 278, line 12, strike out ''under section 301(20) for fiscal year 1998''.

On page 365, between lines 18 and 19, insert the following:

SEC. 2206. INCREASE IN AUTHORIZATION FOR MILITARY CONSTRUCTION PROJECTS AT ROOSEVELT ROADS NAVAL STATION, PUERTO RICO.

(a) INCREASE.—The table in section 2201(b) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2767) is amended in the amount column of the item relating to Naval Station, Roosevelt Roads, Puerto Rico, by striking out ''$23,600,000'' and inserting in lieu thereof ''$24,100,000''.

(b) CONFORMING AMENDMENT.—Section 2204(b)(4) of such Act (110 Stat. 2770) is amended by striking out ''$14,100,000'' and inserting in lieu thereof ''$14,600,000''.

On page 400, after line 25, insert the following:

(d) AUTHORITY CONTINGENT ON APPROPRIATIONS ACTS.—The Secretary may exercise the authority under subsection (a) only to the extent and in the amounts provided in advance in appropriations Acts.

On page 409, line 23, insert '', to the extent provided in appropriations Acts,'' after ''shall''.

On page 417, line 23, strike out ''$1,265,481,000'' and insert in lieu thereof ''$1,266,021,000''.

On page 418, line 5, strike out ''$84,367,000'' and insert in lieu thereof ''$84,907,000''.

On page 419, line 17, strike out ''$2,173,000'' and insert in lieu thereof ''$2,713,000''.

On page 420, strike out lines 3 through 9.

On page 420, line 10, strike out ''(g)'' and insert in lieu thereof ''(f)''.

On page 421, line 10, strike out ''$54,000,000'' and insert in lieu thereof ''$35,000,000''.

On page 481, line 16, insert ''of the Supervisory Board of the'' before ''Commission''.

INOUYE AMENDMENT NO. 610

(Ordered to lie on the table.)

Mr. INOUYE submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

On page 366, in the table following line 5, insert after the item relating to Robins Air Force Base, Georgia, the following new item:

Hawaii	Bellows Air Force Station.	$5,232,000

On page 366, in the table following line 5, strike out ''$540,920,000'' in the amount column in the item relating to the total and insert in lieu thereof ''$542,152,000''.

On page 369, line 9, strike out ''$1,793,949,000'' and insert in lieu thereof ''$1,799,181,000''.

On page 369, line 13, strike out ''$540,920,000'' and insert in lieu thereof ''$546,152,000''.

KENNEDY AMENDMENTS NOS. 611–613

(Ordered to lie on the table.)

Mr. KENNEDY submitted three amendments to be proposed by him to the bill, S. 936, supra; as follows:

AMENDMENT NO. 611

In section 201(1), strike out ''$4,750,462,000'' and insert in lieu thereof ''$4,745,462,000''.

In section 201(4), in the matter preceding subparagraph (A), strike out ''$10,072,347,000'' and insert in lieu thereof ''$10,077,347,000''.

AMENDMENT NO. 612

Strike out section 824.

AMENDMENT NO. 613

On page 94, strike out line 22 and all that follows through page 95, line 8, and insert in lieu thereof the following:

''(c) EFFECT OF NOTIFICATION.—(1) Upon the submission of a copy of a notification to the President under subsection (a), the President shall take appropriate action to address the issues raised by the notification, including, if necessary, delaying the effective date of the administrative action covered with respect to the Department of Defense pending a decision on further action.

''(2) Not later than 30 days after receipt of the copy of a notification, the President shall notify the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives of all actions taken or proposed to be taken to address the issues raised by the notification or, if no action has been taken or is proposed to be taken, the reasons why no action is necessary.

BUMPERS AMENDMENTS NOS. 614–617

(Ordered to lie on the table.)

Mr. BUMPERS submitted four amendments intended to be proposed by him to the bill, S. 936, supra; as follows:

AMENDMENT NO. 614

At the appropriate place in the bill, add the following: ''of the amount authorized for O&M, Army National Guard, $6,854,000 shall be available for the operation of Fort Chaffee, Arkansas.''

AMENDMENT NO. 615

Strike from line 17 on page 32 through the end of page 34, and substitute the following: ''Of the funds authorized to the Air Force in this title, none shall be obligated or expended for the F–22 fighter program, other than necessary termination expenses.''

AMENDMENT NO. 616

Strike line 10 on page 317 through line 10 on page 322.

AMENDMENT NO. 617

Strike line 18 on page 45 through line 6 on page 46.

GLENN (AND OTHERS) AMENDMENT NO. 618

(Ordered to lie on the table.)

Mr. GLENN (for himself, Mr. THOMPSON, and Mr. COCHRAN) submitted an amendment intended to be proposed by them to the bill, S. 936, supra; as follows:

Strike out section 1040.

Mr. GLENN. Mr. President, section 1040 of the fiscal year 1998 DOD authorization bill (S. 936) amends title 31 of the United States Code to effectively prevent the General Accounting Office [GAO] from conducting self-initiated audits—work performed under GAO's inherent authority without a formal Member request—unless all congressional requests then-pending have been completed.

Since 1921, the Comptroller General has had broad authority to evaluate programs and investigate—on his own initiative—''all matters relating to the receipt, disbursement, and use of public money.'' Self-initiated authority has provided GAO the flexibility to pursue critical issues that auditors and investigators uncover in the course of their work. It is essential to the maintenance of generally accepted standards of independence and impartiality.

Title 31 is under the purview of the Governmental Affairs Committee [GAC], which has jurisdiction over GAO's organization, management, and authority. It represents a major policy shift in the role and operation of GAO, adopted without benefit of any hearings, legislative record, or prior consultation with GAC.

At GAC's June 17, 1997, reconciliation markup, Senators LEVIN, GLENN, THOMPSON, and DOMENICI discussed this provision and indicated their strong reservations. Following that markup, Chairman THOMPSON and Senator GLENN sent a letter to the chairman and ranking member of the Armed Services Committee [SASC] requesting a sequential referral of the bill for the purpose of reviewing this provision as contained in title X. We were unable to get the consent needed for such a referral.

GLENN AMENDMENTS NOS. 619–623

(Ordered to lie on the table.)

Mr. GLENN submitted five amendments intended to be proposed by him to the bill, S. 936, supra; as follows:

AMENDMENT NO. 619

On page 400, between lines 12 and 13, insert the following:

(e) LIMITATION ON CONVEYANCE AUTHORITY.—(1) The Secretary may not make the conveyance authorized by subsection (a) unless the Administrator of General Services determines that the property to be conveyed is surplus to the United States.

(2) The Administrator shall make the determination based on a screening of the property. The Administrator shall complete the screening not later than 30 days after the date of enactment of this Act.

AMENDMENT NO. 620

On page 402, between lines 16 and 17, insert the following:

(g) LIMITATION ON CONVEYANCE AUTHORITY.—(1) The Secretary may not make the conveyance authorized by subsection (a) unless the Administrator of General Services determines that the property to be conveyed is surplus to the United States.

(2) The Administrator shall make the determination based on a screening of the property. The Administrator shall complete the screening not later than 30 days after the date of enactment of this Act.

AMENDMENT NO. 621

On page 405, between lines 4 and 5, insert the following:

(e) LIMITATION ON CONVEYANCE AUTHORITY.—(1) The Secretary may not make the conveyance authorized by subsection (a) unless the Administrator of General Services determines that the property to be conveyed is surplus to the United States.

(2) The Administrator shall make the determination based on a screening of the property. The Administrator shall complete the screening not later than 30 days after the date of enactment of this Act.

AMENDMENT NO. 622

On page 406, between lines 16 and 17, insert the following:

(g) LIMITATION ON CONVEYANCE AUTHORITY.—(1) The Secretary may not make the conveyance authorized by subsection (a) unless the Administrator of General Services determines that the property to be conveyed is surplus to the United States.

(2) The Administrator shall make the determination based on a screening of the property. The Administrator shall complete the screening not later than 30 days after the date of enactment of this Act.

AMENDMENT NO. 623

On page 409, between lines 13 and 14, insert the following:

(g) LIMITATION ON CONVEYANCE AUTHORITY.—(1) The Secretary may not make the conveyance authorized by subsection (a) unless the Administrator of General Services determines that the property to be conveyed is surplus to the United States.

(2) The Administrator shall make the determination based on a screening of the property. The Administrator shall complete the screening not later than 30 days after the date of enactment of this Act.

ROBB AMENDMENT NO. 624

(Ordered to lie on the table.)

Mr. ROBB submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

At the end of subtitle E of title III, add the following:

SEC. 369. MULTITECHNOLOGY AUTOMATED READER CARD DEMONSTRATION PROGRAM.

(a) PROGRAM REQUIRED.—The Secretary of the Navy shall carry out a program to demonstrate expanded use of multitechnology automated reader cards throughout the Navy and the Marine Corps. The demonstration program shall include demonstration of the use of the so-called ''smartship'' technology of the ship-to-shore work load/off load program of the Navy.

(b) PERIOD OF PROGRAM.—The Secretary shall carry out the demonstration program for two years beginning not later than January 1, 1998.

(c) REPORT.—Not later than 90 days after termination of the demonstration program, the Secretary shall submit a report on the experience under the program to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives.

(d) FUNDING.—Of the total amount authorized to be appropriated under paragraphs (2) and (3) of section 301, $36,000,000 shall be available for the demonstration program under this section, of which $6,300,000 shall be available for demonstration of the use of the so-called ''smartship'' technology of the ship-to-shore work load/off load program of the Navy.

HELMS AMENDMENTS NOS. 625–626

(Ordered to lie on the table.)

Mr. HELMS submitted two amendments intended to be proposed by him to the bill, S. 936, supra; as follows:

AMENDMENT NO. 625

At the end of subtitle E of title X, add the following:

SEC. 1075. DONATION OF EXCESS ARMY CHAPEL PROPERTY TO CHURCHES DAMAGED OR DESTROYED BY ARSON OR OTHER ACTS OF TERRORISM.

(a) AUTHORITY.—Notwithstanding any other provision of law, the Secretary of the Army may donate property described in subsection (b) to an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is a religious organization in order to assist the organization in restoring or replacing property of the organization that has been damaged or destroyed as a result of an act of arson or terrorism, as determined pursuant to procedures prescribed by the Secretary.

(b) PROPERTY COVERED.—The property authorized to be donated under subsection (a) is furniture and other property that is in, or formerly in, chapels closed or being closed and is determined as being excess to the requirements of the Army. No real property may be donated under this section.

(c) DONEES NOT TO BE CHARGED.—No charge may be imposed by the Secretary on a donee of property under this section in connection with the donation. However, the donee shall defray any expense for shipping or other transportation of property donated under this section from the location of the property when donated to any other location.

AMENDMENT NO. 626

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

SEC. . LAND CONVEYANCE, FORT BRAGG, NORTH CAROLINA.

(a) CONVEYANCE AUTHORIZED.—Subject to the provisions of this section and notwithstanding any other law, the Secretary of the Army shall convey, without consideration, by fee simple absolute deed to Harnett County, North Carolina, all right, title, and interest of the United States of America in and to two parcels of land containing a total of 300 acres, more or less, located at Fort Bragg, North Carolina, together with any improvements thereon, for educational and economic development purposes.

(b) TERMS AND CONDITIONS.—The conveyance by the United States under this section shall be subject to the following conditions to protect the interests of the United States, including:

(1) the County shall pay all costs associated with the conveyance, authorized by this section, including but not limited to environmental analysis and documentation, survey costs and recording fees.

(2) not withstanding the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (42 U.S.C. 9601) et the Solid Waste Disposal Act, as amended (42 U.S.C. 6901 et seq.) or any other law, the County, and not the United States, shall be responsible for any environmental restoration or remediation required on the property conveyed and the United States shall be forever released and held harmless

from any obligation to conduct such restoration or remediation and any claims or causes of action stemming from such remediation.

(c) LEGAL DESCRIPTION OF REAL PROPERTY AND PAYMENT OF COSTS.—The exact acreage and legal description of the real property described in subsection (a) shall be determined by a survey, the costs of which the County shall bear.

THOMPSON AMENDMENT NO. 627

(Ordered to lie on the table.)

Mr. THOMPSON submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

At the end of subtitle B of title V, add the following:

SEC. 515. DETERMINATIONS OF AVAILABILITY OF FEDERAL-DISTRICT COURT JUDGES FOR MOBILIZATION AS MEMBERS OF RESERVE COMPONENTS.

(a) CASE-BY-CASE DETERMINATIONS.—Chapter 1007 of title 10, United States Code, is amended by adding at the end the following:

§ 10217. Screening Ready Reserve for members in key Federal positions: United States district court judges

''(a) CASE-BY-CASE DETERMINATIONS.—For purposes of screening members of the reserve components regarding whether the members are available for active duty immediately during a mobilization, war, or national emergency, or in response to an order of the President to augment active forces for an operational mission—

''(1) the position of judge of a district court of the United States may not automatically be considered as being a key Federal position; and

''(2) the procedures and criteria that are applicable generally for determinations of whether a member of a reserve component is in a key Federal position shall be applied in the determination of whether a member of a reserve component who is a judge of a district court of the United States is serving in a key Federal position.

''(b) KEY FEDERAL POSITION DEFINED.—In this section, the term 'key Federal position' means a Federal Government position that cannot be vacated during a national emergency or mobilization without seriously impairing the capability of the Federal agency or office concerned to function effectively.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

''10217. Screening Ready Reserve for members in key Federal positions: United States district court judges.''.

MURKOWSKI AMENDMENTS NOS. 628–630

(Ordered to lie on the table.)

Mr. MURKOWSKI submitted three amendments intended to be proposed by him to the bill, S. 936, supra; as follows:

AMENDMENT NO. 628

At an appropriate place in title III, insert the following:

SEC. . REPORT ON OPTIONS FOR THE DISPOSAL OF CHEMICAL WEAPONS AND AGENTS.

(a) REQUIREMENT.—Not later than March 15, 1998, the Secretary of Defense shall submit to Congress a report on the options available to the Department of Defense for the disposal of chemical weapons and agents in order to facilitate the disposal of such weapons and agents without the construction of additional chemical weapons disposal facilities in the continental United States.

(b) ELEMENTS.—The report shall include the following:

(1) a description of each option evaluated;

(2) an assessment of the lifecycle costs and risks associated with each option evaluated;

(3) a statement of any technical, regulatory, or other requirements or obstacles with respect to each option, including with respect to any transportation of weapons or agents that is required for the option;

(4) an assessment of incentives required for sites to accept munitions or agents from outside their own locales, as well as incentives to enable transportation of these items across state lines;

(5) an assessment of the cost savings that could be achieved through either the application of uniform federal transportation or safety requirements and any other initiatives consistent with the transportation and safe disposal of stockpile and nonstockpile chemical weapons and agents; and

(6) proposed legislative language necessary to implement options determined by the Secretary to be worthy of consideration by the Congress.

AMENDMENT NO. 629

On page 439, after line 3, add the following new subsection:

''(e) Notwithstanding the provisions of subsection (d), the Secretary is authorized to expend funds to perform surveillance and maintenance activities necessary to maintain the Fast Flux Test Facility at Hanford, Washington, in standby status and to conduct evaluations of technical, cost and safety issues related to potential uses for the Fast Flux Test Facility, including tritium production.''.

AMENDMENT NO. 630

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

''SEC. . TRITIUM PRODUCTION.

Section 91 of the Atomic Energy Act of 1954 (42 U.S.C. 2121) is amended by adding after subsection c. the following new subsection—

''d. In order to demonstrate the feasibility of the production of tritium for defense related requirements in facilities licensed under section 13 or 104 b., the Secretary of Energy may acquire by lease, purchase, or agreement with the owner or operator of a facility, facilities or services for such purposes. If the Secretary purchases a facility for production of tritium, the Secretary is a person for purposes of section 103 of this Act.''.

CRAIG AMENDMENT NO. 631

(Ordered to lie on the table.)

Mr. CRAIG submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

At the end of title XI, add the following:

SEC. 1107. GARNISHMENT AND INVOLUNTARY ALLOTMENT.

Section 5520a of title 5, United States Code, is amended—

(1) in subsection (j), by striking out paragraph (2) and inserting in lieu thereof the following:

''(2) Such regulations shall provide that an agency's administrative costs in executing a garnishment action may be added to the garnishment, and that the agency may retain costs recovered as offsetting collections.'';

(2) in subsection (k)—

(A) by striking out paragraph (3); and

(B) by redesignating paragraph (4) as paragraph (3); and

(3) by striking out subsection (l).

DOMENICI AMENDMENTS NOS. 632–633

(Ordered to lie on the table.)

Mr. DOMENICI submitted two amendments intended to be proposed by him to the bill, S. 936, supra; as follows:

AMENDMENT NO. 632

On page 30, line 12, Title II, Air Force research, development, test, and evaluation, strike ''$14,302,264,000'' and add ''$14,311,264,000.''

AMENDMENT NO. 633

At the end of title XXIII, add the following:

SEC. 2306 CONSTRUCTION OF MILITARY FAMILY HOUSING AT CANNON AIR FORCE BASE, NEW MEXICO.

Of the amount authorized to be appropriated in section 2304(a)(1), $8,900,000 shall be available for the construction of 147 units of military family housing at Cannon Air Force Base, New Mexico.

THURMOND AMENDMENTS NOS. 634–635

(Ordered to lie on the table.)

Mr. THURMOND submitted two amendments intended to be proposed by him to the bill. S. 936, supra; as follows:

AMENDMENT NO. 634

At the end of title VII, add the following:

SEC. 708. CHIROPRACTIC HEALTH CARE DEMONSTRATION PROGRAM.

(a) TWO-YEAR EXTENSION.—Subsection (b) of section 731 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2809; 10 U.S.C. 1092 note) is amended by striking out ''1997'' and inserting in lieu thereof ''1999''.

(b) EXPANSION TO AT LEAST THREE ADDITIONAL TREATMENT FACILITIES.—Subsection (a)(2) of such section is amended by striking out ''not less than 10'' and inserting in lieu thereof ''the National Naval Medical Center, the Walter Reed Army Medical Center, and not less than 11 other''

(c) REPORTS.—Subsection (c) of such section is amended—

(1) in paragraph (1), by striking out ''Committees on Armed Services of the Senate and'' and inserting in lieu thereof ''Committee on Armed Services of the Senate and the Committee on National Security of'';

(2) by redesignating paragraph (3) as paragraph (4);

(3) by inserting after paragraph (2) the following new paragraph (3):

''(3)(A) Not later than January 30, 1998, the Secretary of Defense shall submit to the committees referred to in paragraph (1) a report that identifies the additional treatment facilities designated to furnish chiropractic care under the program that were not so designated before the report required by paragraph (1) was prepared, together with the plan for the conduct of the program at the additional treatment facilities.

''(B) Not later than May 1, 1998, the Secretary of Defense shall modify the plan for evaluating the program submitted pursuant to paragraph (2) in order to provide for the evaluation of program at all of the designated treatment facilities, including the treatment facilities referred to in subparagraph (B).''; and

(4) in paragraph (4), as redesignated by paragraph (2), by striking out ''The Secretary'' and inserting in lieu thereof ''Not later than May 1, 2000, the Secretary''.

AMENDMENT NO. 635

At the end of subtitle C of title V, add the following:

SEC. 525. ACTIVE DUTY ASSIGNMENT SELECTION PROCEDURES FOR GRADUATES OF SENIOR MILITARY COLLEGES.

(a) AUTHORITY.—Chapter 103 of title 10, United States Code, is amended by adding at the end the following:

"§ 2111b. Senior military colleges: active duty assignments for graduating members of the program

''(a) INITIAL APPROVAL AUTHORITY.—Upon the request of a graduating member of the program at a senior military college who is to be commissioned as an officer in the Army, the commander of the Reserve Officers' Training Corps Cadet Command of the Army may approve the member to be ordered to active duty for a period of more than 30 days.

''(b) PROCESSING OF REQUESTS.—(1) The senior commissioned officer for the Reserve Officers' Training Corps unit of a member of the program requesting orders to active duty under this section shall review the member's personnel and academic records and forward the member's request, together with a recommendation for approval or disapproval of the request, to the commander of the Reserve Officers' Training Corps Cadet Command.

''(2) The commander of the Reserve Officers' Training Corps Cadet Command shall personally review the personnel and academic records of any member of the program submitting a request for active duty under this section.

''(3) The commander of the Reserve Officers' Training Corps Cadet Command shall forward each request of a member of the program for orders to active duty under this section, together with the member's personnel and academic records, to the selection and branching board of the Army, without regard to whether the commander approved or disapproved the request.

''(c) ACTION AT DEPARTMENT OF THE ARMY STAFF LEVEL.—The selection and branching board of the Army shall—

''(1) review the personnel and academic records of each member of the program requesting orders for active duty for more than 30 days under this section;

''(2) designate a branch assignment for the member; and

''(3) in the case of a member whose request for orders to active duty under this section has been disapproved by the commander of the Reserve Officers' Training Corps Cadet Command, review the request and either—

''(A) approve the member to be ordered to active duty for a period of more than 30 days, notwithstanding the action of the commander of the Reserve Officers' Training Corps Cadet Command; or

''(B) designate the member for other duty in a reserve component.

''(d) FAIR TREATMENT FOR GRADUATES OF OTHER SCHOOLS.—The Secretary of the Army shall ensure that members of the program graduating from schools other than senior military colleges are afforded an opportunity for selection for active duty assignments that is not less than the opportunity that was afforded before October 1, 1997, to persons who graduated as members of the program from schools other than senior military colleges before that date.

''(e) SENIOR MILITARY COLLEGE DEFINED.—In this section, the term 'senior military college' means a college named in section 2111a(d) of this title.''.

(b) STYLISTIC CONFORMING AMENDMENT.—The heading of section 2111a is amended to read as follows:

"§ 2111a. Senior military colleges: detail of officers".

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking out the item relating to section 2111a and inserting in lieu thereof the following:

''2111a. Senior military colleges: detail of officers.''.

''2111b. Senior military colleges: active duty assignments for graduating members of the program.''.

BOXER (AND OTHERS) AMENDMENT NO. 636

(Ordered to lie on the table.)

Mrs. BOXER (for herself, Mr. GRASSLEY, and Mr. HARKIN) submitted an amendment intended to be proposed by them to the bill, S. 936, supra; as follows:

Strike out section 804, and insert in lieu thereof the following:

SEC. 804. REIMBURSEMENT FOR EXCESSIVE COMPENSATION OF DEFENSE CONTRACTOR PERSONNEL PROHIBITED.

(a) EXCESSIVE COMPENSATION AS NOT ALLOWABLE AS CONTRACT COSTS.—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 paid with respect to the services of any one individual, to the extent that the total amount of the compensation paid in fiscal year exceeds the rate of pay provided by law for the President.''.

(b) DEFINITIONS.—subseciton (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.

(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 paid with respect to the services of any one individual, to the extent that the total amount of the compensation paid in a fiscal year exceeds the rate of pay provided by law for the President.''.

(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.

(c) 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)).

BOXER AMENDMENTS NOS. 637–638

(Ordered to lie on the table.)

Mrs. BOXER submitted two amendments intended to be proposed by her to the bill, S. 936, supra; as follows:

AMENDMENT NO. 637

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

SEC. . COMPLIANCE WITH REGULATIONS RELATING TO LOCAL PREFERENCE IN HIRING.

The Secretary of Defense shall require any business concern submitting an application to the Secretary for a contract for the performance of services at a military installation that is affected by closure or realignment under a base closure law to submit, as part of the application, a description of how the business concern (if awarded the contract) would meet the requirements of DFARS regulations subpart 226,71, governing local preference in hiring.

AMENDMENT NO. 638

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

Of the funds authorized to be appropriated by this Act to the Department of Energy, $3,500,000 are authorized to be appropriated for fiscal year 1998, and $3,800,000 are authorized to be appropriated for fiscal year 1999, for improvement to Greenville Road in Livermore, California.

LAUTENBERG AMENDMENTS NOS. 639–640

(Ordered to lie on the table.)

Mr. LAUTENBERG submitted two amendments intended to be proposed by him to the bill, S. 936, supra; as follows:

AMENDMENT NO. 639

At the end of subtitle B of title XXVIII, add the following:

SEC. 2819. LAND CONVEYANCE, PERTH AMBOY NAVAL RESERVE CENTER, PERTH AMBOY, NEW JERSEY.

(a) CONVEYANCE AUTHORIZED.—(1) The Secretary of the Navy may convey, without consideration, to the City of Perth Amboy, New Jersey (in this section referred to as the ''City''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 3 acres and located in Perth Amboy, New Jersey, the site of the Perth Amboy Naval Reserve Center. The purpose of the conveyance is to facilitate the economic development activities of the City.

(2) The real property referred to in paragraph (1) may, at the election of the Secretary, exclude a traffic monitoring tower located on the property.

(b) CONDITION OF CONVEYANCE.—The conveyance authorized by subsection (a) shall be subject to the condition that the City accept the conveyed property subject to such easements and rights of way in favor of the United States as the Secretary considers appropriate, including easements to provide access to the traffic monitoring tower described in paragraph (2) of that subsection.

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

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

AMENDMENT NO. 640

At the end of subtitle B of title XXVIII, add the following:

SEC. 2819. LAND CONVEYANCE, NIKE BATTERY 80 FAMILY HOUSING SITE, EAST HANOVER TOWNSHIP, NEW JERSEY.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Township Council of East Hanover, New Jersey (in this section referred to as the ''Council''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 13.88 acres and located near the unincorporated area of Hanover Neck in East Hanover Township, New Jersey, north of the Town of Florham Park, New Jersey, the Nike Battery 80 Family Housing Site. The purpose of the conveyance is to assist the Council in implementing a plan to develop the site for low-income and moderate-income housing, senior housing, and a park.

(b) DESCRIPTION OF THE 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 Council.

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

BAUCUS AMENDMENT NO. 641

(Ordered to lie on the table.)

Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

On page 409, between lines 13 and 14, insert the following:

SEC. 2819. LAND CONVEYANCE, HAVRE AIR FORCE STATION, MONTANA, AND HAVRE TRAINING SITE, MONTANA.

(a) CONVEYANCE AUTHORIZED.—(1) The Secretary of the Air Force may convey, without consideration, to the Bear Paw Development Corporation, Havre, Montana (in this section referred to as the ''Corporation''), all, right, title, and interest of the United States in and to the real property described in paragraph (2).

(2) The authority in paragraph (1) applies to the following real property:

(A) A parcel of real property, including any improvements thereon, consisting of approximately 85 acres and comprising the Havre Air Force Station, Montana.

(B) A parcel of real property, including any improvements thereon, consisting of approximately 9 acres and comprising the Havre Training Site, Montana.

(b) CONDITIONS OF CONVEYANCE.—The conveyance authorized by subsection (a) shall be subject to the following conditions:

(1) That the Corporation—

(A) convey to the Box Elder School District 13G, Montana, 10 single-family homes located on the property to be conveyed under that subsection as jointly agreed upon by the Corporation and the school district; and

(B) grant the school district access to the property for purposes of removing such homes from the property.

(2) That the Corporation—

(A) convey to the Hays/Lodgepole School District 50, Montana—

(i) 27 single-family homes located on the property to be conveyed under that subsection as jointly agreed upon by the Corporation and the school district; and

(ii) one duplex housing unit located on the property; and

(B) grant the school district access to the property for purposes of removing such homes and the housing unit from the property.

(c) DESCRIPTION OF PROPERTY.—The exact acreages and legal description of the parcels of property conveyed under subsection (a) shall be determined by surveys satisfactory to the Secretary. The cost of the surveys shall be borne by the Corporation.

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

FAIRCLOTH AMENDMENT NO. 642

(Ordered to lie on the table.)

Mr. FAIRCLOTH submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

On page 366, in the table following line 5, strike out ''$8,356,000'' in the amount column in the item relating to Pope Air Force Base, North Carolina, and insert in lieu ''$13,365,000''.

On page 336, in the table following line 5, strike out ''$540,920,000'' in the amount column in the item relating to the total and insert in lieu thereof ''$545,920,000''.

On page 367, in the table following line 7, strike out ''$29,100,000'' in the amount column in the item relating Classified Location, Overseas Classified, and insert in lieu thereof ''$24,100,000''.

On page 367, in the table following line 7, strike out ''$89,345,000'' in the amount column in the item relating to the total and insert in lieu thereof ''$84,345,000''.

On page 369, line 13, strike out ''$540,920,000'' and insert in lieu thereof ''$545,920,000''.

On page 369, line 16, strike out ''$89,345,000'' and insert in lieu thereof ''$84,920,000''.

KEMPTHORNE AMENDMENTS NOS. 643–644

(Ordered to lie on the table.)

Mr. KEMPTHORNE submitted two amendments intended to be proposed by him to the bill, S. 936, supra; as follows:

AMENDMENT NO. 643

At the end of subtitle D of title V, add the following:

SEC. 235. TRUE LOCK SAFETY RETAINING SYSTEM FOR MILITARY VEHICLES.

(a) TESTING REQUIRED.—The Secretary of the Army shall test the use of the safety retaining system known as the true lock safety retaining system for use on active and reserve component vehicles.

(b) REPORT.—Not later than March 31, 1998, the Secretary 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 results of the testing required under subsection (a). The report shall include the following:

(1) An analysis of the costs and benefits of installing the true lock safety retaining system on active and reserve component vehicles of the Army.

(2) A comparison of the true lock safety retaining system with the safety retaining system or systems in use on Army vehicles.

(3) Any savings and enhanced reliability that can be derived from the installation of the true lock safety retaining system on active and reserve component vehicles of the Army.

AMENDMENT NO. 644

At the end of subtitle D of title V, add the following:

SEC. 535. RETROACTIVITY OF MEDAL OF HONOR SPECIAL PENSION.

(a) ENTITLEMENT.—In the case of Vernon J. Baker, Edward A. Carter, Junior, and Charles L. Thomas, who were awarded the Medal of Honor pursuant to section 561 of Public Law 104–201 (110 Stat. 2529) and whose names have been entered and recorded on the Army, Navy, Air Force, and Coast Guard Medal of Honor Roll, the entitlement of those persons to the special pension provided under section 1562 of title 38, United States Code (and antecedent provisions of law), shall be effective as follows:

(1) In the case of Vernon J. Baker, for months that begin after April 1945.

(2) In the case of Edward A. Carter, Junior, for months that begin after March 1945.

(3) In the case of Charles L. Thomas, for months that begin after December 1944.

(b) AMOUNT.—The amount of the special pension payable under subsection (a) for a month beginning before the date of the enactment of this Act shall be the amount of the special pension provided by law for that month for persons entered and recorded on the Army, Navy, Air Force, and Coast Guard Medal of Honor Roll (or an antecedent Medal of Honor Roll required by law).

(c) PAYMENT TO NEXT OF KIN.—In the case of a person referred to in subsection (a) who died before receiving full payment of the pension pursuant to this section, the Secretary of Veterans Affairs shall pay the total amount of the accrued pension, upon receipt of application for payment within one year after the date of the enactment of this Act, to the deceased person's spouse or, if there is no surviving spouse, then to the deceased person's children, per stirpes, in equal shares.

GORTON AMENDMENTS NOS. 645–646

(Ordered to lie on the table.)

Mr. GORTON submitted two amendments intended to be proposed by him to the bill, S. 936, supra; as follows:

AMENDMENT NO. 645

Page 217, after line 15, insert the following new subtitle heading:

Subtitle A—Health Care Services

Page 226, after line 2, insert the following new subtitle:

Subtitle B—Uniformed Services Treatment Facilities

SEC. 711. IMPLEMENTATION OF DESIGNATED PROVIDER AGREEMENTS FOR UNIFORMED SERVICES TREATMENT FACILITIES.

(a) COMMENCEMENT OF HEALTH CARE SERVICES UNDER AGREEMENT.—Subsection (c) of section 722 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201, 10 U.S.C. 1073 note) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B);

(2) by inserting ''(1)'' before ''Unless''; and

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

''(2) The Secretary may modify the effective date established under paragraph (1) for an agreement to permit a transition period of not more than six months between the date on which the agreement is executed by the parties and the date on which the designated provider commences the delivery of health care services under the agreement.''.

(b) TEMPORARY CONTINUATION OF EXISTING PARTICIPATION AGREEMENTS.—Subsection (d) of such section is amended by inserting before the period at the end the following: '', including any transitional period provided by the Secretary under paragraph (2) of such subsection''.

(c) ARBITRATION.—Subsection (c) of such section is further amended by adding at the end the following new paragraph:

''(3) In the case of a designated provider whose service area has a managed care support contract implemented under the TRICARE program as of September 23, 1996, the Secretary and the designated provider shall submit to binding arbitration if the agreement has not been executed by October 1, 1997. The arbitrator, mutually agreed upon by the Secretary and the designated provider, shall be selected from the American Arbitration Association. The arbitrator shall develop an agreement that shall be executed by the Secretary and the designated provider by January 1, 1998. Notwithstanding paragraph (1), the effective date for such agreement shall be not more than six months after the date on which the agreement is executed.''.

(d) CONTRACTING OUT OF PRIMARY CARE SERVICES.—Subsection (f)(2) of such section is amended by inserting at the end the following new sentence: ''Such limitation on contracting our primary care services shall only apply to contracting out to a health maintenance organization, or to a licensed insurer that is not controlled directly or indirectly by the designated provider, except in the case of primary care contracts between a designated provider and a contractor in force as of September 23, 1996. Subject to the overall enrollment restriction under section 724 and limited to the historical service area of the designated provider, professional service agreements or independent contractor agreements with primary care physicians or groups of primary care physicians, however organized, and employment agreements with such physicians shall not be considered to be the type of contracts that are subject to the limitation of this subsection, so long as the designated provider itself remains at risk under its agreement with the Secretary in the provision of services by any such contract physicians or groups of physicians.''.

(e) UNIFORM BENEFIT.—Section 723(b) of the National Defense Authorization Act for Fiscal Year 1997 (PL 104–201, 10 U.S.C. 1073 note) is amended—

(1) in subsection (1), by inserting before the period at the end the following: '', subject to any modification to the effective date the Secretary may provide pursuant to section 722(c)(2)'', and

(2) in subsection (2), by inserting the period at the end the following: '', or the effective date of agreements negotiated pursuant to section 722(c)(3)''.

SEC. 712. LIMITATION ON TOTAL PAYMENTS.

Section 726(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201, 10 U.S.C. 1073 note) is amended by adding at the end the following new sentence: ''In establishing the ceiling rate for enrollees with the designated providers who are also eligible for the Civilian Health and Medical Program of the Uniformed Services, the Secretary of Defense shall take into account the health status of the enrollees.''.

SEC. 713. CONTINUED ACQUISITION OF REDUCED-COST DRUGS.

Section 722 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 10 U.S.C. 1073 note) is amended by adding at the end the following new subsection:

''(g) CONTINUED ACQUISITION OF REDUCED-COST DRUGS.—A designated provider shall be treated as part of the Department of Defense for purposes of section 8126 of title 38, United States Code, in connection with the provision by the designated provider of health care services to covered beneficiaries pursuant to the participation agreement of the designated provider under section 718(c) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 42 U.S.C. 248c note) or pursuant to the agreement entered into under subsection (b).''.

AMENDMENT NO. 646

On page 226, between lines 2 and 3, insert the following:

SEC. 708. TRANSITION OF UNIFORMED SERVICES TREATMENT FACILITIES TO DESIGNATED PROVIDERS WITHIN THE UNIFORMED SERVICES HEALTH CARE DELIVERY SYSTEM.

(a) DESIGNATED PROVIDER AGREEMENTS.—(1) Subsection (c) of section 722 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 10 U.S.C. 1073 note) is amended—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(B) by striking out ''Unless an earlier effective date is agreed upon by the Secretary and the designated provider'' and inserting in lieu thereof ''(1) Unless an earlier effective date is agreed upon by the Secretary and the designated provider or a later effective date is established pursuant to paragraph (2)''; and

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

''(2) The Secretary may establish the effective date for an agreement as being a date later than that otherwise provided under paragraph (1) in order to provide a transition period of not more than six months between the date on which the agreement is entered into by the Secretary and a designated provider and the date on which the designated provider commences the delivery of health care services under the agreement.''.

(2)(A) Subsection (b) of such section is amended—

(i) by redesignating paragraph (3) as paragraph (4); and

(ii) by inserting after paragraph (2) the following new paragraph (3):

''(3)(A) If the Secretary and a designated provider described in subparagraph (B) do not enter into an agreement under this section before October 1, 1997, an arbitrator shall establish the terms and conditions of the agreement. The arbitrator shall complete the agreement in time for the Secretary and the designated provider to execute the agreement before January 1, 1998, and the Secretary and the designated provider shall execute the agreement before that date.

''(B) The designated provider referred to in subparagraph (A) is a designated provider whose service area has a managed care support contract implemented under the TRICARE program as of September 23, 1996.

''(C) The arbitrator, mutually agreed upon by the Secretary and the designated provider, shall be selected from among the persons on a list of arbitrators provided by the American Arbitration Association.''.

(B) Subsection (c) of such section, as amended by paragraph (1), is further amended by adding at the end the following:

''(3) Notwithstanding paragraphs (1) and (2), the effective date of an agreement arbitrated under subsection (b)(3) shall be the date provided in the agreement, which shall be a date that is not more than six months after the date on which the agreement is executed.''.

(3) Such section is further amended—

(A) in subsection (f)—

(i) by striking out ''(1)'' in paragraph (1); and

(ii) by striking out paragraph (2); and

(B) by adding at the end the following:

''(g) LIMITATION ON CONTRACTING OUT PRIMARY CARE.—(1) Except as provided in paragraphs (2) and (3), a designated provider may not, without the approval of the Secretary, contract out more than five percent of its primary care enrollment to a health maintenance organization, or to a licensed insurer, that is not controlled directly or indirectly by the designated provider.

''(2) The limitation in paragraph (1) does not apply to any contract between a designated provider and a contractor that was in force as of September 23, 1996.

''(3)(A) Subject to the overall enrollment restriction under section 724, the limitation in paragraph (1) does not apply with respect to primary care services provided for a designated provider within the historical service area of the designated provider under any agreement described in subparagraph (B) if the designated provider remains at risk under its agreement with the Secretary for the provision of services under the described agreement.

''(B) An agreement referred to in subparagraph (A) is any of the following agreements of the designated provider:

''(i) A professional service agreement, or independent contractor agreement, with one or more primary care physicians or groups of primary care physicians (however organized).

''(ii) Any employment agreement with a primary care physician.''.

(b) PROVISION OF UNIFORM BENEFIT.—Section 723(b) of the National Defense Authorization Act for Fiscal Year 1997 is amended by adding at the end the following:

''(3) The effective date of an agreement entered into with the Secretary under section 722 (if different than the dates referred to in paragraphs (1) and (2)).''.

(c) CONSIDERATION OF HEALTH STATUS OF CHAMPUS ELIGIBLE ENROLLEES FOR LIMITATION ON TOTAL PAYMENTS.—(1) Section 726(b) of such Act is amended by adding at the end the following new sentence: ''In determining the cost that would have been incurred for enrollees who are also eligible for care under the Civilian Health and Medical Program of the Uniformed Services, the Secretary of Defense shall take into account the health status of the enrollees.''.

(2) Section 721 of such Act is amended by adding at the end the following:

''(10) The term 'Civilian Health and Medical Program of the Uniformed Services' has the meaning given such term in section 1072(4) of title 10, United States Code.''.

(d) CONTINUED ACQUISITION OF REDUCED-COST DRUGS.—Section 722 of such Act, as amended by subsection (a)(3), is further amended by adding at the end the following new subsection:

''(h) CONTINUED ACQUISITION OF REDUCED-COST DRUGS.—A designated provider shall be treated as part of the Department of Defense for purposes of section 8126 of title 38, United States Code, in connection with the provision by the designated provider of health care services to covered beneficiaries pursuant to either of the following agreements of the designated provider:

''(1) An agreement entered into under subsection (b).

''(2) A participation agreement extended under subsection (d).''.

BINGAMAN AMENDMENTS NOS. 647–654

(Ordered to lie on the table.)

Mr. BINGAMAN submitted eight amendments intended to be proposed by him to the bill, S. 936, supra; as follows:

AMENDMENT NO. 647

On page 458, between lines 3 and 4, insert the following:

SEC. 3159. PARTICIPATION OF NATIONAL SECURITY ACTIVITIES IN HISPANIC OUTREACH INITIATIVE OF THE DEPARTMENT OF ENERGY.

The Secretary of Energy shall take appropriate actions, including the allocation of funds, to ensure the participation of the national security activities of the Department

of Energy in the Hispanic Outreach Initiative of the Department of Energy.

AMENDMENT NO. 648

On page 306, between lines 4 and 5, insert the following:

SEC. 1041. REPORT ON POLICIES AND PROGRAMS TO PROMOTE HEALTHY LIFESTYLES AMONG MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS.

(a) REPORT.—Not later than March 30, 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 effectiveness of the policies and programs of the Department of Defense intended to promote healthy lifestyles among members of the Armed Forces and their dependents.

(b) COVERED POLICIES AND PROGRAMS.—The report under subsection (a) shall address the following:

(1) Programs intended to educate members of the Armed Forces and their dependents about the potential health consequences of the use of alcohol and tobacco.

(2) Policies of the commissaries, post exchanges, service clubs, and entertainment activities relating to the sale and use of alcohol and tobacco.

(3) Programs intended to provide support to members of the Armed Forces and dependents who elect to reduce or eliminate their use of alcohol or tobacco.

(4) Any other policies or programs intended to promote healthy lifestyles among members of the Armed Forces and their dependents.

AMENDMENT NO. 649

At the end of subtitle C of title V, add the following:

SEC. . FLEXIBILITY IN MANAGEMENT OF JUNIOR RESERVE OFFICERS' TRAINING CORPS.

(a) AUTHORITY OF THE SECRETARY OF DEFENSE.—Chapter 102 of title 10, United States Code, is amended by adding at the end the following:

"§ 2032. Responsibility of the Secretary of Defense

"(a) COORDINATION BY SECRETARY OF DEFENSE.—The Secretary of Defense shall coordinate the establishment and maintenance of Junior Reserve Officers' Training Corps units by the Secretaries of the military departments in order to maximize enrollment in the Corps and to enhance administrative efficiency in the management of the Corps. The Secretary may impose such requirements regarding establishment of units and transfer of existing units as the Secretary considers necessary to achieve the objectives set forth in the preceding sentence.

"(b) CONSIDERATION OF NEW SCHOOL OPENINGS AND CONSOLIDATIONS.—In carrying out subsection (a), the Secretary shall take into consideration openings of new schools, consolidations of schools, and the desirability of continuing the opportunity for participation in the Corps by participants whose continued participation would otherwise be adversely affected by new school openings and consolidations of schools.

"(c) FUNDING.—If amounts available for the Junior Reserve Officers' Training Corps are insufficient for taking actions considered necessary by the Secretary under subsection (a), the Secretary shall seek additional funding for units from the local educational administration agencies concerned.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

"2032. Responsibility of the Secretary of Defense.".

AMENDMENT NO. 650

At the end of title VII, add the following:

SEC. 708. AUTHORITY FOR AGREEMENT FOR USE OF MEDICAL RESOURCE FACILITY, ALAMAGORDO, NEW MEXICO.

(a) AUTHORITY.—The Secretary of the Air Force may enter into an agreement with Gerald Champion Hospital, Alamagordo, New Mexico (in this section referred to as the "Hospital"), providing for the Secretary to furnish health care services to eligible individuals in a medical resource facility in Alamagordo, New Mexico, that is constructed, in part, using funds provided by the Secretary under the agreement.

(b) CONTENT OF AGREEMENT.—Any agreement entered into under subsection (a) shall, at a minimum, specify the following:

(1) The relationship between the Hospital and the Secretary in the provision of health care services to eligible individuals in the facility, including—

(A) whether or not the Secretary and the Hospital is to use and administer the facility jointly or independently; and

(B) under what circumstances the Hospital is to act as a provider of health care services under the TRICARE managed care program.

(2) Matters relating to the administration of the agreement, including—

(A) the duration of the agreement;

(B) the rights and obligations of the Secretary and the Hospital under the agreement, including any contracting or grievance procedures applicable under the agreement;

(C) the types of care to be provided to eligible individuals under the agreement, including the cost to the Department of the Air Force of providing the care to eligible individuals during the term of the agreement;

(D) the access of Air Force medical personnel to the facility under the agreement;

(E) the rights and responsibilities of the Secretary and the Hospital upon termination of the agreement; and

(F) any other matters jointly identified by the Secretary and the Hospital.

(3) The amount of the funds available under subsection (c) that the Secretary is to contribute for the construction of the facility.

(4) Any conditions or restrictions relating to the construction or use of the facility.

(c) AVAILABILITY OF FUNDS FOR CONSTRUCTION.—Of the amount authorized to be appropriated by section 301(21), not more than $7,000,000 shall be available for the contribution of the Secretary referred to in subsection (b)(3) to the construction of the facility described in subsection (a).

(d) NOTICE AND WAIT.—The Secretary may not enter into the agreement authorized by subsection (a) until 90 days after the Secretary submits to the congressional defense committees a report describing the agreement. The report shall set forth the memorandum of agreement under subsection (b), information regarding the long-term costs and benefits of the agreement, and such other information with respect to the agreement as the Secretary considers appropriate.

(e) ELIGIBLE INDIVIDUAL DEFINED.—In this section, the term "eligible individual" means any individual eligible for medical and dental care under chapter 55 of title 10, United States Code, including any individual entitled to such care under section 1074(a) of that title.

AMENDMENT NO. 651

On page 425, line 12, strike "$2,000,000" and insert "$5,000,000".

AMENDMENT NO. 652

At the end of subtitle A of title X, add the following:

SEC. 1009. INCREASED AMOUNTS FOR CHEMICAL AND BIOLOGICAL DEFENSE COUNTERPROLIFERATION PROGRAMS.

(a) INCREASES.—Notwithstanding any other provision of this Act—

(1) the amount authorized to be appropriated under section 104 for chemical and biological defense counterproliferation programs is hereby increased by $67,000,000;

(2) the amount authorized to be appropriated under section 201(4) for chemical and biological defense counterproliferation programs is hereby increased by $36,000,000; and

(3) the amount authorized under section 301(5) is hereby increased by $15,000,000.

(b) DECREASE.—Notwithstanding any other provision of this Act, the total amount authorized to be appropriated under section 201(4) for the Space-Based Laser program is hereby decreased by $118,000,000.

AMENDMENT NO. 653

At the end of subtitle A of title X, add the following:

SEC. 1009. INCREASED AMOUNTS FOR CHEMICAL AND BIOLOGICAL DEFENSE COUNTERPROLIFERATION PROGRAMS.

(a) INCREASE.—Notwithstanding any other provision of this Act, the total amount authorized to be appropriated under titles I, II, and III for chemical and biological defense counterproliferation programs is hereby increased by $118,000,000.

(b) DECREASE.—Notwithstanding any other provision of this Act, the total amount authorized to be appropriated under section 201(4) for the Space-Based Laser program is hereby decreased by $118,000,000.

AMENDMENT NO. 654

On page 306, between lines 4 and 5, insert the following:

SEC. 1041. REPORT ON HELSINKI JOINT STATEMENT.

(a) REQUIREMENT.—Not later than March 31, 1998, the President shall submit to the congressional defense committees a report on the Helsinki joint statement. The report shall include the following:

(1) A description of the options available to the United States to meet the objective of between 2,000 and 2,500 strategic nuclear warheads as contemplated under a potential third agreement between the United States and the Russian Federation on reductions and limitations of strategic offensive arms.

(2) An assessment of the military and budgetary consequences of each such option.

(3) An assessment of the mechanisms available to verify compliance with each such option.

(4) A description and assessment of the options available to deactivate the strategic nuclear warhead delivery systems that are required to be deactivated by December 31, 2003, under the START II Treaty, including mechanisms to ensure the verification of such deactivation and to ensure the reversibility of such deactivation.

(5) A description and assessment of the options available to limit the numbers of long-range sea-launched nuclear cruise missiles and the numbers of tactical nuclear weapons.

(6) A description and assessment of the options available to monitor and verify reductions in inventories of strategic nuclear weapons, tactical nuclear weapons, and related nuclear materials.

(b) DEFINITIONS.—In this section:

(1) The term "Helsinki Joint Statement" means the agreements between the President of the United States and the President of the Russian Federation as contained in the Joint Statement on Parameters on Future Reductions in Nuclear Forces issued at Helsinki in March 1997.

(2) The term ''START II Treaty'' means the Treaty Between the United States of America and the Russian Federation on Further Reduction and Limitation on Strategic Offensive Arms, signed at Moscow on January 3, 1993, including any protocols and memoranda of understanding associated with the treaty.

CONRAD AMENDMENTS NOS. 655–656

(Ordered to lie on the table.)

Mr. CONRAD submitted two amendments intended to be proposed by him to the bill, S. 936, supra; as follows:

AMENDMENT NO. 655

At the end of subtitle E of title I, add the following:

SEC. 144. AIR FORCE AIRCRAFT ENGINE MODERNIZATION DEMONSTRATION PROGRAM.

(a) ENGINE REPLACEMENT PROGRAM.—(1) The Secretary of the Air Force may carry out a program to demonstrate the replacement of existing engines on Air Force aircraft in active service with commercial aircraft engines. Under the program, the Secretary shall replace the engines on B–52H aircraft with engines that are commercial items described in section 4(12)(A) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)(A)).

(2) An engine modernization demonstration program carried out under this section may include (in addition to other elements) any or all of the following elements:

(A) Integration of replacement engines and related equipment into existing aircraft and testing of the integrated engines and related equipment.

(B) Fabrication and installation of the replacement engines and related equipment.

(C) Acquisition of the replacement engines and related equipment by means of leasing under commercial terms and conditions, including commercial terms and conditions pertaining to indemnification.

(D) Acquisition of the logistical support for the replacement engines and related equipment.

(b) MULTIPLE CONTRACTS AUTHORIZED.—The Secretary may enter into more than one contract for the purposes of subsection (a).

(c) LEASE TERMS AND CONDITIONS.—(1) A contract for the lease of aircraft engines and related equipment under this section may be for a period not to exceed 30 years.

(2) Any contract for the lease of aircraft engines and related equipment under this section may provide for the termination liability of the United States under the contract. Any such termination liability shall be subject to a limitation in the contract that any obligation of the United States to pay the termination liability is subject to the availability of funds specifically appropriated for that purpose pursuant to an authorization of appropriations specifically for that purpose.

(3)(A) Any contract for the lease of aircraft engines and related equipment entered into under this section may provide for the United States to indemnify the lessor for any covered loss (except as provided in subparagraph (C)).

(B) A covered loss under this paragraph may, to the extent provided in the contract, include any loss, injury, or damage to the lessor, any employee of the lessor, or any third party, or to any property of the lessor or a third party, that arises out of, or is related to, the lease.

(C) Any such requirement for indemnification shall be subject to a limitation in the contract that any obligation of the United States to pay such indemnification is subject to the availability of funds specifically appropriated for that purpose pursuant to an authorization of appropriations specifically for that purpose.

(D) The United States shall not be required to indemnify a lessor, and a contract under this section may not obligate the United States to indemnify a lessor, for a loss, injury, or damage that is caused by willful misconduct of managerial personnel of the lessor or of the engine supplier.

(d) SOURCE OF FUNDS.—Notwithstanding any other provision of law (including any law regarding fiscal year limitations), payments under any such contract for a fiscal year may be made from funds appropriated for the Air Force for that fiscal year for operations and maintenance.

(e) WAIVER OF CERTAIN PROVISIONS OF LAW.—The Secretary of the Air Force may enter into contracts and incur obligations under this section without regard to the following provisions of law:

(1) The limitations on making and authorizing an obligation and involving the United States in a contract or obligation that are set forth in section 1341 of title 31, United States Code.

(2) The limitations on accepting voluntary services and employing personal services that are set forth in section 1342 of such title.

(3) The limitations on availability of funds that are set forth in section 1502 of such title.

(4) Any apportionment or other division of appropriations, any other administrative restriction, and any reporting requirement that, but for this paragraph, would otherwise apply to the contract or obligation under subchapter II of chapter 15 of such title.

(5) The limitations on contracting and purchasing that are set forth in section 3732(a) of the Revised Statutes (41 U.S.C. 11(a)).

(f) BUDGETARY TREATMENT OF LEASES.—(1) The Secretary of Defense, the Secretary of the Air Force, and the Director of the Office of Management and Budget shall treat a contract for a lease entered into pursuant to this section as an operating lease for all purposes of the Federal budget without regard to any provision of law relating to the Federal budget, including part C of title II of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.) and any regulation or directive (including any directive of the Office of Management and Budget) issued thereunder.

(2) The Secretary may enter into contracts under this section only to the extent, and in the amount, specifically provided in an Act enacted after the date of the enactment of this Act. A provision in an Act enacted after the date of the enactment of this Act that provides specific authority to enter into a contract under this section, subject to a specific maximum dollar amount, shall not be considered to be budget authority for any purpose, and appropriations provided in annual appropriations Acts for payments of United States obligations under such a contract as those payments become due shall be considered to be budget authority.

(g) PRIOR CONGRESSIONAL NOTIFICATION.—Before entering into a contract under this section, the Secretary shall notify the congressional defense committees and the Committees on the Budget of the Senate and House of Representatives of the Secretary's intent to enter into the contract and certify to those committees that such contract is in the national interest. The contract may then be entered into only after the end of the 30-day period beginning on the date of such notification and certification.

AMENDMENT NO. 656

At the end of title X, add the following:

SEC. . CLAIMS BY MEMBERS OF THE ARMED FORCES FOR LOSS OF PERSONAL PROPERTY DUE TO FLOODING IN THE RED RIVER BASIN.

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

(1) The flooding that occurred in the portion of the Red River Basin encompassing East Grand Forks, Minnesota, and Grand Forks, North Dakota, during April and May 1997 is the worst flooding to occur in that region in the last 500 years.

(2) Over 700 military personnel stationed in the vicinity of Grand Forks Air Force Base reside in that portion of the Red River Basin.

(3) The military personnel stationed in the vicinity of Grand Forks Air Force Base have been stationed there entirely for the convenience of the Government.

(4) There is insufficient military family housing at Grand Forks Air Force Base for all of those military personnel, and the available off-base housing is almost entirely within the areas adversely affected by the flood.

(5) Many of the military personnel have suffered catastrophic losses, including total losses of personal property by some of the personnel.

(6) It is vital to the national security interests of the United States that the military personnel adversely affected by the flood recover as quickly and completely as possible.

(b) AUTHORIZATION.—The Secretary of the military department concerned may pay claims for loss and damage to personal property suffered as a direct result of the flooding in the Red River Basin during April and May 1997, by members of the Armed Forces residing in the vicinity of Grand Forks Air Force Base, North Dakota, without regard to the provisions of section 3721(e) of title 31, United States Code.

DURBIN AMENDMENT NO. 657

(Ordered to lie on the table.)

Mr. DURBIN submitted an amendment to be proposed by him to the bill, S. 936, supra; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1075. DEFENSE BURDENSHARING.

(a) EFFORTS TO INCREASE ALLIED BURDENSHARING.—The President shall seek to have each nation that has cooperative military relations with the United States (including security agreements, basing arrangements, or mutual participation in multinational military organizations or operations) take one or more of the following actions:

(1) For any nation in which United States military personnel are assigned to permanent duty ashore, increase its financial contributions to the payment of the nonpersonnel costs incurred by the United States Government for stationing United States military personnel in that nation, with a goal of achieving by September 30, 2000, 75 percent of such costs. An increase in financial contributions by any nation under this paragraph may include the elimination of taxes, fees, or other charges levied on United States military personnel, equipment, or facilities stationed in that nation.

(2) Increase its annual budgetary outlays for national defense as a percentage of its gross domestic product by 10 percent or at least to a level commensurate to that of the United States by September 30, 1998.

(3) Increase its annual budgetary outlays for foreign assistance (to promote democratization, economic stabilization, transparency arrangements, defense economic conversion, respect for the rule of law, and internationally recognized human rights) by

10 percent or at least to a level commensurate to that of the United States by September 30, 1998.

(4) Increase the amount of military assets (including personnel, equipment, logistics, support and other resources) that it contributes, or would be prepared to contribute, to multinational military activities worldwide.

(b) AUTHORITIES TO ENCOURAGE ACTIONS BY UNITED STATES ALLIES.—In seeking the actions described in subsection (a) with respect to any nation, or in response to a failure by any nation to undertake one or more of such actions, the President may take any of the following measures to the extent otherwise authorized by law:

(1) Reduce the end strength level of members of the Armed Forces assigned to permanent duty ashore in that nation.

(2) Impose on that nation fees or other charges similar to those that such nation imposes on United States forces stationed in that nation.

(3) Reduce (through rescission, impoundment, or other appropriate procedures as authorized by law) the amount the United States contributes to the NATO Civil Budget, Military Budget, or Security Investment Program.

(4) Suspend, modify, or terminate any bilateral security agreement the United States has with that nation, consistent with the terms of such agreement.

(5) Reduce (through rescission, impoundment or other appropriate procedures as authorized by law) any United States bilateral assistance appropriated for that nation.

(6) Take any other action the President determines to be appropriate as authorized by law.

(c) REPORT ON PROGRESS IN INCREASING ALLIED BURDENSHARING.—Not later than March 1, 1998, the Secretary of Defense shall submit to Congress a report on—

(1) steps taken by other nations to complete the actions described in subsection (a);

(2) all measures taken by the President, including those authorized in subsection (b), to achieve the actions described in subsection (a);

(3) the difference between the amount allocated by other nations for each of the actions described in subsection (a) during the period beginning on March 1, 1996, and ending on February 28, 1997, and during the period beginning on March 1, 1997, and ending on February 28, 1998; and

(4) the budgetary savings to the United States that are expected to accrue as a result of the steps described under paragraph (1).

(d) REPORT ON NATIONAL SECURITY BASES FOR FORWARD DEPLOYMENT AND BURDENSHARING RELATIONSHIPS.—(1) In order to ensure the best allocation of budgetary resources, the President shall undertake a review of the status of elements of the United States Armed Forces that are permanently stationed outside the United States. The review shall include an assessment of the following:

(A) The alliance requirements that are to be found in agreements between the United States and other countries.

(B) The national security interests that support permanently stationing elements of the United States Armed Forces outside the United States.

(C) The stationing costs associated with the forward deployment of elements of the United States Armed Forces.

(D) The alternatives available to forward deployment (such as material prepositioning, enhanced airlift and sealift, or joint training operations) to meet such alliance requirements or national security interests, with such alternatives identified and described in detail.

(E) The costs and force structure configurations associated with such alternatives to forward deployment.

(F) The financial contributions that allies of the United States make to common defense efforts (to promote democratization, economic stabilization, transparency arrangements, defense economic conversion, respect for the rule of law, and internationally recognized human rights).

(G) The contributions that allies of the United States make to meeting the stationing costs associated with the forward deployment of elements of the United States Armed Forces.

(H) The annual expenditures of the United States and its allies on national defense, and the relative percentages of each nation's gross domestic product constituted by those expenditures.

(2) The President shall submit to Congress a report on the review under paragraph (1). The report shall be submitted not later than March 1, 1998, in classified and unclassified form.

LUGAR (AND OTHERS) AMENDMENT NO. 658

Mr. LUGAR (for himself, Mr. HAGEL, Mr. JEFFORDS, Mr. CHAFEE, Mr. SPECTER, Mr. D'AMATO, Mr. FRIST, Mr. GORTON, Ms. SNOWE, Ms. COLLINS, Mr. KENNEDY, Mr. BIDEN, Mr. KERREY, Mr. LIEBERMAN, Mr. BYRD, Mr. REED, Mr. DASCHLE, Mr. ROBB, Mr. BINGAMAN, Mr. DOMENICI, and Mr. LEVIN) proposed an amendment to the bill, S. 936, supra; as follows:

On page 272, between lines 1 and 2, insert the following:

SEC. 1009. COOPERATIVE THREAT REDUCTION PROGRAMS AND RELATED DEPARTMENT OF ENERGY PROGRAMS.

(a) DECREASE IN AUTHORIZATION OF APPROPRIATIONS FOR ENVIRONMENTAL MANAGEMENT SCIENCE PROGRAM.—Notwithstanding any other provision of this Act, the amount authorized to be appropriated by section 3102(f) is hereby decreased by $40,000,000.

(b) DECREASE IN AUTHORIZATION OF APPROPRIATIONS FOR ENVIRONMENT, SAFETY AND HEALTH, DEFENSE.—Notwithstanding any other provision of this Act, the amount authorized to be appropriated by section 3103(6) is hereby decreased by $19,000,000.

(c) DECREASE IN AUTHORIZATION OF APPROPRIATIONS FOR OTHER PROCUREMENT, NAVY.—Notwithstanding any other provision of this Act, the amount authorized to be appropriated by section 102(Q)(5) is hereby decreased by $56,000,000.

(d) DECREASE IN AUTHORIZATION OF APPROPRIATIONS FOR OPERATION AND MAINTENANCE, DEFENSE-WIDE.—Notwithstanding any other provision of law, the amount authorized to be appropriated by section 301(5) is hereby decreased by $20,000,000.

(e) INCREASE IN AUTHORIZATION OF APPROPRIATIONS FOR FORMER SOVIET UNION THREAT REDUCTION PROGRAMS.—Notwithstanding any other provision of this Act, the amount authorized to be appropriated by section 301(22) is hereby increased by $60,000,000.

(f) INCREASE IN AUTHORIZATION OF APPROPRIATIONS FOR DEPARTMENT OF ENERGY FOR OTHER DEFENSE ACTIVITIES.—Notwithstanding any other provision of this Act, the total amount authorized to be appropriated by section 3103 is hereby increased by $56,000,000.

(g) INCREASE IN AUTHORIZATION OF APPROPRIATIONS FOR DEPARTMENT OF ENERGY FOR ARMS CONTROL.—Notwithstanding any other provision of this Act, the amount authorized to be appropriated by section 3103(1)(B) is hereby increased by $25,000,000 (in addition to any increase under subsection (e) that is allocated to the authorization of appropriations under such section 3103(1)(B)).

(h) AUTHORIZATION OF APPROPRIATIONS FOR DEPARTMENT OF ENERGY FOR INTERNATIONAL NUCLEAR SAFETY PROGRAMS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for other defense activities in carrying out programs relating to international nuclear safety that are necessary for national security in the amount of $50,000,000.

(i) TRAINING FOR UNITED STATES BORDER SECURITY.—Section 1421 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2725; 50 U.S.C. 2331) is amended—

(1) by striking out ''and'' at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof ''; and''; and

(3) by adding at the end the following:

''(4) training programs and assistance relating to the use of such equipment, materials, and technology and for the development of programs relating to such use.''.

(j) INTERNATIONAL BORDER SECURITY THROUGH FISCAL YEAR 1999.—Section 1424(b) of the National Defense Authorization Act for Fiscal Year 1997 (110 Stat. 2726; 10 U.S.C. 2333(b)) is amended by adding at the end the following: ''Amounts available under the proceeding sentence shall be available until September 30, 1999.''.

(j) AUTHORITY TO VARY AMOUNTS AVAILABLE FOR COOPERATIVE THREAT REDUCTION PROGRAMS.—(1) Section 1502(b) of the National Defense Authorization Act for Fiscal Year 1997 (110 Stat. 2732) is amended—

(A) in the subsection heading, by striking out ''LIMITED''; and

(B) in the first sentence of paragraph (1), by striking out '', but not in excess of 115 percent of that amount''.

(2) Section 1202(b) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 469) is amended—

(A) in the subsection heading, by striking out ''LIMITED''; and

(B) in the first sentence of paragraph (1), by striking out '', but not in excess of 115 percent of that amount''.

LIEBERMAN AMENDMENT NO. 659

(Ordered to lie on the table.)

Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

At the end of subtitle E of title I, add the following:

SEC. 144. NATO JOINT SURVEILLANCE/TARGET ATTACK RADAR SYSTEM.

(a) FUNDING.—Amounts authorized to be appropriated under this title and title II are available for a NATO alliance ground surveillance capability that is based on the Joint Surveillance/Target Attack Radar System of the United States, as follows:

(1) Of the amount authorized to be appropriated under section 101(5), $26,153,000.

(2) Of the amount authorized to be appropriated under section 103(1), $10,000,000.

(3) Of the amount authorized to be appropriated under section 201(1), $13,500,000.

(4) Of the amount authorized to be appropriated under section 201(3), $26,061,000.

(b) AUTHORITY.—(1) Subject to paragraph (2), the Secretary of Defense may utilize authority under section 2350b of title 10, United States Code, for contracting for the purposes of Phase I of a NATO Alliance Ground Surveillance capability that is based on the Joint Surveillance/Target Attack Radar System of the United States, notwithstanding

the condition in such section that the authority be utilized for carrying out contracts or obligations incurred under section 27(d) of the Arms Export Control Act (22 U.S.C. 2767(d)).

(2) The authority under paragraph (1) applies during the period that the conclusion of a cooperative project agreement for a NATO Alliance Ground Surveillance capability under section 27(d) of the Arms Export Control Act is pending, as determined by the Secretary of Defense.

(c) MODIFICATION OF AIR FORCE AIRCRAFT.—Amounts available pursuant to paragraphs (2) and (4) of subsection (a) may be used to provide for modifying two Air Force Joint Surveillance/Target Attack Radar System production aircraft to have a NATO Alliance Ground Surveillance capability that is based on the Joint Surveillance/Target Attack Radar System of the United States.

BREAUX (AND OTHERS) AMENDMENT NO. 660

(Ordered to lie on the table.)

Mr. BREAUX (for himself, Mr. LOTT, Mr. THURMOND, Mr. STEVENS, Mr. BYRD, Mr. INOUYE, Mr. FORD, Mr. CLELAND, Mr. MURKOWSKI, Mr. AKAKA, Ms. MOSELEY-BRAUN, Mr. DURBIN, Ms. LANDRIEU, Mr. COCHRAN, Mr. FAIRCLOTH, Mr. ROCKEFELLER, Mr. KOHL, Mr. BURNS, Mr. HOLLINGS, Mr. CAMPBELL, Mr. REID, and Mr. WYDEN) submitted an amendment intended to be proposed by them to the bill, S. 936, supra; as follows:

Strike out section 1052, and insert in lieu thereof the following:

SEC. 1052. NATIONAL GUARD CIVILIAN YOUTH OPPORTUNITIES PROGRAM.

(a) THREE-YEAR EXTENSION OF PROGRAM.—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 by striking out ''During fiscal years 1993 through 1995'' and inserting in lieu thereof ''(1) During fiscal years 1993 through 2000''.

(b) NEW STATE PROGRAMS FOR FISCAL YEAR 1998.—Subsection (a) of such section, as amended by subsection (a), is further amended by adding at the end the following:

''(2) The Secretary of Defense shall enter into agreements under subsection (d) to initiate participation in the program by at least five additional States in fiscal year 1998. The Secretary shall enter into the agreements with those States in the order in which applications for the agreements have been received by the National Guard Bureau from those States.''.

(c) COST-SHARING WITH SOURCES OUTSIDE THE DEPARTMENT OF DEFENSE.—(1) Such section is amended by striking out subsection (k) and inserting in lieu thereof the following:

''(k) COST-SHARING.—(1) The Secretary of Defense shall pay the share of the total cost of carrying out the program in a State that is not required to be paid by sources outside the Department of Defense under this subsection.

''(2) In the case of a State that begins to participate in the program after fiscal year 1997, the Secretary of Defense shall pay the total cost of carrying out the program in that State in the first fiscal year.

''(3) Except as provided in paragraph (2), sources outside the Department of Defense shall pay a share of the total cost of carrying out the program in a State in any fiscal year after fiscal year 1997 as follows:

''(A) For fiscal year 1998, 25 percent.

''(B) For a fiscal year after fiscal year 1998, 50 percent.

''(4) The fair market value (as determined under regulations prescribed by the Secretary) of in-kind contributions to the program by a source or sources outside the Department of Defense shall be counted toward satisfaction of the share of the cost of the program required under paragraph (3) to be paid by sources outside the Department of Defense.''.

(2) Subsection (d)(3) of such section is amended by inserting '', subject to subsection (k),'' after ''provide funds''.

(d) RECHARACTERIZATION OF PROGRAM.—(1) Such section is further amended by striking out ''pilot'' each place it appears.

(2) The heading of such section is amended by striking out ''**PILOT**''.

(e) 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.

(f) FUNDING.—(1) Of the amount authorized to be appropriated under section 301(5), $48,000,000 is available only for the National Guard Civilian Youth Opportunities Program established under section 1091 of the National Defense Authorization Act for Fiscal Year 1993.

(2) The amount authorized to be appropriated under section 421 is hereby reduced by $28,000,000.

HARKIN AMENDMENT NO. 661

(Ordered to lie on the table.)

Mr. HARKIN submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

After section 3, insert the following:

SEC. 4. GENERAL LIMITATION.

Notwithstanding any other provision of this Act, the total amount authorized to be appropriated for fiscal year 1998 for the national defense function under the provisions of this Act is $265,600,000,000.

HARKIN (AND DURBIN) AMENDMENT NO. 662

(Ordered to lie on the table.)

Mr. HARKIN (for himself and Mr. DURBIN) submitted an amendment intended to be proposed by them to the bill, S. 936, supra; as follows:

On page 59, after line 14, add the following new paragraph (3):

''(3) The Secretary of a military department may conduct a pilot program, consistent with applicable requirements of law, to test any practices referred to in paragraph (2) that the Secretary determines could improve the efficiency and effectiveness of depot-level operations, improve the support provided by depot-level activities for the armed forces user of the services of such activities, and enhance readiness by reducing the time that it takes to repair equipment.

On page 101, between lines 21 and 22, insert the following:

(3) For the purposes of this section, the term ''best commercial inventory practice'' includes a so-called prime vendor arrangement and any other practice that the Director determines will enable the Defense Logistics Agency to reduce inventory levels and holding costs while improving the responsiveness of the supply system to user needs.

On page 268, line 8, strike out ''(L)'' and insert in lieu thereof the following:

(L) Actions that can be taken to ensure that each comptroller position and each comparable position in the Department of Defense, whether filled by a member of the Armed Forces or a civilian employee, is filled by a person who, by reason of education, technical competence, and experience, has the core competencies for financial management.

(M)

ROBB AMENDMENTS NOS. 663–664

(Ordered to lie on the table.)

Mr. ROBB submitted two amendments intended to be proposed by him to the bill, S. 936, supra; as follows:

AMENDMENT NO. 663

At the end of subtitle A of title VIII, add the following:

SEC. 809. ALLOWABILITY OF COSTS OF EMPLOYEE STOCK OWNERSHIP PLANS.

(a) PROHIBITION.—Under section 2324 of title 10, United States Code, the Secretary of Defense may not determine the allowability of costs of employee stock ownership plans under contracts with the Department of Defense in accordance with the rule described in subsection (b).

(b) RULE.—The rule referred to in subsection (a) is the rule that was—

(1) proposed by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council on November 7, 1995, and referred to as FAR Case 92–024, Employee Stock Ownership Plans (60 Federal Register 56216); and

(2) withdrawn by such Councils on April 8, 1996 (61 Federal Register 14944).

AMENDMENT NO. 664

At the end of subtitle A of title X, add the following:

SEC. 1009. TRANSFER FOR ELECTRON SCRUBBER TECHNOLOGY.

Not later than January 1, 1998, the Secretary of Defense shall transfer $10,000,000, out of funds appropriated for the Environmental Security Technology Certification Program under title IV of the Department of Defense Appropriations Act, 1997 (section 101(b) of Public Law 104–208), to the Department of Energy for the Pittsburgh Energy Technology Center for the project on electron scrubbing to remove unwanted by-products.

HARKIN AMENDMENT NO. 665

(Ordered to lie on the table.)

Mr. HARKIN submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

At the end of subtitle E of title V, add the following:

SEC. 664. SUBSISTENCE OF MEMBERS OF THE ARMED FORCES ABOVE THE POVERTY LEVEL.

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

(1) The morale and welfare of members of the Armed Forces and their families are key components of the readiness of the Armed Forces.

(2) Several studies have documented significant instances of members of the Armed Forces and their families relying on various forms of income support under programs of the Federal Government, including assistance under the Food Stamp Act of 1977 (7 U.S.C. 2012(o) and assistance under the special supplemental nutrition program for women, infants, and children under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786).

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should strive—

(1) to eliminate the need for members of the Armed Forces and their families to subsist at, near, or below the poverty level; and

(2) to improve the wellbeing and welfare of members of the Armed Forces and their families by implementing, and programming full

funding for, programs that have proven effective in elevating the standard of living of members and their families significantly above the poverty level.

(c) STUDY REQUIRED.—(1) The Secretary of Defense shall conduct a study of members of the Armed Forces and their families who subsist at, near, or below the poverty level.

(2) The study shall include the following:

(A) An analysis of potential solutions for mitigating or eliminating the need for members of the Armed Forces and their families to subsist at, near, or below the poverty level, including potential solutions involving changes in the systems and rates of basic allowance for subsistence, basic allowance for quarters, and variable housing allowance.

(B) Identification of the populations most likely to need income support under Federal Government programs, including—

(i) the populations living in areas of the United States where housing costs are notably high;

(ii) the populations living outside the United States; and

(iii) the number of persons in each identified population.

(C) The desirability of increasing rates of basic pay and allowances over a defined period of years by a range of percentages that provides for higher percentage increases for lower ranking personnel than for higher ranking personnel.

(d) IMPLEMENTATION OF DEPARTMENT OF DEFENSE SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR PERSONNEL OUTSIDE THE UNITED STATES.—(1) Section 1060a(a) of title 10, United States Code, is amended by striking out ''may'' and inserting in lieu thereof ''shall''.

(2) The Secretary of Defense shall implement the program required under section 1060a of title 10, United States Code, not later than the date that is 180 days after the date of the enactment of this Act.

(3) Section 1060a(b) of title 10, United States Code, is amended to read as follows:

''(b) FEDERAL PAYMENTS AND COMMODITIES.—For the purpose of obtaining Federal payments and commodities in order to carry out the program referred to in subsection (a), the Secretary of Agriculture shall make available to the Secretary of Defense the same payments and commodities as are made for the special supplemental food program in the United States under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786). The Secretary of Agriculture shall use funds appropriated for such program under section 17 of such Act to make the payments and commodities available. Funds available for the Department of Defense shall be used for carrying out the program under subsection (a) pending receipt of funds from the Secretary of Agriculture.''.

(4) Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a plan for implementing the program referred to in paragraph (2).

WELLSTONE AMENDMENTS NOS. 666–668

(Ordered to lie on the table.)

Mr. WELLSTONE submitted three amendments intended to be proposed by him to the bill, S. 936, supra; as follows:

AMENDMENT NO. 666

At the end of subtitle D of title X, add the following:

SEC. . TRANSFER OF FUNDS FOR FEDERAL PELL GRANTS.

(a) TRANSFER REQUIRED.—The Secretary of Defense shall transfer to the Secretary of Education $2,600,000,000 of the funds appropriated for the Department of Defense for fiscal year 1998.

(b) USE OF TRANSFERRED FUNDS.—Funds transferred to the Secretary of Education pursuant to subsection (a) shall be available to carry out subpart 1 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a) for fiscal year 1998.

AMENDMENT NO. 667

At the end of Division A, add the following:

TITLE XII—SCHOOL CONSTRUCTION ASSISTANCE

SEC. 12001. SHORT TITLE.

This title may be cited as the ''Partnership to Rebuild America's Schools Act of 1997''.

SEC. 12002. TABLE OF CONTENTS.

The table of contents for this title is as follows:

TITLE XII—SCHOOL CONSTRUCTION ASSISTANCE

Sec. 12001. Short title.
Sec. 12002. Table of contents.
Sec. 12003. Findings and purpose.
Sec. 12004. Definitions.

Subtitle A—School Construction Assistance Program

CHAPTER 1—FUNDING; ALLOCATION OF FUNDS

Sec. 12111. Funding.
Sec. 12112. Allocation of funds.

CHAPTER 2—GRANTS TO STATES

Sec. 12121. Allocation of funds.
Sec. 12122. Eligible State agency.
Sec. 12123. Allowable uses of funds.
Sec. 12124. Eligible construction projects; period for initiation.
Sec. 12125. Selection of localities and projects.
Sec. 12126. State applications.
Sec. 12127. Amount of Federal subsidy.
Sec. 12128. Separate funds or accounts; prudent investment.
Sec. 12129. State reports.

CHAPTER 3—DIRECT GRANTS TO LOCAL EDUCATIONAL AGENCIES

Sec. 12131. Eligible local educational agencies.
Sec. 12132. Grantees.
Sec. 12133. Allowable uses of funds.
Sec. 12134. Eligible construction projects; redistribution.
Sec. 12135. Local applications.
Sec. 12136. Formula grants.
Sec. 12137. Competitive grants.
Sec. 12138. Amount of Federal subsidy.
Sec. 12139. Separate funds or accounts; prudent investment.
Sec. 12140. Local reports.

Subtitle B—General Provisions

Sec. 12201. Technical employees.
Sec. 12202. Wage rates.
Sec. 12203. No liability of Federal Government.
Sec. 12204. Consultation with Secretary of the Treasury.

SEC. 12003. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds as follows:

(1) According to the General Accounting Office, one-third of all elementary and secondary schools in the United States, serving 14,000,000 students, need extensive repair or renovation.

(2) School infrastructure problems exist across the country, but are most severe in central cities and in schools with high proportions of poor and minority children.

(3) Many States and school districts will need to build new schools in order to accommodate increasing student enrollments; the Department of Education has predicted that the Nation will need 6,000 more schools by the year 2006.

(4) Many schools do not have the physical infrastructure to take advantage of computers and other technology needed to meet the challenges of the next century.

(5) While school construction and maintenance are primarily a State and local concern, States and communities have not, on their own, met the increasing burden of providing acceptable school facilities for all students, and the poorest communities have had the greatest difficulty meeting this need.

(6) The Federal Government, by providing interest subsidies and similar types of support, can lower the costs of State and local school infrastructure investment, creating an incentive for States and localities to increase their own infrastructure improvement efforts and helping ensure that all students are able to attend schools that are equipped for the 21st century.

(b) PURPOSE.—The purpose of this title is to provide Federal interest subsidies, or similar assistance, to States and localities to help them bring all public school facilities up to an acceptable standard and build the additional public schools needed to educate the additional numbers of students who will enroll in the next decade.

SEC. 12004. DEFINITIONS.

Except as otherwise provided, as used in this title, the following terms have the following meanings:

(1) CHARTER SCHOOL.—The term ''charter school'' has the meaning given that term in section 10306 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8066).

(2) COMMUNITY SCHOOL.—The term ''community school'' means a school, or part of a school, that serves as a center for after-school and summer programs and delivery of education, tutoring, cultural, and recreational services, and as a safe haven for all members of the community by—

(A) collaborating with other public and private nonprofit agencies (including libraries and other educational, human-service, cultural, and recreational entities) and private businesses in the provision of services;

(B) providing services such as literacy and reading programs; senior citizen programs; children's day-care services; nutrition services; services for individuals with disabilities; employment counseling, training, and placement; and other educational, health, cultural, and recreational services; and

(C) providing those services outside the normal school day and school year, such as through safe and drug-free safe havens for learning.

(3) CONSTRUCTION.—(A) The term ''construction'' means—

(i) the preparation of drawings and specifications for school facilities;

(ii) erecting, building, acquiring, remodeling, renovating, improving, repairing or extending school facilities;

(iii) demolition, in preparation for rebuilding school facilities; and

(iv) the inspection and supervision of the construction of school facilities.

(B) The term ''construction'' does not include the acquisition of any interest in real property.

(4) LOCAL EDUCATIONAL AGENCY.—The term ''local educational agency'' has the meaning given that term in subparagraphs (A) and (B) of section 14101(18) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801(18)).

(5) SCHOOL FACILITY.—(A) Term ''school facility'' means—

(i) a public structure suitable for use as a classroom, laboratory, library, media center, or related facility, whose primary purpose is the instruction of public elementary or secondary students; and

(ii) initial equipment, machinery, and utilities necessary or appropriate for school purposes.

(B) The term ''school facility'' does not include an athletic stadium, or any other structure or facility intended primarily for athletic exhibitions, contests, games, or events for which admission is charged to the general public.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(7) STATE.—The term ''State'' means each of the 50 States and the Commonwealth of Puerto Rico.

(8) STATE EDUCATIONAL AGENCY.—The term ''State educational agency'' has the meaning given that term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

Subtitle A—School Construction Assistance Program

CHAPTER 1—FUNDING; ALLOCATION OF FUNDS

SEC. 12111. FUNDING.

The Secretary of Defense shall transfer to the Secretary of Education, for the purpose of carrying out this title, $2,600,000,000 of the funds appropriated for the Department of Defense for fiscal year 1998.

SEC. 12112. ALLOCATION OF FUNDS.

(a) RESERVATION FOR THE SECRETARY OF THE INTERIOR AND THE OUTLYING AREAS.—(1) The Secretary of Education shall reserve up to 2 percent of the funds made available by section 12111 to—

(A) provide assistance to the Secretary of the Interior, which the Secretary of the Interior shall use for the school construction priorities described in section 1125(c) of the Education Amendments of 1978 (25 U.S.C. 2005(c)); and

(B) make grants to American Samoa, Guam, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands, in accordance with their respective needs, as determined by the Secretary.

(2) Grants provided under paragraph (1)(B) shall be used for activities that the Secretary of Education determines best meet the school infrastructure needs of the areas identified in that paragraph, subject to the terms and conditions, consistent with the purpose of this title, that the Secretary may establish.

(b) ALLOCATION OF REMAINING FUNDS.—Of the remaining funds made available by section 12111—

(1) 50 percent shall be used for formula grants to States under section 12121;

(2) 35 percent shall be used for direct formula grants to local educational agencies under section 12136; and

(3) 15 percent shall be used for competitive grants to local educational agencies under section 12137.

CHAPTER 2—GRANTS TO STATES

SEC. 12121. ALLOCATION OF FUNDS.

(a) FORMULA GRANTS TO STATES.—Subject to subsection (b), the Secretary of Education shall allocate the funds available under section 12112(b)(1) among the States in proportion to the relative amounts each State would have received for basic grants under subpart 2 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6331 et seq.) for the most recent fiscal year if the Secretary had disregarded the numbers of children counted under that subpart who were enrolled in schools of local educational agencies that are eligible to receive formula grants under section 12136 of this title.

(b) ADJUSTMENTS TO ALLOCATIONS.—The Secretary shall adjust the allocations under subsection (a), as necessary, to ensure that, of the total amount allocated to States under subsection (a) and to local educational agencies under section 12136, the percentage allocated to a State under this section and to localities in the State under section 12136 is at least the minimum percentage for the State described in section 1124(d) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6334(d)) for the previous fiscal year.

(c) REALLOCATIONS.—If a State does not apply for its allocation, applies for less than its full allocation, or fails to submit an approvable application, the Secretary may reallocate all or a portion of the State's allocation, as the case may be, to the remaining States in the same proportions as the original allocations were made to those States under subsections (a) and (b).

SEC. 12122. ELIGIBLE STATE AGENCY.

The Secretary shall award each State's grant to the State agency, such as a State educational agency, a State school construction agency, or a State bond bank, that the Governor, with the agreement of the chief State school officer, designates as best able to administer the grant.

SEC. 12123. ALLOWABLE USES OF FUNDS.

Each State shall use its grant under this chapter only for one or more of the following activities to subsidize the cost of eligible school construction projects described in section 12124:

(1) Providing a portion of the interest cost (or of another financing cost approved by the Secretary) on bonds, certificates of participation, purchase or lease arrangements, or other forms of indebtedness issued or entered into by a State or its instrumentality for the purpose of financing eligible projects.

(2) State-level expenditures approved by the Secretary for credit enhancement for the debt or financing instruments described in paragraph (1).

(3) Making subgrants, or making loans through a State revolving fund, to local educational agencies or (with the agreement of the affected local educational agency) to other qualified public agencies to subsidize—

(A) the interest cost (or another financing cost approved by the Secretary) of bonds, certificates of participation, purchase or lease arrangements, or other forms of indebtedness issued or entered into by a local educational agency or other agency or unit of local government for the purpose of financing eligible projects; or

(B) local expenditures approved by the Secretary for credit enhancement for the debt or financing instruments described in subparagraph (A).

(4) Other State and local expenditures approved by the Secretary that leverage funds for additional school construction.

SEC. 12124. ELIGIBLE CONSTRUCTION PROJECTS; PERIOD FOR INITIATION.

(a) ELIGIBLE PROJECTS.—States and their subgrantees may use funds under this chapter, in accordance with section 12123, to subsidize the cost of—

(1) construction of elementary and secondary school facilities in order to ensure the health and safety of all students, which may include the removal of environmental hazards; improvements in air quality, plumbing, lighting, heating and air conditioning, electrical systems, or basic school infrastructure; and building improvements that increase school safety;

(2) construction activities needed to meet the requirements of section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) or of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);

(3) construction activities that increase the energy efficiency of school facilities;

(4) construction that facilitates the use of modern educational technologies;

(5) construction of new school facilities that are needed to accommodate growth in school enrollments; or

(6) construction projects needed to facilitate the establishment of charter schools and community schools.

(b) PERIOD FOR INITIATION OF PROJECT.—(1) Each State shall use its grant under this chapter only to subsidize construction projects described in subsection (a) that the State or its localities have chosen to initiate, through the vote of a school board, passage of a bond issue, or similar public decision, made between July 11, 1996 and September 30, 2001.

(2) If a State determines, after September 30, 2001, that an eligible project for which it has obligated funds under this chapter will not be carried out, the State may use those funds (or any available portion of those funds) for other eligible projects selected in accordance with this chapter.

(c) REALLOCATION.—If the Secretary determines, by a date before September 30, 2001, selected by the Secretary, that a State is not making satisfactory progress in carrying out its plan for the use of the funds allocated to it under this chapter, the Secretary may reallocate all or part of those funds, including any interest earned by the State on those funds, to one or more other States that are making satisfactory progress.

SEC. 12125. SELECTION OF LOCALITIES AND PROJECTS.

(a) PRIORITIES.—In determining which localities and activities to support with grant funds, each State shall give the highest priority to—

(1) localities with the greatest needs, as demonstrated by inadequate educational facilities, coupled with a low level of resources available to meet school construction needs; and

(2) localities that will achieve the greatest leveraging effect on school construction from assistance under this chapter.

(b) ADDITIONAL CRITERIA.—In addition to the priorities required by subsection (a), each State shall consider each of the following in determining the use of its grant funds under this chapter:

(1) The condition of the school facilities in different communities in the State.

(2) The energy efficiency and the effect on the environment of projects proposed by communities, and the extent to which these projects use cost-efficient architectural design.

(3) The commitment of communities to finance school construction and renovation projects with assistance from the State's grant, as demonstrated by their incurring indebtedness or by similar public or private commitments for the purposes described in section 12124(a).

(4) The ability of communities to repay bonds or other forms of indebtedness supported with grant funds.

(5) The particular needs, if any, of rural communities in the State for assistance under this title.

(6) The receipt by local educational agencies in the State of grants under chapter 3, except that a local educational agency is not ineligible for a subgrant under this chapter solely because it receives such a grant.

SEC. 12126. STATE APPLICATIONS.

(a) APPLICATION REQUIRED.—A State that wishes to receive a grant under this chapter shall submit an application to the Secretary, in the manner the Secretary may require, not later than two years after the date of enactment of this Act.

(b) DEVELOPMENT OF APPLICATION.—(1) The State agency designated under section 12122 shall develop the State's application under this chapter only after broadly consulting

with the State board of education, and representatives of local school boards, school administrators, the business community, parents, and teachers in the State about the best means of carrying out this chapter.

(2) If the State educational agency is not the State agency designated under section 12122, the designated agency shall consult with the State educational agency and obtain its approval before submitting the State's application.

(c) STATE SURVEY.—(1) Before submitting the State's application, the State agency designated under section 12122, with the involvement of local school officials and experts in building construction and management, shall survey the needs throughout the State (including in localities receiving grants under chapter 3) for construction and renovation of school facilities, including, at a minimum—

(A) the overall condition of school facilities in the State, including health and safety problems;

(B) the capacity of the schools in the State to house projected enrollments; and

(C) the extent to which the schools in the State offer the physical infrastructure needed to provide a high-quality education to all students.

(2) A State need not conduct a new survey under paragraph (1) if it has previously completed a survey that meets the requirements of that paragraph and that the Secretary finds is sufficiently recent for the purpose of carrying out this chapter.

(d) APPLICATION CONTENTS.—Each State application under this chapter shall include—

(1) an identification of the State agency designated by the Governor under section 12122 to receive the State's grant under this chapter;

(2) a summary of the results of the State's survey of its school facility needs, as described in subsection (c);

(3) a description of how the State will implement its program under this chapter;

(4) a description of how the State will allocate its grant funds, including a description of how the State will implement the priorities and criteria described in section 12125;

(5)(A) a description of the mechanisms that will be used to finance construction projects supported by grant funds; and

(B) a statement of how the State will determine the amount of the Federal subsidy to be applied, in accordance with section 12127(a), to each local project that the State will support;

(6) a description of how the State will ensure that the requirements of this chapter are met by subgrantees under this chapter;

(7) a description of the steps the State will take to ensure that local educational agencies will adequately maintain the facilities that are constructed or improved with funds under this chapter;

(8) an assurance that the State will use its grant only to supplement the funds that the State, and the localities receiving subgrants, would spend on school construction and renovation in the absence of a grant under this chapter, and not to supplant those funds;

(9) an assurance that, during the four-year period beginning with the year the State receives its grant, the combined expenditures for school construction by the State and the localities that benefit from the State's program under this chapter (which, at the State's option, may include private contributions) will be at least 125 percent of those combined expenditures for that purpose for the four preceding years; and

(10) other information and assurances that the Secretary may require.

(e) WAIVER OF REQUIREMENT TO INCREASE EXPENDITURES.—The Secretary may waive or modify the requirement of subsection (d)(9) for a particular State if the State demonstrates to the Secretary's satisfaction that that requirement is unduly burdensome because the State or its localities have incurred a particularly high level of school construction expenditures during the previous four years.

SEC. 12127. AMOUNT OF FEDERAL SUBSIDY.

(a) PROJECTS FUNDED WITH SUBGRANTS.—For each construction project assisted by a State through a subgrant to a locality, the State shall determine the amount of the Federal subsidy under this chapter, taking into account the number or percentage of children from low-income families residing in the locality, subject to the following limits:

(1) If the locality will use the subgrant to help meet the costs of repaying bonds issued for a school construction project, the Federal subsidy shall be not more than one-half of the total interest cost of those bonds, determined in accordance with paragraph (4).

(2) If the bonds to be subsidized are general obligation bonds issued to finance more than one type of activity (including school construction), the Federal subsidy shall be not more than one-half of the interest cost for that portion of the bonds that will be used for school construction purposes, determined in accordance with paragraph (4).

(3) If the locality elects to use its subgrant for an allowable activity not described in paragraph (1) or (2), such as for certificates of participation, purchase or lease arrangements, reduction of the amount of principal to be borrowed, or credit enhancements for individual construction projects, the Federal subsidy shall be not more than one-half of the interest cost, as determined by the State in accordance with paragraph (4), that would have been incurred if bonds had been used to finance the project.

(4) The interest cost referred to in paragraphs (1), (2), and (3) shall be—

(A) calculated on the basis of net present value; and

(B) determined in accordance with an amortization schedule and any other criteria and conditions the Secretary considers necessary, including provisions to ensure comparable treatment of different financing mechanisms.

(b) STATE-FUNDED PROJECTS.—For a construction project under this chapter funded directly by the State through the use of State-issued bonds or other financial instruments, the Secretary shall determine the Federal subsidy in accordance with subsection (a).

(c) NON-FEDERAL SHARE.—A State, and localities in the State receiving subgrants under this chapter, may use any non-Federal funds, including State, local, and private-sector funds, for the financing costs that are not covered by the Federal subsidy under subsection (a).

SEC. 12128. SEPARATE FUNDS OR ACCOUNTS; PRUDENT INVESTMENT.

(a) SEPARATE FUNDS OR ACCOUNTS REQUIRED.—Each State that receives a grant, and each recipient of a subgrant under this chapter, shall deposit the grant or subgrant proceeds in a separate fund or account, from which it shall make bond repayments and pay other expenses allowable under this chapter.

(b) PRUDENT INVESTMENT REQUIRED.—Each State that receives a grant, and each recipient of a subgrant under this chapter, shall—

(1) invest the grant or subgrant in a fiscally prudent manner, in order to generate amounts needed to make repayments on bonds and other forms of indebtedness described in section 12123; and

(2) notwithstanding section 6503 of title 31, United States Code or any other law, use the proceeds of that investment to carry out this chapter.

SEC. 12129. STATE REPORTS.

(a) REPORTS REQUIRED.—

(1) Each State receiving a grant under this chapter shall report to the Secretary on its activities under this chapter, in the form and manner the Secretary may prescribe.

(2) If the State educational agency is not the State agency designated under section 12122, the State's report shall include the approval of the State educational agency or its comments on the report.

(b) CONTENTS.—Each report shall—

(1) describe the State's implementation of this chapter, including how the State has met the requirements of this chapter;

(2) identify the specific school facilities constructed, renovated, or modernized with support from the grant, and the mechanisms used to finance those activities;

(3) identify the level of Federal subsidy provided to each construction project carried out with support from the State's grant; and

(4) include any other information the Secretary may require.

(c) FREQUENCY.—(1) Each State shall submit its first report under this section not later than 24 months after it receives its grant under this chapter.

(2) Each State shall submit an annual report for each of the three years after submitting its first report, and subsequently shall submit periodic reports as long as the State or localities in the State are using grant funds.

CHAPTER 3—DIRECT GRANTS TO LOCAL EDUCATIONAL AGENCIES

SEC. 12131. ELIGIBLE LOCAL EDUCATIONAL AGENCIES.

(a) ELIGIBLE AGENCIES.—Except as provided in subsection (b), the local educational agencies that are eligible to receive formula grants under section 12136 and competitive grants under section 12137 from the Secretary are the 100 local educational agencies with the largest numbers of children aged 5 through 17 from families living below the poverty level, as determined by the Secretary using the most recent data available from the Department of Commerce that are satisfactory to the Secretary.

(b) CERTAIN JURISDICTIONS INELIGIBLE.—For the purpose of this chapter, the local educational agencies for Hawaii and the Commonwealth of Puerto Rico are not eligible local educational agencies.

SEC. 12132. GRANTEES.

For each local educational agency described in section 12131(a) for which an approvable application is submitted, the Secretary shall make any grant under this chapter to the local educational agency or to another public agency, on behalf of the local educational agency, if the Secretary determines, on the basis of the local educational agency's recommendation, that the other agency is better able to carry out activities under this chapter.

SEC. 12133. ALLOWABLE USES OF FUNDS.

Each grantee under this chapter shall use its grant only for one or more of the following activities to reduce the cost of financing eligible school construction projects described in section 12134:

(1) Providing a portion of the interest cost (or of any other financing cost approved by the Secretary) on bonds, certificates of participation, purchase or lease arrangements, or other forms of indebtedness issued or entered into by a local educational agency or other unit or agency of local government for the purpose of financing eligible school construction projects.

(2) Local expenditures approved by the Secretary for credit enhancement for the

debt or financing instruments described in paragraph (1).

(3) Other local expenditures approved by the Secretary that leverage funds for additional school construction.

SEC. 12134. ELIGIBLE CONSTRUCTION PROJECTS; REDISTRIBUTION.

(a) ELIGIBLE PROJECTS.—A grantee under this chapter may use its grant, in accordance with section 12133, to subsidize the cost of the activities described in section 12124(a) for projects that the local educational agency has chosen to initiate, through the vote of the school board, passage of a bond issue, or similar public decision, made between July 11, 1996 and September 30, 2001.

(b) REDISTRIBUTION.—If the Secretary determines, by a date before September 30, 2001 selected by the Secretary, that a local educational agency is not making satisfactory progress in carrying out its plan for the use of funds awarded to it under this chapter, the Secretary may redistribute all or part of those funds, and any interest earned by that agency on those funds, to one or more other local educational agencies that are making satisfactory progress.

SEC. 12135. LOCAL APPLICATIONS.

(a) APPLICATION REQUIRED.—A local educational agency, or an alternative agency described in section 12132 (both referred to in this chapter as the ''local agency''), that wishes to receive a grant under this chapter shall submit an application to the Secretary, in the manner the Secretary may require, not later than two years after the date of enactment of this Act.

(b) DEVELOPMENT OF APPLICATION.—(1) The local agency shall develop the local application under this chapter only after broadly consulting with parents, administrators, teachers, the business community, and other members of the local community about the best means of carrying out this chapter.

(2) If the local educational agency is not the applicant, the applicant shall consult with the local educational agency, and shall obtain its approval before submitting its application to the Secretary.

(c) LOCAL SURVEY.—(1) Before submitting its application, the local agency, with the involvement of local school officials and experts in building construction and management, shall survey the local need for construction and renovation of school facilities, including, at a minimum—

(A) the overall condition of school facilities in the local educational agency, including health and safety problems;

(B) the capacity of the local educational agency's schools to house projected enrollments; and

(C) the extent to which the local educational agency's schools offer the physical infrastructure needed to provide a high-quality education to all students.

(2) A local educational agency need not conduct a new survey under paragraph (1) if it has previously completed a survey that meets the requirements of that paragraph and that the Secretary finds is sufficiently recent for the purpose of carrying out this chapter.

(d) APPLICATION CONTENTS.—Each local application under this chapter shall include—

(1) an identification of the local agency to receive the grant under this chapter;

(2) a summary of the results of the survey of school facility needs, as described in subsection (c);

(3) a description of how the local agency will implement its program under this chapter;

(4) a description of the criteria the local agency has used to determine which construction projects to support with grant funds;

(5) a description of the construction projects that will be supported with grant funds;

(6) a description of the mechanisms that will be used to finance construction projects supported by grant funds;

(7) a requested level of Federal subsidy, with a justification for that level, for each construction project to be supported by the grant, in accordance with section 12138(a), including the financial and demographic information the Secretary may require;

(8) a description of the steps the agency will take to ensure that facilities constructed or improved with funds under this chapter will be adequately maintained;

(9) an assurance that the agency will use its grant only to supplement the funds that the locality would spend on school construction and renovation in the absence of a grant under this chapter, and not to supplant those funds;

(10) an assurance that, during the four-year period beginning with the year the local educational agency receives its grant, its expenditures for school construction (which, at that agency's option, may include private contributions) will be at least 125 percent of its expenditures for that purpose for the four preceding years; and

(11) other information and assurances that the Secretary may require.

(e) WAIVER OF REQUIREMENT TO INCREASE EXPENDITURES.—The Secretary may waive or modify the requirement of subsection (d)(10) for a local educational agency that demonstrates to the Secretary's satisfaction that that requirement is unduly burdensome because that agency has incurred a particularly high level of school construction expenditures during the previous four years.

SEC. 12136. FORMULA GRANTS.

(a) ALLOCATIONS.—The Secretary shall allocate the funds available under section 12112(b)(2) to the local educational agencies identified under section 12131(a) on the basis of their relative allocations under section 1124 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333) in the most recent year for which that information is available to the Secretary.

(b) REALLOCATIONS.—If a local educational agency does not apply for its allocation, applies for less than its full allocation, or fails to submit an approvable application, the Secretary may reallocate all or a portion of its allocation, as the case may be, to the remaining local educational agencies in the same proportions as the original allocations were made to those agencies under subsection (a).

SEC. 12137. COMPETITIVE GRANTS.

(a) GRANTS AUTHORIZED.—The Secretary shall use funds available under section 12112(b)(3) to make additional grants, on a competitive basis, to recipients of formula grants under section 12136.

(b) ADDITIONAL APPLICATION MATERIALS.—Any eligible applicant under section 12136 that wishes to receive additional funds under this section shall include in its application under section 12135 the following additional information:

(1) The amount of funds requested under this section, in accordance with ranges or limits that the Secretary may establish based on factors such as relative size of the eligible applicants.

(2) A description of the additional construction activities that the applicant would carry out with those funds.

(3) Information on the current financial effort the applicant is making for elementary and secondary education, including support from private sources, relative to its resources.

(4) Information on the extent to which the applicant will increase its own (or other public or private) spending for school construction in the year in which it receives a grant under this section, above the average annual amount for construction activity during the preceding four years.

(5) A description of the energy efficiency and the effect on the environment of the projects that the applicant will undertake, both with its grant under this section and its grant under section 12136, and of the extent to which those projects will use cost-efficient architectural design.

(6) Other information that the Secretary may require.

(c) SELECTION OF GRANTEES.—The Secretary shall select grantees under this section on the basis of criteria, consistent with the purpose of this title, that the Secretary may establish, which shall include—

(1) the relative need of applicants, as demonstrated by inadequate educational facilities and a low level of resources to meet their school construction needs; and

(2) the commitment of applicants to meet their school construction needs and the leveraging effect that assistance under this chapter would have, as demonstrated by the additional resources that they will provide, from non-Federal sources, to meet those needs, in accordance with subsection (b)(4).

SEC. 12138. AMOUNT OF FEDERAL SUBSIDY.

(a) AMOUNT OF FEDERAL SUBSIDY.—For each construction project assisted under this chapter, the Secretary shall determine the amount of the Federal subsidy in accordance with section 12127(a).

(b) NON-FEDERAL SHARE.—A grantee under this chapter may use any non-Federal funds, including State, local, and private-sector funds, for the financing costs that are not covered by the Federal subsidy under subsection (a).

SEC. 12139. SEPARATE FUNDS OR ACCOUNTS; PRUDENT INVESTMENT.

(a) SEPARATE FUNDS OR ACCOUNTS REQUIRED.—Each grantee under this chapter shall deposit the grant proceeds in a separate fund or account, from which it shall make bond repayments and pay other expenses allowable under this chapter.

(b) PRUDENT INVESTMENT REQUIRED.—Each grantee under this chapter shall—

(1) invest the grant funds in a fiscally prudent manner, in order to generate amounts needed to make repayments on bonds and other forms of indebtedness; and

(2) notwithstanding section 6503 of title 31, United States Code or any other law, use the proceeds of that investment to carry out this chapter.

SEC. 12140. LOCAL REPORTS.

(a) REPORTS REQUIRED.—(1) Each grantee under this chapter shall report to the Secretary on its activities under this chapter, in the form and manner the Secretary may prescribe.

(2) If the local educational agency is not the grantee under this chapter, the grantee's report shall include the approval of the local educational agency or its comments on the report.

(b) CONTENTS.—Each report shall—

(1) describe the grantee's implementation of this chapter, including how it has met the requirements of this chapter;

(2) identify the specific school facilities constructed, renovated, or modernized with support from the grant, and the mechanisms used to finance those activities; and

(3) other information the Secretary may require.

(c) FREQUENCY.—(1) Each grantee shall submit its first report under this section not later than 24 months after it receives its grant under this chapter.

(2) Each grantee shall submit an annual report for each of the three years after submitting its first report, and subsequently shall

submit periodic reports as long as it is using grant funds.

Subtitle B—General Provisions

SEC. 12201. TECHNICAL EMPLOYEES.

For the purpose of carrying out this title, the Secretary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, may appoint not more than 10 technical employees who may be paid without regard to the provisions of chapter 51 and subchapter IV of chapter 53 of that title relating to classification and General Schedule pay rates.

SEC. 12202. WAGE RATES.

(a) PREVAILING WAGE.—The Secretary shall ensure that all laborers and mechanics employed by contractors and subcontractors on any project assisted under this title are paid wages at rates not less than those prevailing as determined by the Secretary of Labor in accordance with the Act of March 3, 1931, as amended (40 U.S.C. 276a et seq.). The Secretary of Labor has, with respect to this section, the authority and functions established in Reorganization Plan Numbered 14 of 1950 (effective May 24, 1950, 64 Stat. 1267) and section 2 of the Act of June 13, 1934 (40 U.S.C. 276c).

(b) WAIVER FOR VOLUNTEERS.—Section 7305 of the Federal Acquisition Streamlining Act of 1994 (40 U.S.C. 276d–3) is amended—

(1) in paragraph (4), by striking out the ''and'' at the end thereof;

(2) in paragraph (5), by striking out the period at the end thereof and inserting a semicolon and ''and''; and

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

''(6) the Partnership to Rebuild America's Schools Act of 1997.''.

SEC. 12203. NO LIABILITY OF FEDERAL GOVERNMENT.

(a) NO FEDERAL LIABILITY.—Any financial instruments, including but not limited to contracts, bonds, bills, notes, certificates of participation, or purchase or lease arrangements, issued by States, localities or instrumentalities thereof in connection with any assistance provided by the Secretary under this title are obligations of such States, localities or instrumentalities and not obligations of the United States and are not guaranteed by the full faith and credit of the United States.

(b) NOTICE REQUIREMENT.—Documents relating to any financial instruments, including but not limited to contracts, bonds, bills, notes, offering statements, certificates of participation, or purchase or lease arrangements, issued by States, localities or instrumentalities thereof in connection with any assistance provided under this title, shall include a prominent statement providing notice that the financial instruments are not obligations of the United States and are not guaranteed by the full faith and credit of the United States.

SEC. 12204. CONSULTATION WITH SECRETARY OF THE TREASURY.

The Secretary of Education shall consult with the Secretary of the Treasury in carrying out this title.

AMENDMENT NO. 668

At the end of subtitle D of title X, add the following:

SEC. . TRANSFER FOR VETERANS' HEALTH CARE AND OTHER PURPOSES.

(a) TRANSFER REQUIRED.—The Secretary of Defense shall transfer to the Secretary of Veterans' Affairs $400,000,000 of the funds appropriated for the Department of Defense for fiscal year 1998.

(b) USE OF TRANSFERRED FUNDS.—Funds transferred to the Secretary of Veterans' Affairs shall be for the purposes of providing benefits under the laws administered by the Secretary of Veterans' Affairs, other than compensation and pension benefits provided under Chapters 11 and 13 of title 38, United States Code.

WELLSTONE (AND ROCKEFELLER) AMENDMENT NO. 669

(Ordered to lie on the table.)

Mr. WELLSTONE (for himself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by them to the bill, S. 936, supra; as follows:

On page 46, between lines 6 and 7, insert the following:

SEC. 220. BIOASSAY TESTING OF VETERANS EXPOSED TO IONIZING RADIATION DURING MILITARY SERVICE.

(a) NUCLEAR TEST PERSONNEL PROGRAM.—Of the amount provided in section 201(4), $500,000 shall be available for testing described in subsection (b) at the Brookhaven National Laboratory in support of the Nuclear Test Personnel Program conducted by the Defense Special Weapons Agency.

(b) COVERED TESTING.—Subsection (a) applies to the third phase of bioassay testing of individuals who are radiation-exposed veterans (as defined in section 1112(c)(3) of title 38, United States Code) who participated in radiation-risk activities (as defined in such paragraph).

WELLSTONE AMENDMENT NO. 670

(Ordered to lie on the table.)

Mr. WELLSTONE submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

At the end of subtitle D of title X, add the following:

SEC. ___. TRANSFER FOR OUTREACH AND STARTUP FOR THE SCHOOL BREAKFAST PROGRAM.

(a) TRANSFER REQUIRED.—In each of fiscal years 1998, 1999, 2000, 2001, and 2002, the Secretary of Defense shall transfer to the Secretary of Agriculture—

(1) $5,000,000 of the funds appropriated for the Department of Defense for that fiscal year; and

(2) any additional amount that the Secretary of Agriculture determines necessary to pay any increase in the cost of the meals provided to children under the school breakfast program as a result of the amendment made by subsection (b).

(b) USE OF TRANSFERRED FUNDS.—Section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) is amended by adding at the end the following:

''(f) STARTUP AND EXPANSION COSTS.—

''(1) DEFINITIONS.—In this subsection:

''(A) ELIGIBLE SCHOOL.—The term 'eligible school' means a school—

''(i) attended by children, a significant percentage of whom are members of low-income families;

''(ii)(I) as used with respect to a school breakfast program, that agrees to operate the school breakfast program established or expanded with the assistance provided under this subsection for a period of not less than 3 years; and

''(II) as used with respect to a summer food service program for children, that agrees to operate the summer food service program for children established or expanded with the assistance provided under this subsection for a period of not less than 3 years.

''(B) SERVICE INSTITUTION.—The term 'service institution' means an institution or organization described in paragraph (1)(B) or (7) of section 13(a) of the National School Lunch Act (42 U.S.C. 1761(a)).

''(C) SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.—The term 'summer food service program for children' means a program authorized by section 13 of the National School Lunch Act (42 U.S.C. 1761).

''(2) USE OF FUNDS.—Out of any amounts made available under section ___(a)(1) of the National Defense Authorization Act for Fiscal Year 1998, the Secretary of Agriculture shall make payments on a competitive basis and in the following order of priority (subject to the other provisions of this subsection), to—

''(A) State educational agencies in a substantial number of States for distribution to eligible schools to assist the schools with nonrecurring expenses incurred in—

''(i) initiating a school breakfast program under this section; or

''(ii) expanding a school breakfast program; and

''(B) a substantial number of States for distribution to service institutions to assist the institutions with nonrecurring expenses incurred in—

''(i) initiating a summer food service program for children; or

''(ii) expanding a summer food service program for children.

''(3) PAYMENTS ADDITIONAL.—Payments received under this subsection shall be in addition to payments to which State agencies are entitled under subsection (b) of this section and section 13 of the National School Lunch Act (42 U.S.C. 1761).

''(4) STATE PLAN.—To be eligible to receive a payment under this subsection, a State educational agency shall submit to the Secretary of Agriculture a plan to initiate or expand school breakfast programs conducted in the State, including a description of the manner in which the agency will provide technical assistance and funding to schools in the State to initiate or expand the programs.

''(5) SCHOOL BREAKFAST PROGRAM PREFERENCES.—In making payments under this subsection for any fiscal year to initiate or expand school breakfast programs, the Secretary shall provide a preference to State educational agencies that—

''(A) have in effect a State law that requires the expansion of the programs during the year;

''(B) have significant public or private resources that have been assembled to carry out the expansion of the programs during the year;

''(C) do not have a school breakfast program available to a large number of low-income children in the State; or

''(D) serve an unmet need among low-income children, as determined by the Secretary.

''(6) SUMMER FOOD SERVICE PROGRAM PREFERENCES.—In making payments under this subsection for any fiscal year to initiate or expand summer food service programs for children, the Secretary shall provide a preference to States—

''(A)(i) in which the numbers of children participating in the summer food service program for children represent the lowest percentages of the number of children receiving free or reduced price meals under the school lunch program established under the National School Lunch Act (42 U.S.C. 1751 et seq.); or

''(ii) that do not have a summer food service program for children available to a large number of low-income children in the State; and

''(B) that submit to the Secretary a plan to expand the summer food service programs for children conducted in the State, including a description of—

''(i) the manner in which the State will provide technical assistance and funding to service institutions in the State to expand the programs; and

''(ii) significant public or private resources that have been assembled to carry out the expansion of the programs during the year.

''(7) RECOVERY AND REALLOCATION.—The Secretary shall act in a timely manner to recover and reallocate to other States any amounts provided to a State educational agency or State under this subsection that are not used by the agency or State within a reasonable period (as determined by the Secretary).

''(8) ANNUAL APPLICATION.—The Secretary shall allow States to apply on an annual basis for assistance under this subsection.

''(9) GREATEST NEED.—Each State agency and State, in allocating funds within the State, shall give preference for assistance under this subsection to eligible schools and service institutions that demonstrate the greatest need for a school breakfast program or a summer food service program for children, respectively.

''(10) MAINTENANCE OF EFFORT.—Expenditures of funds from State and local sources for the maintenance of the school breakfast program and the summer food service program for children shall not be diminished as a result of payments received under this subsection.''.

LIEBERMAN AMENDMENT NO. 671

(Ordered to lie on the table.)

Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

At the appropriate place, insert the following:

SEC. . STUDY CONCERNING THE PROVISION OF COMPARATIVE INFORMATION.

(a) STUDY.—The Secretary of Defense shall conduct a study concerning the provision of the information described in subsection (b) to beneficiaries under the TRICARE program established under the authority of chapter 55 of title 10, United States Code, and prepare and submit to the appropriate committees of Congress a report concerning such study.

(b) PROVISION OF COMPARATIVE INFORMATION.—Information described in this subsection, with respect to a managed care entity that contracts with the Secretary of Defense to provide medical assistance under the program described in subsection (a), shall include the following:

(1) BENEFITS.—The benefits covered by the entity involved, including—

(A) covered items and services beyond those provided under a traditional free-for-service program;

(B) any beneficiary cost sharing; and

(C) any maximum limitations on out-of-pocket expenses.

(2) PREMIUMS.—The net monthly premium, if any, under the entity.

(3) SERVICE AREA.—The service area of the entity.

(4) QUALITY AND PERFORMANCE.—To the extent available, quality and performance indicators for the benefits under the entity (and how they compare to such indicators under the traditional fee-for-service programs in the area involved), including—

(A) disenrollment rates for enrollees electing to receive benefits through the entity for the previous 2 years (excluding disenrollment due to death or moving outside the service area of the entity);

(B) information on enrollee satisfaction;

(C) information on health process and outcomes;

(D) grievance procedures;

(E) the extent to which an enrollee may select the health care provider of their choice, including health care providers within the network of the entity and out-of-network health care providers (if the entity covers out-of-network items and services); and

(F) an indication of enrollee exposure to balance billing and the restrictions on coverage of items and services provided to such enrollee by out-of-network health care provider.

(5) SUPPLEMENTAL BENEFITS OPTIONS.—Whether the entity offers optional supplemental benefits and the terms and conditions (including premiums) for such coverage.

(6) PHYSICIAN COMPENSATION.—An overall summary description as to the method of compensation of participating physicians.

BUMPERS AMENDMENT NO. 672

(Ordered to lie on the table.)

Mr. BUMPERS submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

Strike line 10 on page 310 through line 10 on page 315.

GRASSLEY AMENDMENT NO. 673

(Ordered to lie on the table.)

Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

At the appropriate place insert:

Chapter 27 of title 18, United States Code, is amended by inserting the following new section:

''Whoever fraudulently or knowlingly exports or sends from the United States, or attempts to export or send from the United States, any merchandise, article or object contrary to any law or regulation of the United States, or receives, conceals, buys sells, or in any manner facilitates the transportation, concealment, or sale of such merchandise, article or object, prior to exportation, knowing the same to be intended for exportation contrary to any law or regulation of the United States, shall be fined under this title or imprisoned not more than five years, or both. Proof of defendant's possession of such goods, unless explained to the satisfaction of the jury, may be deemed evidence sufficient to authorize conviction for violation of this section. The term 'United States' as used in this section shall have the same meaning as that provided in section 545 of this title.''

FEINGOLD AMENDMENTS NOS. 674–677

(Ordered to lie on the table.)

Mr. FEINGOLD submitted four amendments intended to be proposed by him to the bill, S. 936, supra; as follows:

AMENDMENT NO. 674

On page 53, line 14, after ''follows'', add the following: ''*: Provided,* That none of the funds authorized pursuant to this section may be obligated for the deployment of any ground elements of the United States Armed Forces in the Republic of Bosnia and Herzegovina after June 30, 1998, except that the limitation in this clause shall not apply to the extent necessary to support a limited number of United States military personnel sufficient only to protect United States diplomatic facilities in existence on the date of the enactment of this Act, and noncombat military personnel sufficient only to advise the commanders North Atlantic Treaty Organization peacekeeping operations in the Republic of Bosnia and Herzegovina, or actions taken by the President in order to protect the lives of United States citizens''.

AMENDMENT NO. 675

At the end of subtitle C of title I, add the following:

SEC. 125. F/A–18 E/F TACTICAL FIGHTER AIRCRAFT PROGRAM.

Amounts authorized to be appropriated by this Act may not be used to provide for the procurement of more than 12 F/A–18 E/F tactical fighter aircraft.

AMENDMENT NO. 676

On page 16, on line 1, insert before the period the following: '', of which funds may not be obligated for the procurement of more than 12 F/A–18 E/F tactical fighter aircraft''

AMENDMENT NO. 677

At the end of subtitle E of title, I, add the following:

SEC. 144. NEW TACTICAL FIGHTER AIRCRAFT PROGRAMS.

(a) REPORT.—Not later than 60 days after the date of the enactment of this Act. The Secretary of Defense shall submit to Congress a report containing the Secretary's recommendation on which one of the three new tactical fighter aircraft programs should be terminated if only two of such programs were to be funded. The report shall also contain an analysis of how the two remaining new tactical fighter aircraft programs (not including the tactical fighter aircraft program recommended for termination), together with the current tactical aircraft assets of the Armed Forces, will provide the Armed Forces with an effective, affordable tactical fighter force structure that is capable of meeting projected threats well into the twenty-first century.

(b) COVERED AIRCRAFT PROGRAMS.—The three new tactical fighter aircraft programs referred to in subsection (a) are as follows:

(1) The F/A–18 E/F aircraft program.

(2) The F–22 aircraft program.

(3) The Joint Strike Fighter aircraft program.

FEINSTEIN (AND BOXER) AMENDMENT NO. 678

(Ordered to lie on the table.)

Mrs. FEINSTEIN (for herself and Mrs. BOXER) submitted an amendment intended to be proposed by them to the bill, S. 936, supra; as follows:

On page 347, between lines 15 and 16, insert the following:

SEC. 1075. AUTHORITY TO TRANSFER SURPLUS PROPERTY FOR USE FOR LAW ENFORCEMENT OR FIRE AND RESCUE PURPOSES.

Section 203(p)(1) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(p)(1)) is amended in the first sentence by striking out ''required'' and all that follows through ''as approved by the Attorney General'' and inserting in lieu thereof ''needed for use by the transferee or grantee for a law enforcement or fire and rescue purpose''.

FEINSTEIN AMENDMENT NO. 679

(Ordered to lie on the table.)

Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill, S. 936, supra; as follows:

At the end of Subtitle B of Title XXVIII, add the following,

SEC. . LAND CONVEYANCE, HAMILTON FIELD, NOVATO, CALIFORNIA.

(a) CONVEYANCE REQUIRED.—The Secretary of the Navy shall convey to the City of Novato, California (in this section referred to as the ''City''), or a department or agency of the City, all right, title, and interest of the United States in and to the surplus Department of Defense housing facilities at former Hamilton Field in the City of Novato.

(b) CONSIDERATION.—(1) As consideration for the conveyance under subsection (a), the City shall pay to the United States an amount equal to the fair market value of the real property, as determined in accordance with this subsection. The fair market value shall be determined on the basis of the assumption that the property will be developed in accordance with the approved redevelopment plan prepared by the local redevelopment authority for the property.

(c) TIME FOR CONVEYANCE.—The Secretary shall endeavor to complete the conveyance under subsection (a) on or before November 15, 1997.

(d) 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 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.

KERRY AMENDMENTS NOS. 680–681

(Ordered to lie on the table.)

Mr. KERRY submitted two amendments intended to be proposed by him to the bill, S. 936, supra; as follows:

AMENDMENT NO. 680

Beginning on page 336, line 20, strike all beginning ''SEC. 1067. POW/MIA'' through ''(50 U.S.C. 401a).'' on line 3 of page 338.

AMENDMENT NO. 681

Add at the appropriate point in the bill the following

SEC. . AUTHORITY OF THE SECRETARY OF DEFENSE CONCERNING DISPOSAL OF ASSETS UNDER COOPERATIVE AGREEMENTS ON AIR DEFENSE IN CENTRAL EUROPE.

(a) GENERAL AUTHORITIES.—The Secretary of Defense, pursuant to an amendment or amendments to the European air defense agreements, may dispose of any defense articles owned by the United States and acquired to carry out such agreements by providing such articles to the Federal Republic of Germany. In carrying out such disposal, the Secretary—

(1) may provide without monetary charge to the Federal Republic of Germany articles specified in the agreements; and

(2) may accept from the Federal Republic of Germany (in exchange for the articles provided under paragraph (1)) articles, services, or any other consideration, as determined appropriate by the Secretary.

(b) DEFINITION OF EUROPEAN AIR DEFENSE AGREEMENTS.—For the purposes of this section the term ''European air defense agreements'' means

(1) the agreement entitled ''Agreement between the Secretary of Defense of the United States of America and the Minister of Defense of the Federal Republic of Germany on Cooperative Measures for Enhancing Air Defense for Central Europe'', signed on December 6, 1983; and

(2) the agreement entitled ''Agreement between the Secretary of Defense of the United States of America and the Minister of Defense of the Federal Republic of Germany in implementation of the 6 December 1983 Agreement on Cooperative Measures for Enhancing Air Defense for Central Europe'', signed on July 12, 1984.

D'AMATO AMENDMENT NO. 682

(Ordered to lie on the table.)

Mr. D'AMATO submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

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

None of the funds authorized for development of the ALR–69 radar warning receiver may be obligated or expended until the active Air Force, the Air National Guard and the Air Force Reserve conduct a Cost and Operation Effectiveness Analysis (COEA) to determine the best path to follow in making this upgrade and report their findings to the Congressional Defense Committees.

DOMENICI AMENDMENTS NOS. 683–684

(Ordered to lie on the table.)

Mr. DOMENICI submitted two amendments intended to be proposed by him to the bill, S. 936, supra; as follows:

AMENDMENT NO. 683

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

In addition to the amount authorized to be appropriated for the Department of Defense health care program, add $7 million for the Gerald Champion Memorial Hospital/Holloman Air Force Base shared hospital facility.

AMENDMENT NO. 684

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

On page 53, title III, Operations and Maintenance, line 18, Air Force Operations and Maintenance, strike ''$18,861,685,000'' and insert ''$18,871,685,000''.

COATS (AND OTHERS) AMENDMENT NO. 685

(Ordered to lie on the table.)

Mr. COATS (for himself, Mr. BREAUX, Mr. SMITH of Oregon, and Mr. BROWNBACK) submitted an amendment intended to be proposed by them to the bill, S. 936, supra; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1075. SENSE OF THE SENATE REGARDING EXPANSION OF THE NORTH ATLANTIC TREATY ORGANIZATION.

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

(1) The North Atlantic Treaty Organization (NATO) will meet July 8 and 9, 1997, in Madrid, Spain, to issue invitations to several countries in Central Europe and Eastern Europe to begin accession talks to join NATO.

(2) Congress has expressed its support for the process of NATO enlargement by approving the NATO Enlargement Facilitation Act of 1996 (Public Law 104–208; 22 U.S.C. 1928 note) by a vote of 81–16 in the Senate, and 353–65 in the House of Representatives.

(3) The Clinton Administration has determined that the United States Government will support inviting three countries—Poland, Hungary, and the Czech Republic—to join NATO at the Madrid summit.

(4) The United States should ensure that the process of enlarging NATO continues after the first round of invitations are issued this July.

(5) Romania and Slovenia are to be commended for their progress toward political and economic reform and their meeting the guidelines for prospective NATO membership.

(6) In furthering NATO's purpose and objective of promoting stability and well-being in the North Atlantic area, Romania, Slovenia, and any other democratic states of Central and Eastern Europe should be invited to become NATO members as expeditiously as possible upon satisfaction of all relevant criteria.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that NATO should set a date certain by which the heads of state of NATO members will meet to issue a second round of invitations to Central and Eastern European states that have met the criteria for NATO membership.

SNOWE AMENDMENT NO. 686

(Ordered to lie on the table.)

Ms. SNOWE submitted an amendment intended to be proposed by her to the bill, S. 936, supra; as follows:

On page 410, between lines 2 and 3, insert the following:

SEC. 2832. UTILIZATION OF SAVINGS DERIVED FROM BASE CLOSURE PROCESS.

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

(1) Since 1988, the Department of Defense has conducted 4 rounds of closures and realignments of military installations in the United States, resulting in the closure of 97 installations.

(2) The cost of carrying out the closure or realignment of installations covered by such rounds is estimated by the Secretary of Defense to be $23,000,000,000.

(3) The savings expected as a result of the closure or realignment of such installations are estimated by the Secretary to be $10,300,000,000 through fiscal year 1996 and $36,600,000,000 through 2001.

(4) In addition to such savings, the Secretary has estimated recurring savings as a result of the closure or realignment of such installations of approximately $5,600,000,000 annually.

(5) The fiscal year 1997 budget request for the Department assumes a savings of between $2,000,000,000 and $3,000,000,000 as a result of the closure or realignment of such installations, which savings were to be dedicated to modernization of the Armed Forces. The savings assumed in the budget request were not realized.

(6) The fiscal year 1998 budget request for the Department assumes a savings of $5,000,000,000 as a result of the closure or realignment of such installations, which savings are to be dedicated to modernization of the Armed Forces.

(b) REPORT ON PRIOR COSTS AND SAVINGS.—The Secretary of Defense shall submit to Congress in 1998, together with the President's budget for fiscal year 1999 under section 1105(a) of title 31, United States Code, a report containing a complete accounting of the costs attributable to and the savings realized as a result of the closure and realignment of military installations under the base closure laws through fiscal year 1997.

(c) REPORTS ON FUTURE COSTS AND SAVINGS.—The Secretary shall submit to Congress in 1999 and each year thereafter, together with the President's budget for the succeeding fiscal year under that section, a report containing a complete accounting of the costs attributable to and the savings realized as a result of the closure and realignment of installations under the base closure laws during the preceding fiscal year.

(d) ADDITIONAL REPORT REQUIREMENTS.—(1) Each report under subsections (b) and (c) shall contain, in addition to the matters required under such subsections, a statement of the estimated costs to be attributed to and savings to be realized as a result of the closure and realignment of installations under the base closure laws during the six-year period beginning on the date of the report.

(2) Each report shall set forth costs and savings, using data consistent with budget data, by Armed Force, type of installation, and fiscal year.

(3) The Secretary shall, to the maximum extent practicable, ensure that the military departments utilize a common methodology in determining costs attributable to and savings realized as a result of the closure and realignment of installations under the base closure laws.

(e) PURPOSE OF REPORTS.—The purpose of the reports under this section is to provide Congress with an full and accurate accounting of the costs attributable to and the savings realized as a result of the base closure process.

(f) SENSE OF SENATE ON USE OF SAVINGS.—It is the sense of the Senate that the savings reported under this section be made available to the Department solely for purposes of modernization of new weapon systems (including research, development, test, and evaluation relating to such modernization) and be used by the Department solely for such purposes.

(g) DEFINITIONS.—In this section:

(1) BASE CLOSURE LAWS.—The term ''base closure laws'' means the following:

(A) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).

(B) 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).

(C) Any Act enacted after the date of enactment of this Act the provisions of which authorize or require the closure or realignment of a military installation.

(2) SAVINGS REALIZED.—The term ''savings realized'', with respect to military installations closed or realigned under the base closure laws, means the costs the Department would otherwise have incurred with respect to such installations if not for the closure or realignment of such installations under such laws.

JEFFORDS AMENDMENT NO. 687

(Ordered to lie on the table.)

Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill, S. 936, supra: as follows:

On page 84, after line 23, add the following:

SEC. 340. PROCUREMENT OF RECYCLED COPIER PAPER.

(a) REQUIREMENT.—(1) Except as provided in subsection (b), a department or agency of the Department of Defense may not procure copying machine paper after a date set forth in paragraph (2) unless the percentage of post-consumer recycled content of the paper meets the percentage set forth with respect to such date in that paragraph.

(2) The percentage of post-consumer recycled content of paper required under paragraph (1) is as follows:

(A) 20 percent as of January 1, 1998.

(B) 30 percent as of January 1, 1999.

(C) 50 percent as of January 1, 2004.

(b) EXCEPTIONS.—A department or agency may procure copying machine paper having a percentage of post-consumer recycled content that does not meet the applicable requirement in subsection (a) if—

(1) the cost of procuring copying machine paper under such requirement would exceed by more than 7 percent the cost of procuring copying machine paper having a percentage of post-consumer recycled content that does not meet such requirement;

(2) copying machine paper having a percentage of post-consumer recycled content meeting such requirement is not reasonably available within a reasonable period of time;

(3) copying machine paper having a percentage of post-consumer recycled content meeting such requirement does not meet performance standards of the department or agency for copying machine paper; or

(4) in the case of the requirement in paragraph (2)(C) of that subsection, the Secretary of Defense makes the certification described in subsection (c).

(c) CERTIFICATION OF INABILITY TO MEET GOAL IN 2004.—If the Secretary determines that any department or agency of the Department will be unable to meet the goal specified in subsection (a)(2)(C) by the date specified in that subsection, the Secretary shall certify that determination to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives. The Secretary shall submit such certification, if at all, not later than January 1, 2003.

HUTCHISON AMENDMENTS NOS. 688–696

(Ordered to lie on the table.)

Mrs. HUTCHISON submitted nine amendments intended to be proposed by her to the bill, S. 936, supra; as follows:

AMENDMENT NO. 688

At the end of title XXV, add the following (and conform the table of contents accordingly:)

SEC. . SENSE OF CONGRESS REGARDING THE NORTH ATLANTIC TREATY.

(a) FINDINGS.—Congress finds the following:

(1) The NATO alliance is expected to expand its membership;

(2) The unity, resolve, and strength of the North Atlantic Treaty Organization was the principle factor behind that victory;

(3) The North Atlantic Treaty was signed in April 1949 and remains substantively unchanged for nearly a half-century, despite the dramatic changes it has wrought;

(4) The President of the United States and leaders of other NATO countries have indicated their intention to expand alliance membership to include at least three new countries;

(5) The period since the end of the Cold War has been marked by tragic and violent border, ethnic, religious, and nationalist disputes in Europe;

(6) Current and prospective NATO members are not immune to such disputes, and share borders with countries directly involved in the ongoing military standoff in the former Yugoslavia;

(7) The United States has spent more than $6 billion for its share of the peacekeeping responsibilities in the former Yugoslavia;

(8) 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;

(9) The North Atlantic Treaty does not provide for 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 undertake to renegotiate the underlying treaty to provide for a process of internal dispute resolution as a precondition for the final entry of any additional members into the alliance.

AMENDMENT NO. 689

At the end of title XXV, add the following (and conform the table of contents accordingly:)

SEC. . SENSE OF CONGRESS REGARDING THE NORTH ATLANTIC TREATY.

(a) FINDINGS.—Congress finds the following:

(1) The NATO alliance is expected to expand its membership by an as yet undetermined number of nations over the next several years;

(2) The nations seeking entry into the Atlantic alliance deploy militaries that are badly in need of modernization;

(3) Seamless command and control abilities are needed if the militaries of NATO's member nations are to be inter-operable;

(4) Candidates for NATO membership are expecting U.S. foreign assistance in order to upgrade their command and control capabilities;

(5) Estimates of annual costs to the U.S. for NATO expansion have varied from $150 million to over $5 billion dollars;

(6) The present Administration has consistently failed to provide modernization funds of anywhere near the $60 billion annual expenditure that is widely considered to be the baseline figure needed to modernize America's military;

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Department of Defense related expenditures for the purpose of facilitating the expansion of NATO shall not exceed $150 million a year between Fiscal Years 1998 and 2005.

AMENDMENT NO. 690

Beginning on page 32, line 16, strike all starting with ''Section 212'' through page 34, end of line 24.

AMENDMENT NO. 691

At the appropriate place, insert:

SEC. 544. LEGAL SERVICES CORPORATION.

PUBLIC DISCLOSURE.—(1) Not later than January 1, 1998, the Legal Services Corporation shall implement a system of case information disclosure which shall apply to all basic field programs which receive funds from the Legal Services Corporation from funds appropriated by the Congress.

(2) Any basic field program which receives federal funds from the Legal Services Corporation from the funds appropriated in this Act must disclose to the public in written form, upon request, and to the Legal Services Corporation in quarterly reports, the following information about each case by its attorneys in any court—

(A) the name and full address of each party to the legal action;

(B) the cause(s) of action in the case;

(C) the name and address of the court in which the case was filed and the case number assigned to the legal action.

(3) The case information disclosed in quarterly reports to the Legal Services Corporation shall be subject to disclosure under the Freedom of Information Act (5 U.S.C. Sec. 552).

AMENDMENT NO. 692

On page 68, between lines 17 and 18, insert the following:

SEC. 319. LIMITATION ON USE OF FUNDS FOR CONSTRUCTION OF INDUSTRIAL FACILITIES AT MILITARY DEPOTS.

Notwithstanding any other provision of law, no funds authorized to be appropriated

or otherwise made available to the Department of Defense may be obligated or expended for the construction of industrial facilities at a military depot in order to provide for the transfer of additional workload to the depot until the Secretary of the military department concerned certifies that—

(1) there is not available in the private sector sufficient industrial capacity to perform the additional workload;

(2) the private sector cannot perform the additional workload in a satisfactory manner for less cost;

(3) the additional workload cannot be performed in an existing military depot or military facility without construction of the facilities concerned;

(4) the additional workload is inherently public in nature; and

(5) the military readiness of the military department concerned will be adversely affected if the facilities are not constructed.

AMENDMENT NO. 693

On page 308, between lines 20 and 21, insert the following:

(d) TREATMENT OF SEABORNE CONSERVATION CORPS AS CIVILIAN YOUTH OPPORTUNITIES PROGRAM.—The Secretary of Defense shall treat the Seaborne Conservation Corps, a youth opportunities program sponsored by the Department of Defense, the Department of the Navy, and the Texas National Guard, as a program carried out under subsection (d) of section 1091 of the National Defense Authorization Act for Fiscal Year 1993 for purposes of the pilot program under that section.

AMENDMENT NO. 694

At the end of the subtitle of title III relating to depot-level activities, add the following:

SEC. ___. REQUIREMENT FOR COMPETITION IN SECURING PERFORMANCE OF CERTAIN DEPOT-LEVEL MAINTENANCE AND REPAIR.

Notwithstanding any other provision of law, in any case in which the Secretary of the military department concerned, or the Secretary of Defense in the case of a Defense Agency, proposes to enter into a contract for the performance of depot-level maintenance and repair in excess of $3,000,000, or provide for the transfer of the performance of such maintenance and repair in excess of that amount, such Secretary shall—

(1) provide for full and open competition between any appropriate depot of the Department of Defense and the private sector with respect to the performance of such maintenance and repair; and

(2) provide for the performance of such maintenance and repair by the depot or private contractor submitting the lowest-cost bid for such performance.

AMENDMENT NO. 695

At the end of the subtitle in title III relating to depot-level activities, add the following:

SEC. ___. LIMITATION ON TRANSFER OF WORKLOADS TO FACILITIES ON THE NATIONAL PRIORITIES LIST.

Notwithstanding any other provision of law, the Secretary of the military department concerned, or the Secretary of Defense in the case of a Defense Agency, may not transfer any depot-level maintenance and repair workload to a facility listed on the National Priorities List until a plan has been developed for remedial action with respect to the facility.

AMENDMENT NO. 696

In title II, beginning with the heading of section 221, strike out all through the heading of section 222, and insert in lieu thereof the following:

SEC. 221. SHORT TITLE.

This subtitle may be cited as the ''Defend America Act of 1997''.

SEC. 222. FINDINGS.

Congress makes the following findings:

(1) Although the United States possesses the technological means to develop and deploy defensive systems that would be highly effective in countering limited ballistic missile threats to its territory, the United States has not deployed such systems and currently has no policy to do so.

(2) The threat that is posed to the national security of the United States by the proliferation of ballistic missiles is significant and growing, both quantitatively and qualitatively.

(3) The trend in ballistic missile proliferation is toward longer range and increasingly sophisticated missiles.

(4) Several countries that are hostile to the United States (including North Korea, Iran, Libya, and Iraq) have demonstrated an interest in acquiring ballistic missiles capable of reaching the United States.

(5) The Intelligence Community of the United States has confirmed that North Korea is developing an intercontinental ballistic missile that will be capable of reaching Alaska or beyond once deployed.

(6) There are ways for determined countries to acquire missiles capable of threatening the United States with little warning by means other than indigenous development.

(7) Because of the dire consequences to the United States of not being prepared to defend itself against a rogue missile attack and the long-lead time associated with preparing an effective defense, it is prudent to commence a national missile defense deployment effort before new ballistic missile threats to the United States are unambiguously confirmed.

(8) The timely deployment by the United States of an effective national missile defense system will reduce the incentives for countries to develop or otherwise acquire intercontinental ballistic missiles, thereby inhibiting as well as countering the proliferation of missiles and weapons of mass destruction.

(9) Deployment by the United States of a national missile defense system will reduce concerns about the threat of an accidental or unauthorized ballistic missile attack on the United States.

(10) The offense-only approach to strategic deterrence presently followed by the United States and Russia is fundamentally adversarial and is not a suitable basis for stability in a world in which the United States and the states of the former Soviet Union are seeking to normalize relations and eliminate Cold War attitudes and arrangements.

(11) Pursuing a transition to a form of strategic deterrence based increasingly on defensive capabilities and strategies is in the interest of all countries seeking to preserve and enhance strategic stability.

(12) The deployment of a national missile defense system capable of defending the United States against limited ballistic missile attacks would (A) strengthen deterrence at the levels of forces agreed to by the United States and Russia under the START I Treaty, and (B) further strengthen deterrence if reductions below START I levels are implemented in the future.

(13) Article XIII of the ABM Treaty envisions ''possible changes in the strategic situation which have a bearing on the provisions of this treaty''.

(14) Articles XIII and XIV of the treaty establish means for the parties to amend the treaty, and the parties have in the past used those means to amend the treaty.

(15) Article XV of the treaty establishes the means for a party to withdraw from the treaty, upon six months notice ''if it decides that extraordinary events related to the subject matter of this treaty have jeopardized its supreme interests''.

(16) Previous discussions between the United States and Russia, based on Russian President Yeltsin's proposal for a Global Protection System, envisioned an agreement to amend the ABM Treaty to allow (among other measures) deployment of as many as four ground-based interceptor sites in addition to the one site permitted under the ABM Treaty and unrestricted exploitation of sensors based within the atmosphere and in space.

SEC. 223. NATIONAL MISSILE DEFENSE POLICY.

(a) It is the policy of the United States to deploy by the end of 2003 a National Missile Defense system that—

(1) is capable of providing a highly-effective defense of the territory of the United States against limited, unauthorized, or accidental ballistic missile attacks; and

(2) will be augmented over time to provide a layered defense against larger and more sophisticated ballistic missile threats as they emerge.

(b) It is the policy of the United States to seek a cooperative transition to a regime that does not feature an offense-only form of deterrence as the basis for strategic stability.

SEC. 224. NATIONAL MISSILE DEFENSE SYSTEM ARCHITECTURE.

(a) REQUIREMENT FOR DEVELOPMENT OF SYSTEM.—To implement the policy established in section 223(a), the Secretary of Defense shall develop for deployment an affordable and operationally effective National Missile Defense (NMD) system which shall achieve an initial operational capability (IOC) by the end of 2003.

(b) ELEMENTS OF THE NMD SYSTEM.—The system to be developed for deployment shall include the following elements:

(1) An interceptor system that optimizes defensive coverage of the continental United States, Alaska, and Hawaii against limited, accidental, or unauthorized ballistic missile attacks and includes one or a combination of the following:

(A) Ground-based interceptors.

(B) Sea-based interceptors.

(C) Space-based kinetic energy interceptors.

(D) Space-based directed energy systems.

(2) Fixed ground-based radars.

(3) Space-based sensors, including the Space and Missile Tracking System.

(4) Battle management, command, control, and communications (BM/C^3).

SEC. 225. IMPLEMENTATION OF NATIONAL MISSILE DEFENSE SYSTEM.

The Secretary of Defense shall—

(1) upon the enactment of this Act, promptly initiate required preparatory and planning actions that are necessary so as to be capable of meeting the initial operational capability (IOC) date specified in section 224(a);

(2) plan to conduct by the end of 1998 an integrated systems test which uses elements (including BM/C^3 elements) that are representative of, and traceable to, the national missile defense system architecture specified in section 224(b);

(3) prescribe and use streamlined acquisition policies and procedures to reduce the cost and increase the efficiency of developing the system specified in section 224(a); and

(4) develop an affordable national missile defense follow-on program that—

(A) leverages off of the national missile defense system specified in section 224(a), and

(B) augments that system, as the threat changes, to provide for a layered defense.

SEC. 226. REPORT ON PLAN FOR NATIONAL MISSILE DEFENSE SYSTEM DEVELOPMENT AND DEPLOYMENT.

Not later than March 15, 1998, the Secretary of Defense shall submit to Congress a report on the Secretary's plan for development and deployment of a national missile defense system pursuant to this subtitle. The report shall include the following matters:

(1) The Secretary's plan for carrying out this subtitle, including—

(A) a detailed description of the system architecture selected for development under section 224(b); and

(B) a discussion of the justification for the selection of that particular architecture.

(2) The Secretary's estimate of the amount of appropriations required for research, development, test, evaluation, and for procurement, for each of fiscal years 1998 through 2003 in order to achieve the initial operational capability date specified in section 224(a).

(3) A cost and operational effectiveness analysis of follow-on options to improve the effectiveness of such system.

(4) A determination of the point at which any activity that is required to be carried out under this subtitle would conflict with the terms of the ABM Treaty, together with a description of any such activity, the legal basis for the Secretary's determination, and an estimate of the time at which such point would be reached in order to meet the initial operational capability date specified in section 224(a).

SEC. 227. POLICY REGARDING THE ABM TREATY.

(a) ABM TREATY NEGOTIATIONS.—In light of the findings in section 222 and the policy established in section 223, Congress urges the President to pursue high-level discussions with the Russian Federation to achieve an agreement to amend the ABM Treaty to allow deployment of the national missile defense system being developed for deployment under section 224.

(b) REQUIREMENT FOR SENATE ADVICE AND CONSENT.—If an agreement described in subsection (a) is achieved in discussions described in that subsection, the President shall present that agreement to the Senate for its advice and consent. No funds appropriated or otherwise available for any fiscal year may be obligated or expended to implement such an amendment to the ABM Treaty unless the amendment is made in the same manner as the manner by which a treaty is made.

(c) ACTION UPON FAILURE TO ACHIEVE NEGOTIATED CHANGES WITHIN ONE YEAR.—If an agreement described in subsection (a) is not achieved in discussions described in that subsection within one year after the date of the enactment of this Act, the President and Congress, in consultation with each other, shall consider exercising the option of withdrawing the United States from the ABM Treaty in accordance with the provisions of Article XV of that treaty.

SEC. 228. FUNDING FOR FISCAL YEAR 1998.

Of the funds authorized to be appropriated under section 201(4), $1,840,606,000 shall be available for the national missile defense program.

SEC. 229. ABM TREATY DEFINED.

For purposes of this subtitle, 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, and signed at Moscow on May 26, 1972, and includes the Protocols to that Treaty, signed at Moscow on July 3, 1974.

SEC. 230. REVERSAL OF DECISION TO TRANSFER PROCUREMENT FUNDS FROM THE BALLISTIC MISSILE DEFENSE ORGANIZATION.

GRAMM AMENDMENTS NO. 697–698

(Ordered to lie on the table.)

Mr. GRAMM submitted two amendments intended to be proposed by him to the bill, S. 936, supra; as follows:

AMENDMENT NO. 697

At the appropriate place, add the following:

SEC. . CONTINUATION OF SUPPORT TO SENIOR MILITARY COLLEGES.

(a) DEFINITION OF SENIOR MILITARY COLLEGES.—For purposed of this section, the term ''senior military colleges'' means the following:

(1) Texas A&M University.

(2) Norwich University.

(3) The Virginia Military Institute.

(4) The Citadel.

(5) Virginia Polytechnic Institute and State University.

(6) North Georgia College and State University.

(b) FINDINGS.—Congress finds the following:

(1) The senior military colleges consistently have provided substantial numbers of highly qualified, long-serving leaders to the Armed Forces.

(2) The quality of the military leaders produced by the senior military colleges is, in part, the result of the rigorous military environment imposed on students attending the senior military colleges by the colleges, as well as the result of the long-standing close support relationship between the Corps of Cadets at each college and the Reserve Officer Training Corps personnel at the colleges who serve a effective leadership role models and mentors.

(3) In recognition of the quality of the young leaders produced by the senior military colleges, the Department of Defense and the military service have traditionally maintained special relationships with the colleges, including the policy to grant active duty service in the Army to graduates of the colleges who desire such service and who are recommended for such service by their ROTC professors of military science.

(4) Each of the senior military colleges has demonstrated an ability to adapt its systems and operations to changing conditions in, and requirements of, the Armed Forces without compromising the quality of leaders produced and without interruption of the close relationship between the colleges and the Department of Defense.

(c) SENSE OF CONGRESS.—In light of the findings in subsection (b), it is the sense of Congress that—

(1) the proposed initiative of the Secretary of the Army to end the commitment to active duty service for all graduates of senior military colleges who desire such service and who are recommended for such service by their ROTC professors of military science is short-sighted and contrary to the long-term interests of the Army;

(2) as they have in the past, the senior military colleges can and will continue to accommodate to changing military requirements to ensure that future graduates entering military service continue to be officers of superb quality who are quickly assimilated by the Armed Forces and fully prepared to make significant contributions to the Armed Forces through extended military careers; and

(3) decisions of the Secretary of Defense or the Secretary of a military department that fundamentally and unilaterally change the long-standing relationship of the Armed Forces with the senior military colleges are not in the best interests of the Department of Defense or the Armed Forces and are patently unfair to students who made decisions to enroll in the senior military colleges on the basis of existing Department and Armed Forces policy.

(d) CONTINUATION OF SUPPORT FOR SENIOR MILITARY COLLEGES.—Section 2111a of title 10, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (g); and

(2) by inserting after subsection (c) the following new subsections:

''(d) ADDITIONAL SUPPORT.—(1) The Secretaries of the military departments shall ensure that each unit of the Senior Reserve Officers' Training Corps at a senior military college provides support to the Corps of Cadets at the college over and above the level of support associated with the conduct of the formal Senior Reserve Officers' Training Corps course of instruction.

''(2) This additional support shall include the following:

''(A) Mentoring, teaching, coaching, counseling and advising cadets and cadet leaders in the areas of leadership, military, and academic performance.

''(B) Involvement in cadet leadership training, development, and evaluation, as well as drill, ceremonies, parades, and inspections.

''(3) This additional support may include the following:

''(A) Advising cadet teams, clubs, and organizations.

''(B) Involvement in matters of discipline and administration of the Corps of Cadets so long as such involvement does not interfere with the conduct of the formal Senior Reserve Officers' Training Corps course of instruction or the support required by paragraph (2).

''(e) TERMINATION OR REDUCTION OF PROGRAM PROHIBITED.—The Secretary of Defense and the Secretaries of the military departments may not take or authorize any action to terminate or reduce a unit of the Senior Reserve Officers' Training Corps at a senior military college unless the termination or reduction is specifically requested by the college.

''(f) ASSIGNMENT TO ACTIVE DUTY.—(1) The Secretary of the Army shall ensure that a graduate of a senior military college who desires to serve as a commissioned officer on active duty upon graduation from the college, who is medically and physically qualified for active duty, and who is recommended for such duty by the professor of military science at the college, shall be assigned to active duty. This paragraph shall apply to a member of the program at a senior military college who graduates from the college after March 31, 1997.

''(2) Nothing in this section shall be construed to prohibit the Secretary of the Army from requiring a member of the program who graduates from a senior military college to serve on active duty.''.

(e) TECHNICAL CORRECTIONS.—Subsection (g) of such section, as redesignated by subsection (d)(1), is amended—

(1) in paragraph (2), by striking out ''College'' and inserting in lieu thereof ''University''; and

(2) in paragraph (6), by inserting before the period the following: ''and State University''.

(f) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

''§ 2111a. Support for senior military colleges''.

(2) The item relating to such section in the table of sections at the beginning of chapter

103 of title 10, United States Code, is amended to read as follows:

''2111a. Support for senior military colleges.''.

AMENDMENT NO. 698

At the appropriate place, add the following:

SEC. . WAIVER OF PERCENTAGE LIMITATION

(a) Notwithstanding any other provision of law, the percentage limitation of Title 10 U.S. Code, Section 2466(a) [the ''60/40 rule''] is hereby waived for any DoD depot facility where, after a full and open public-private competition, it is determined by the Defense Depot Maintenance Council that savings of at least 10% can be realized by awarding work currently performed at the depot at the depot to a private contractor.

(b) When calculating the cost savings, DoD shall include all costs to operate DoD depots, including all overhead and retirement costs, in order to provide the best value to the taxpayer.

HELMS AMENDMENT NO. 699

(Ordered to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

At §2813, add the following:

(a) CONVEYANCE AUTHORIZED.—Subject to the provisions of this section and notwithstanding any other law, the Secretary of the Army shall convey, without consideration, by fee simple absolute deed to Harnett County, North Carolina, all right, title, and interest of the United States of America in and to two parcels of land containing a total of 300 acres, more or less, located at Fort Bragg, North Carolina, together with any improvements thereon, for educational and economic development purposes.

(b) TERMS AND CONDITIONS.—The conveyance by the United States under this section shall be subject to the following conditions to protect the interests of the United States, including:

(1) the County shall pay all costs associated with the conveyance, authorized by this section, including but not limited to environmental analysis and documentation, survey costs and recording fees.

(2) not withstanding the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (42 USC 9601) et the Solid Waste Disposal Act, as amended (42 USC 6901 et seq.) or any other law, the County, and not the United States, shall be responsible for any environmental restoration or remediation required on the property conveyed and the United States shall be forever released and held harmless from any obligation to conduct such restoration or remediation and any claims or causes of action stemming from such remediation.

(c) LEGAL DESCRIPTION OF REAL PROPERTY AND PAYMENT OF COSTS.—The exact acreage and legal description of the real property described in subsection (a) shall be determined by a survey, the costs of which the County shall bear.

MCCAIN AMENDMENT NO. 700

(Ordered to lie on the table.)

Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1042. REPORT ON ESTABLISHMENT OF FOREIGN-OWNED BUSINESS ACTIVITIES AT MILITARY INSTALLATIONS IN THE UNITED STATES.

(a) REPORT REQUIRED.—The President shall submit to Congress a report on the national security implications of the establishment of any foreign-owned business activity on or in the vicinity of a military installation within the United States.

(b) INAPPLICABILITY TO CERTAIN CASES.—This section does not apply in the case of a foreign business entity if the principal place of business of that entity is in a country that does not restrict the establishment of United States-owned business activities in the vicinity of military installations of that country.

CAMPBELL AMENDMENT NO. 701

(Ordered to lie on the table.)

Mr. CAMPBELL submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

In title XXXIV, strike out the heading of section 3402 and all that follows through the heading of section 3403 and insert in lieu thereof the following:

SEC. 3402. TRANSFER OF JURISDICTION, NAVAL OIL SHALE RESERVES NUMBERED 1 AND 3.

(a) TRANSFER REQUIRED.—Chapter 641 of title 10, United States Code, is amended by adding at the end the following new section:

''§7439. Certain oil shale reserves: transfer of jurisdiction and petroleum exploration, development, and production

''(a) TRANSFER REQUIRED.—(1) Upon the enactment of the National Defense Authorization Act for Fiscal Year 1998, the Secretary of Energy shall transfer to the Secretary of the Interior administrative jurisdiction over all public domain lands included within Oil Shale Reserve Numbered 1.

''(2) Not later than one year after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1998, the Secretary of Energy shall transfer to the Secretary of the Interior administrative jurisdiction over those public domain lands included within the developed tract of Oil Shale Reserve Numbered 3, which consists of approximately 6,000 acres and 24 natural gas wells, together with pipelines and associated facilities.

''(3)(A) Except as provided in subparagraph (B), the Secretary of Energy shall continue after the transfer of administrative jurisdiction over public domain lands within an oil shale reserve under this subsection to be responsible for taking any actions that are necessary to ensure that the oil shale reserve is in compliance with the requirements of Federal and State environmental laws that are applicable to the reserve.

''(B) The responsibility of the Secretary of Energy with respect to public domain lands of an oil shale reserve under subparagraph (A) shall terminate upon certification by the Secretary to the Secretary of the Interior that the oil shale reserve is in compliance with the requirements of Federal and State environmental laws that are applicable to the reserve.

''(4) Upon the transfer to the Secretary of the Interior of jurisdiction over public domain lands under this subsection, the other sections of this chapter shall cease to apply with respect to the transferred lands.

''(b) AUTHORITY TO LEASE.—(1) Beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 1998, or as soon thereafter as practicable, the Secretary of the Interior shall enter into leases with one or more private entities for the purpose of exploration for, and development and production of, petroleum (other than in the form of oil shale) located on or in public domain lands in Oil Shale Reserve Numbered 1 and the developed tract of Oil Shale Reserve Numbered 3. Any such lease shall be made in accordance with the requirements of the Act entitled ''An Act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain'', approved February 25, 1920 (commonly known as the ''Mineral Leasing Act'') (30 U.S.C. 181 et seq.), regarding the lease of oil and gas lands and shall be subject to valid existing rights.

''(2) Notwithstanding the delayed transfer of the developed tract of Oil Shale Reserve Numbered 3 under subsection (a)(2), the Secretary of the Interior shall enter into a lease under paragraph (1) with respect to the developed tract before the end of the one-year period beginning on the date of the enactment of this section.

''(c) MANAGEMENT.—The Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall manage the lands transferred under subsection (a) in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and other laws applicable to the public lands.

''(d) TRANSFER OF EXISTING EQUIPMENT.—The lease of lands by the Secretary of the Interior under this section may include the transfer, at fair market value, of any well, gathering line, or related equipment owned by the United States on the lands transferred under subsection (a) and suitable for use in the exploration for, or development or production of, petroleum on the lands.

''(e) COST MINIMIZATION.—The cost of any environmental assessment required pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) in connection with a proposed lease under this section shall be paid out of unobligated amounts available for administrative expenses of the Bureau of Land Management.

''(f) DISTRIBUTION OF RECEIPTS.—Notwithstanding any other provision of law, all moneys received from a lease under this section (including sales, bonuses, royalties (including interest charges collected under the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 et seq.)), and rentals) shall be paid and distributed under section 35 of the Act entitled ''An Act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain'', approved February 25, 1920 (commonly known as the ''Mineral Leasing Act'') (30 U.S.C. 191), in the same manner as moneys derived from other oil and gas leases involving public domain lands other than naval petroleum reserves.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''7439. Certain oil shale reserves: transfer of jurisdiction and petroleum exploration, development, and production.''.

SEC. 3403. LEASING OF OIL SHALE RESERVE NUMBERED 2.

(a) AUTHORITY TO LEASE.—The Secretary of Energy may lease, subject to valid existing rights, the United States interest in Oil Shale Reserve Numbered 2 to one or more private entities for the purpose of providing for the exploration of such reserve 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 for, or 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 Reserve Numbered 2'' means the oil shale reserves identified as Oil Shale Reserve Numbered 2 in section 7420(2) of title 10, United States Code.

(2) The term ''petroleum'' has the meaning given such term in section 7420(3) of such title.

SEC. 3404. REPEAL OF REQUIREMENT TO ASSIGN NAVY OFFICERS TO OFFICE OF NAVAL PETROLEUM AND OIL SHALE RESERVES.

McCAIN AMENDMENTS NOS. 702–704

(Ordered to lie on the table.)

Mr. MCCAIN submitted three amendments intended to be proposed by him to the bill, S. 936, supra; as follows:

AMENDMENT NO. 702

Insert after title XI, the following new title:

TITLE XII—FEDERAL CHARTER FOR THE AIR FORCE SERGEANTS ASSOCIATION

SEC. 1201. RECOGNITION AND GRANT OF FEDERAL CHARTER.

The Air Force Sergeants Association, a nonprofit corporation organized under the laws of the District of Columbia, is recognized as such and granted a Federal charter.

SEC. 1202. POWERS.

The Air Force Sergeants Association (in this title referred to as the ''association'') shall have only those powers granted to it through its bylaws and articles of incorporation filed in the District of Columbia and subject to the laws of the District of Columbia.

SEC. 1203. PURPOSES.

The purposes of the association are those provided in its bylaws and articles of incorporation and shall include the following:

(1) To help maintain a highly dedicated and professional corps of enlisted personnel within the United States Air Force, including the United States Air Force Reserve, and the Air National Guard.

(2) To support fair and equitable legislation and Department of the Air Force policies and to influence by lawful means departmental plans, programs, policies, and legislative proposals that affect enlisted personnel of the Regular Air Force, the Air Force Reserve, and the Air National Guard, its retirees, and other veterans of enlisted service in the Air Force.

(3) To actively publicize the roles of enlisted personnel in the United States Air Force.

(4) To participate in civil and military activities, youth programs, and fundraising campaigns that benefit the United States Air Force.

(5) To provide for the mutual welfare of members of the association and their families.

(6) To assist in recruiting for the United States Air Force.

(7) To assemble together for social activities.

(8) To maintain an adequate Air Force for our beloved country.

(9) To foster among the members of the association a devotion to fellow airmen.

(10) To serve the United States and the United States Air Force loyally, and to do all else necessary to uphold and defend the Constitution of the United States.

SEC. 1204. SERVICE OF PROCESS.

With respect to service of process, the association shall comply with the laws of the District of Columbia and those States in which it carries on its activities in furtherance of its corporate purposes.

SEC. 1205. MEMBERSHIP.

Except as provided in section 1208(g), eligibility for membership in the association and the rights and privileges of members shall be as provided in the bylaws and articles of incorporation of the association.

SEC. 1206. BOARD OF DIRECTORS.

Except as provided in section 1208(g), the composition of the board of directors of the association and the responsibilities of the board shall be as provided in the bylaws and articles of incorporation of the association and in conformity with the laws of the District of Columbia.

SEC. 1207. OFFICERS.

Except as provided in section 1208(g), the positions of officers of the association and the election of members to such positions shall be as provided in the bylaws and articles of incorporation of the association and in conformity with the laws of the District of Columbia.

SEC. 1208. RESTRICTIONS.

(a) INCOME AND COMPENSATION.—No part of the income or assets of the association may inure to the benefit of any member, officer, or director of the association or be distributed to any such individual during the life of this charter. Nothing in this subsection may be construed to prevent the payment of reasonable compensation to the officers and employees of the association or reimbursement for actual and necessary expenses in amounts approved by the board of directors.

(b) LOANS.—The association may not make any loan to any member, officer, director, or employee of the association.

(c) ISSUANCE OF STOCK AND PAYMENT OF DIVIDENDS.—The association may not issue any shares of stock or declare or pay any dividends.

(d) DISCLAIMER OF CONGRESSIONAL OR FEDERAL APPROVAL.—The association may not claim the approval of the Congress or the authorization of the Federal Government for any of its activities by virtue of this title.

(e) CORPORATE STATUS.—The association shall maintain its status as a corporation organized and incorporated under the laws of the District of Columbia.

(f) CORPORATE FUNCTION.—The association shall function as an educational, patriotic, civic, historical, and research organization under the laws of the District of Columbia.

(g) NONDISCRIMINATION.—In establishing the conditions of membership in the association and in determining the requirements for serving on the board of directors or as an officer of the association, the association may not discriminate on the basis of race, color, religion, sex, handicap, age, or national origin.

SEC. 1209. LIABILITY.

The association shall be liable for the acts of its officers, directors, employees, and agents whenever such individuals act within the scope of their authority.

SEC. 1210. MAINTENANCE AND INSPECTION OF BOOKS AND RECORDS.

(a) BOOKS AND RECORDS OF ACCOUNT.—The association shall keep correct and complete books and records of account and minutes of any proceeding of the association involving any of its members, the board of directors, or any committee having authority under the board of directors.

(b) NAMES AND ADDRESSES OF MEMBERS.—The association shall keep at its principal office a record of the names and addresses of all members having the right to vote in any proceeding of the association.

(c) RIGHT TO INSPECT BOOKS AND RECORDS.—All books and records of the association may be inspected by any member having the right to vote in any proceeding of the association, or by any agent or attorney of such member, for any proper purpose at any reasonable time.

(d) APPLICATION OF STATE LAW.—This section may not be construed to contravene any applicable State law.

SEC. 1211. AUDIT OF FINANCIAL TRANSACTIONS.

The first section of the Act entitled ''An Act to provide for audit of accounts of private corporations established under Federal law'', approved August 30, 1964 (36 U.S.C. 1101), is amended—

(1) by redesignating the paragraph (77) added by section 1811 of Public Law 104–201 (110 Stat. 2762) as paragraph (78); and

(2) by adding at the end the following:

''(79) Air Force Sergeants Association.''.

SEC. 1212. ANNUAL REPORT.

The association shall annually submit to Congress a report concerning the activities of the association during the preceding fiscal year. The annual report shall be submitted on the same date as the report of the audit required by reason of the amendment made in section 1211. The annual report shall not be printed as a public document.

SEC. 1213. RESERVATION OF RIGHT TO ALTER, AMEND, OR REPEAL CHARTER.

The right to alter, amend, or repeal this title is expressly reserved to Congress.

SEC. 1214. TAX-EXEMPT STATUS REQUIRED AS CONDITION OF CHARTER.

If the association fails to maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code of 1986 the charter granted in this title shall terminate.

SEC. 1215. TERMINATION.

The charter granted in this title shall expire if the association fails to comply with any of the provisions of this title.

SEC. 1216. DEFINITION OF STATE.

For purposes of this title, the term ''State'' includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the territories and possessions of the United States.

AMENDMENT NO. 703

At the end of subtitle A of title VIII, add the following:

SEC. 809. BLANKET WAIVER OF CERTAIN DOMESTIC SOURCE REQUIREMENTS FOR FOREIGN COUNTRIES WITH CERTAIN COOPERATIVE OR RECIPROCAL RELATIONSHIPS WITH THE UNITED STATES.

(a) AUTHORITY.—(1) Section 2534 of title 10, United States Code, is amended by adding at the end the following:

''(i) WAIVER GENERALLY APPLICABLE TO A COUNTRY.—The Secretary of Defense shall waive the limitation in subsection (a) with respect to a foreign country generally if the Secretary determines that the application of the limitation with respect to that country would impede cooperative programs entered into between the Department of Defense and the foreign country, or would impede the reciprocal procurement of defense items entered into under section 2531 of this title, and the country does not discriminate

against defense items produced in the United States to a greater degree than the United States discriminates against defense items produced in that country.''.

(2) The amendment made by paragraph (1) shall apply with respect to—

(A) contracts entered into on or after the date of the enactment of this Act; and

(B) options for the procurement of items that are exercised after such date under contracts that are entered into before such date.

(b) CONFORMING AMENDMENT.—The heading of subsection (d) of such section is amended by inserting ''FOR PARTICULAR PROCUREMENTS'' after ''WAIVER AUTHORITY''.

AMENDMENT NO. 704

At the appropriate place, insert:

''(a) PRIORITY.—The Comptroller General may commence an audit, evaluation, other review, or report in a fiscal year on any issue under the jurisdiction of the Committee on Armed Services of the Senate or the Committee on National Security of the House of Representatives 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 on any such issue that were requested of that office by Congress before the date of the certification.

MCCAIN (AND OTHERS) AMENDMENT NO. 705

(Ordered to lie on the table.)

Mr. MCCAIN (for himself, Mr. LEVIN, Mr. COATS, and Mr. ROBB) submitted an amendment intended to be proposed by them to the bill, S. 936, supra; as follows:

On page 410, between lines 2 and 3, insert the following:

SEC. 2832. AUTHORITY TO CARRY OUT BASE CLOSURE ROUNDS IN 1999 AND 2001.

(a) COMMISSION MATTERS.—

(1) APPOINTMENT.—Subsection (c)(1) of section 2902 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(A) in subparagraph (B)—

(i) by striking out ''and'' at the end of clause (ii);

(ii) by striking out the period at the end of clause (iii) and inserting in lieu thereof a semicolon; and

(iii) by adding at the end the following:

''(iv) by no later than January 3, 1999, in the case of members of the Commission whose terms will expire at the end of the first session of the 106th Congress; and

''(v) by no later than January 3, 2001, in the case of members of the Commission whose terms will expire at the end of the first session of the 107th Congress.''; and

(B) in subparagraph (C), by striking out ''or for 1995 in clause (iii) of such subparagraph'' and inserting in lieu thereof '', for 1995 in clause (iii) of that subparagraph, for 1999 in clause (iv) of that subparagraph, or for 2001 in clause (v) of that subparagraph''.

(2) MEETINGS.—Subsection (e) of that section is amended by striking out ''and 1995'' and inserting in lieu thereof ''1995, 1999, and 2001''.

(3) STAFF.—Subsection (i)(6) of that section is amended in the matter preceding subparagraph (A) by striking out ''and 1994'' and inserting in lieu thereof '', 1994, 1998, and 2000''.

(4) TERMINATION.—Subsection (l) of that section is amended by striking out ''December 31, 1995'' and inserting in lieu thereof ''December 31, 2001''.

(b) PROCEDURES.—

(1) FORCE-STRUCTURE PLAN.—Subsection (a)(1) of section 2903 of that Act is amended by striking out ''and 1996,'' and inserting in lieu thereof ''1996, 2000, and 2002,''.

(2) SELECTION CRITERIA.—Subsection (b)(1) of such section 2903 is amended by inserting ''and not later than December 31, 1998, for purposes of activities of the Commission under this part in 1999 and 2001,'' after ''December 31, 1990,''.

(3) DEPARTMENT OF DEFENSE RECOMMENDATIONS.—Subsection (c)(1) of such section 2903 is amended by striking out ''and March 1, 1995,'' and inserting in lieu thereof ''March 1, 1995, March 1, 1999, and March 1, 2001,''.

(c) PRIVATIZATION IN PLACE.—Section 2904(a) of that Act is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by inserting after paragraph (2) the following new paragraph (3):

''(3) carry out the privatization in place of a military installation recommended for closure or realignment by the Commission in each such report only if privatization in place is a method of closure or realignment of the installation specified in the recommendation of the Commission in such report and is determined to be the most-cost effective method of implementation of the recommendation;''.

(d) REQUIREMENTS APPLICABLE TO ROUNDS AFTER 1997.—

(1) REQUIREMENTS.—That Act is further amended by inserting after section 2904 the following new section:

''SEC. 2904A. REQUIREMENTS APPLICABLE TO BASE CLOSURE ROUNDS AFTER 1997.

''(a) REPORT ON NEED FOR ADDITIONAL ROUNDS.—The President may not transmit nominations for members of the Commission under section 2902(c)(1)(B) after 1997 until 180 days after the date on which the Secretary submits to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the need, if any, the closure or realignment of military installations after such date. The report shall include the following:

''(1) An estimate of excess capacity at military installations as of the date of the report, set forth—

''(A) as a percentage of the total capacity of the installations of the Armed Forces with respect to all installations of the Armed Forces;

''(B) as a percentage of the total capacity of the installations of each armed force with respect to the installations of such armed force; and

''(C) as a percentage of the total capacity of a type of installation with respect to installations of such type.

''(2) The types of installations that would be recommended for closure or realignment in the event of one or more additional base closure rounds, set forth by armed force.

''(3) The criteria to be used by the Secretary in evaluating installations for closure or realignment in such event.

''(4) The methodologies to be used by the Secretary in identifying installations for closure or realignment in such event.

''(5) An estimate of the costs and savings to be achieved as a result of the closure or realignment of installations in such event, set forth by armed force and by year.

''(6) The status of the report required by section 277(e) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 242), including the additional legislation to be identified in that report.

''(b) SELECTION CRITERIA.—The selection criteria used by the Secretary in making recommendations regarding the closure or realignment of military installations under section 2903(c) in any year after 1997 shall take into account the costs, if any, of any environmental activities that will be required with respect to such installations solely as a result of the closure or realignment of such installations under this part.

''(c) RECOMMENDATIONS.—

''(1) DOD RECOMMENDATIONS.—

''(A) NOTICE FROM LOCAL GOVERNMENTS.—In making recommendations to the Commission under section 2903(c) in any year after 1997, the Secretary shall consider any notice received from a local government in the vicinity of a military installation that the government would approve of the closure or realignment of the installation.

''(B) RELATIONSHIP TO SELECTION CRITERIA.—Notwithstanding the requirement in subparagraph (A), the Secretary shall make such recommendations based on the force-structure plan and final criteria otherwise applicable to such recommendations under section 2903.

''(C) PUBLICATION OF RESULTS.—The recommendations made by the Secretary under section 2903(c) in any year after 1997 shall include a statement of the result of the consideration of any notice received with respect to an installation covered by such recommendations. The statement shall set forth the reasons for the result.

''(2) COMMISSION RECOMMENDATIONS.—In making recommendations to the President under subsection (d) or (e)(3) of section 2903 in any year after 1997, the Commission may recommend only the following actions with respect to a military installation:

''(A) Closure of the installation.

''(B) Realignment of the installation.

''(C) No action with respect to the installation.

''(d) UTILIZATION OF SAVINGS.—(1) Not later than December 1, 1997, the Secretary shall credit to the accounts referred to in paragraph (3) an amount equal to the aggregate amount of savings estimated by the Secretary to have been achieved as a result of the closure or realignment of military installations under this part and the provisions of title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note) as of September 30, 1997.

''(2) Not later than December 1 of each year after 1997, the Secretary shall credit to the accounts referred to in paragraph (3) an amount equal to the aggregate amount of savings estimated by the Secretary to have been achieved as a result of the closure or realignment of military installations under this part and the provisions of law referred to in paragraph (1) during the preceding fiscal year.

''(3)(A) The Secretary shall credit amounts under paragraphs (1) and (2) to such accounts providing funds for the Department of Defense for procurement, or for research, development, test, and evaluation, as the Secretary shall elect.

''(B) Amounts credited under subparagraph (A) shall be merged with the funds in the account to which credited and shall be available for the same purposes, and subject to the same limitations, as the funds with which merged.

''(e) REVIEW BY CONGRESSIONAL BUDGET OFFICE.—Not later than July 31 of any year after 1997 in which the Commission makes recommendations under section 2903(d), the Congressional Budget Office shall submit to the committees referred to in subsection (a) a detailed analysis of the costs to be incurred and the savings to be achieved as a result of the implementation of the recommendations.''.

(2) SENSE OF CONGRESS.—

(A) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense, in

making recommendations to the Commission on the closure or realignment of military installations under the 1990 base closure law after 1997, and the Commission, in determining whether to recommend installations for closure or realignment under that law in addition to those recommended by the Secretary, should consider in particular types of installations having the most excess capacity.

(B) DEFINITIONS.—In this paragraph:

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

(ii) The term ''Commission'' means the Defense Base Closure and Realignment Commission established by section 2902(a) of the 1990 base closure law.

(e) RELATIONSHIP TO OTHER BASE CLOSURE AUTHORITY.—Section 2909 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by striking out ''December 31, 1995,'' and inserting in lieu thereof ''December 31, 2001,''.

(f) TECHNICAL AND CLARIFYING AMENDMENTS.—

(1) COMMISSION FUNDING.—Section 2902(k) of that Act is amended by adding at the end the following:

''(4) If no funds are appropriated to the Commission by the end of the first session of the 105th Congress, the Secretary may transfer to the Commission funds from the account established by section 2906(a). Such funds shall remain available until expended.''.

(2) COMMENCEMENT OF PERIOD FOR NOTICE OF INTEREST IN PROPERTY FOR HOMELESS.—Section 2905(b)(7)(D)(ii)(I) of that Act is amended by striking out ''that date'' and inserting in lieu thereof ''the date of publication of such determination in a newspaper of general circulation in the communities in the vicinity of the installation under subparagraph (B)(i)(IV)''.

(3) OTHER CLARIFYING AMENDMENTS.—

(A) That Act is further amended by inserting ''or realignment'' after ''closure'' each place it appears in the following provisions:

(i) Section 2905(b)(3).

(ii) Section 2905(b)(4)(B)(ii).

(iii) Section 2905(b)(5).

(iv) Section 2905(b)(7)(B)(iv).

(v) Section 2905(b)(7)(N).

(vi) Section 2910(10)(B).

(B) That Act is further amended by inserting ''or realigned'' after ''closed'' each place in appears in the following provisions:

(i) Section 2905(b)(3)(C)(ii).

(ii) Section 2905(b)(3)(D).

(iii) Section 2905(b)(3)(E).

(iv) Section 2905(b)(4)(A).

(v) Section 2905(b)(5)(A).

(vi) Section 2910(9).

(vii) Section 2910(10).

(C) Section 2905(e)(1)(B) of that Act is amended by inserting '', or realigned or to be realigned,'' after ''closed or to be closed'.

CHAFEE (AND BAUCUS) AMENDMENT NO. 706

(Ordered to lie on the table.)

Mr. CHAFEE (for himself and Mr. BAUCUS) submitted an amendment intended to be proposed by them to the bill, S. 936, supra; as follows:

At the end of title III, add the following:

Subtitle ____—Sikes Act Improvement

SEC. 3___1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This subtitle may be cited as the ''Sikes Act Improvement Act of 1997''.

(b) REFERENCES TO SIKES ACT.—In this subtitle, the term ''Sikes Act'' means the Act entitled ''An Act to promote effectual planning, development, maintenance, and coordination of wildlife, fish, and game conservation and rehabilitation in military reservations'', approved September 15, 1960 (commonly known as the ''Sikes Act'') (16 U.S.C. 670a et seq.).

SEC. 3___2. PREPARATION OF INTEGRATED NATURAL RESOURCES MANAGEMENT PLANS.

(a) IN GENERAL.—Section 101 of the Sikes Act (16 U.S.C. 670a(a)) is amended by striking subsection (a) and inserting the following:

''(a) AUTHORITY OF SECRETARY OF DEFENSE.—

''(1) PROGRAM.—

''(A) IN GENERAL.—The Secretary of Defense shall carry out a program to provide for the conservation and rehabilitation of natural resources on military installations.

''(B) INTEGRATED NATURAL RESOURCES MANAGEMENT PLAN.—To facilitate the program, the Secretary of each military department shall prepare and implement an integrated natural resources management plan for each military installation in the United States under the jurisdiction of the Secretary, unless the Secretary determines that the absence of significant natural resources on a particular installation makes preparation of such a plan inappropriate.

''(2) COOPERATIVE PREPARATION.—The Secretary of a military department shall prepare each integrated natural resources management plan for which the Secretary is responsible in cooperation with the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, and the head of each appropriate State fish and wildlife agency for the State in which the military installation concerned is located. Consistent with paragraph (4), the resulting plan for the military installation shall reflect the mutual agreement of the parties concerning conservation, protection, and management of fish and wildlife resources.

''(3) PURPOSES OF PROGRAM.—Consistent with the use of military installations to ensure the preparedness of the Armed Forces, the Secretaries of the military departments shall carry out the program required by this subsection to provide for—

''(A) the conservation and rehabilitation of natural resources on military installations;

''(B) the sustainable multipurpose use of the resources, which shall include hunting, fishing, trapping, and nonconsumptive uses; and

''(C) subject to safety requirements and military security, public access to military installations to facilitate the use.

''(4) EFFECT ON OTHER LAW.—Nothing in this title—

''(A)(i) affects any provision of a Federal law governing the conservation or protection of fish and wildlife resources; or

''(ii) enlarges or diminishes the responsibility and authority of any State for the protection and management of fish and resident wildlife; or

''(B) except as specifically provided in the other provisions of this section and in section 102, authorizes the Secretary of a military department to require a Federal license or permit to hunt, fish, or trap on a military installation.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 101 of the Sikes Act (16 U.S.C. 670a) is amended—

(A) in subsection (b)(4), by striking ''cooperative plan'' each place it appears and inserting ''integrated natural resources management plan'';

(B) in subsection (c), in the matter preceding paragraph (1), by striking ''a cooperative plan'' and inserting ''an integrated natural resources management plan'';

(C) in subsection (d), in the matter preceding paragraph (1), by striking ''cooperative plans'' and inserting ''integrated natural resources management plans''; and

(D) in subsection (e), by striking ''Cooperative plans'' and inserting ''Integrated natural resources management plans''.

(2) Section 102 of the Sikes Act (16 U.S.C. 670b) is amended by striking ''a cooperative plan'' and inserting ''an integrated natural resources management plan''.

(3) Section 103 of the Sikes Act (16 U.S.C. 670c) is amended by striking ''a cooperative plan'' and inserting ''an integrated natural resources management plan''.

(4) Section 106 of the Sikes Act (16 U.S.C. 670f) is amended—

(A) in subsection (a), by striking ''cooperative plans'' and inserting ''integrated natural resources management plans''; and

(B) in subsection (c), by striking ''cooperative plans'' and inserting ''integrated natural resources management plans''.

(c) REQUIRED ELEMENTS OF PLANS.—Section 101(b) of the Sikes Act (16 U.S.C. 670a(b)) is amended—

(1) by striking ''(b) Each cooperative'' and all that follows through the end of paragraph (1) and inserting the following:

''(b) REQUIRED ELEMENTS OF PLANS.—Consistent with the use of military installations to ensure the preparedness of the Armed Forces, each integrated natural resources management plan prepared under subsection (a)—

''(1) shall, to the extent appropriate and applicable, provide for—

''(A) fish and wildlife management, land management, forest management, and fish- and wildlife-oriented recreation;

''(B) fish and wildlife habitat enhancement or modifications;

''(C) wetland protection, enhancement, and restoration, where necessary for support of fish, wildlife, or plants;

''(D) integration of, and consistency among, the various activities conducted under the plan;

''(E) establishment of specific natural resource management goals and objectives and time frames for proposed action;

''(F) sustainable use by the public of natural resources to the extent that the use is not inconsistent with the needs of fish and wildlife resources;

''(G) public access to the military installation that is necessary or appropriate for the use described in subparagraph (F), subject to requirements necessary to ensure safety and military security;

''(H) enforcement of applicable natural resource laws (including regulations);

''(I) no net loss in the capability of military installation lands to support the military mission of the installation; and

''(J) such other activities as the Secretary of the military department determines appropriate;'';

(2) in paragraph (2), by adding ''and'' at the end;

(3) by striking paragraph (3);

(4) by redesignating paragraph (4) as paragraph (3); and

(5) in paragraph (3)(A) (as so redesignated), by striking ''collect the fees therefor,'' and inserting ''collect, spend, administer, and account for fees for the permits,''.

SEC. 3___3. REVIEW FOR PREPARATION OF INTEGRATED NATURAL RESOURCES MANAGEMENT PLANS.

(a) DEFINITIONS.—In this section, the terms ''military installation'' and ''United States'' have the meanings provided in section 100 of the Sikes Act (as added by section 3___9).

(b) REVIEW OF MILITARY INSTALLATIONS.—

(1) REVIEW.—Not later than 270 days after the date of enactment of this Act, the Secretary of each military department shall—

(A) review each military installation in the United States that is under the jurisdiction of that Secretary to determine the military installations for which the preparation of an integrated natural resources management plan under section 101 of the Sikes Act (as amended by this subtitle) is appropriate; and

(B) submit to the Secretary of Defense a report on the determinations.

(2) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Secretary of Defense shall submit to Congress a report on the reviews conducted under paragraph (1). The report shall include—

(A) a list of the military installations reviewed under paragraph (1) for which the Secretary of the appropriate military department determines that the preparation of an integrated natural resources management plan is not appropriate; and

(B) for each of the military installations listed under subparagraph (A), an explanation of each reason such a plan is not appropriate.

(c) DEADLINE FOR INTEGRATED NATURAL RESOURCES MANAGEMENT PLANS.—Not later than 3 years after the date of the submission of the report required under subsection (b)(2), the Secretary of each military department shall, for each military installation with respect to which the Secretary has not determined under subsection (b)(2)(A) that preparation of an integrated natural resources management plan is not appropriate—

(1) prepare and begin implementing such a plan in accordance with section 101(a) of the Sikes Act (as amended by this subtitle); or

(2) in the case of a military installation for which there is in effect a cooperative plan under section 101(a) of the Sikes Act on the day before the date of enactment of this Act, complete negotiations with the Secretary of the Interior and the heads of the appropriate State agencies regarding changes to the plan that are necessary for the plan to constitute an integrated natural resources management plan that complies with that section, as amended by this subtitle.

(d) PUBLIC COMMENT.—The Secretary of each military department shall provide an opportunity for the submission of public comments on—

(1) integrated natural resources management plans proposed under subsection (c)(1); and

(2) changes to cooperative plans proposed under subsection (c)(2).

SEC. 3___4. TRANSFER OF WILDLIFE CONSERVATION FEES FROM CLOSED MILITARY INSTALLATIONS.

Section 101(b)(3)(B) of the Sikes Act (16 U.S.C. 670a(b)) (as redesignated by section 3___2(c)(4)) is amended by inserting before the period at the end the following: ‘‘, unless the military installation is subsequently closed, in which case the fees may be transferred to another military installation to be used for the same purposes’’.

SEC. 3___5. ANNUAL REVIEWS AND REPORTS.

Section 101 of the Sikes Act (16 U.S.C. 670a) is amended by adding at the end the following:

‘‘(f) REVIEWS AND REPORTS.—

‘‘(1) SECRETARY OF DEFENSE.—Not later than March 1 of each year, the Secretary of Defense shall review the extent to which integrated natural resources management plans were prepared or were in effect and implemented in accordance with this title in the preceding year, and submit a report on the findings of the review to the committees. Each report shall include—

‘‘(A) the number of integrated natural resources management plans in effect in the year covered by the report, including the date on which each plan was issued in final form or most recently revised;

‘‘(B) the amounts expended on conservation activities conducted pursuant to the plans in the year covered by the report; and

‘‘(C) an assessment of the extent to which the plans comply with this title.

‘‘(2) SECRETARY OF THE INTERIOR.—Not later than March 1 of each year and in consultation with the heads of State fish and wildlife agencies, the Secretary of the Interior shall submit a report to the committees on the amounts expended by the Department of the Interior and the State fish and wildlife agencies in the year covered by the report on conservation activities conducted pursuant to integrated natural resources management plans.

‘‘(3) DEFINITION OF COMMITTEES.—In this subsection, the term ‘committees’ means—

‘‘(A) the Committee on Resources and the Committee on National Security of the House of Representatives; and

‘‘(B) the Committee on Armed Services and the Committee on Environment and Public Works of the Senate.’’.

SEC. 3___6. COOPERATIVE AGREEMENTS.

Section 103a of the Sikes Act (16 U.S.C. 670c–1) is amended—

(1) in subsection (a), by striking ‘‘Secretary of Defense’’ and inserting ‘‘Secretary of a military department’’;

(2) by striking subsection (b);

(3) by redesignating subsection (c) as subsection (b); and

(4) by adding at the end the following:

‘‘(c) MULTIYEAR AGREEMENTS.—Funds made available to the Department of Defense for a fiscal year may be obligated to cover the cost of goods and services provided under a cooperative agreement entered into under subsection (a) or through an agency agreement under section 1535 of title 31, United States Code, during any 18-month period beginning in the fiscal year, regardless of the fact that the agreement extends for more than 1 fiscal year.’’.

SEC. 3___7. FEDERAL ENFORCEMENT.

Title I of the Sikes Act (16 U.S.C. 670a et seq.) is amended—

(1) by redesignating section 106 as section 108; and

(2) by inserting after section 105 the following:

‘‘SEC. 106. FEDERAL ENFORCEMENT OF OTHER LAWS.

‘‘All Federal laws relating to the management of natural resources on Federal land may be enforced by the Secretary of Defense with respect to violations of the laws that occur on military installations within the United States.’’.

SEC. 3___8. NATURAL RESOURCE MANAGEMENT SERVICES.

Title I of the Sikes Act (16 U.S.C. 670a et seq.) is amended by inserting after section 106 (as added by section 3___7) the following:

‘‘SEC. 107. NATURAL RESOURCE MANAGEMENT SERVICES.

‘‘To the extent practicable using available resources, the Secretary of each military department shall ensure that sufficient numbers of professionally trained natural resource management personnel and natural resource law enforcement personnel are available and assigned responsibility to perform tasks necessary to carry out this title, including the preparation and implementation of integrated natural resources management plans.’’.

SEC. 3___9. DEFINITIONS.

Title I of the Sikes Act (16 U.S.C. 670a et seq.) is amended by inserting before section 101 the following:

‘‘SEC. 100. DEFINITIONS.

‘‘In this title:

‘‘(1) MILITARY INSTALLATION.—The term ‘military installation’—

‘‘(A) means any land or interest in land owned by the United States and administered by the Secretary of Defense or the Secretary of a military department, except land under the jurisdiction of the Assistant Secretary of the Army having responsibility for civil works;

‘‘(B) includes all public lands withdrawn from all forms of appropriation under public land laws and reserved for use by the Secretary of Defense or the Secretary of a military department; and

‘‘(C) does not include any land described in subparagraph (A) or (B) that is subject to an approved recommendation for closure 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).

‘‘(2) STATE FISH AND WILDLIFE AGENCY.—The term ‘State fish and wildlife agency’ means the 1 or more agencies of State government that are responsible under State law for managing fish or wildlife resources.

‘‘(3) UNITED STATES.—The term ‘United States’ means the States, the District of Columbia, and the territories and possessions of the United States.’’.

SEC. 3___0. REPEAL.

Section 2 of Public Law 99–561 (16 U.S.C. 670a–1) is repealed.

SEC. 3___1. TECHNICAL AMENDMENTS.

(a) The Sikes Act (16 U.S.C. 670a et seq.) is amended by inserting before title I the following:

‘‘SECTION 1. SHORT TITLE.

‘‘This Act may be cited as the ‘Sikes Act’.’’.

(b) The title heading for title I of the Sikes Act (16 U.S.C. prec. 670a) is amended by striking ‘‘MILITARY RESERVATIONS’’ and inserting ‘‘MILITARY INSTALLATIONS’’.

(c) Section 101 of the Sikes Act (16 U.S.C. 670a) is amended—

(1) in subsection (b)(3) (as redesignated by section 3___2(c)(4))—

(A) in subparagraph (A), by striking ‘‘the reservation’’ and inserting ‘‘the military installation’’; and

(B) in subparagraph (B), by striking ‘‘the military reservation’’ and inserting ‘‘the military installation’’;

(2) in subsection (c)—

(A) in paragraph (1), by striking ‘‘a military reservation’’ and inserting ‘‘a military installation’’; and

(B) in paragraph (2), by striking ‘‘the reservation’’ and inserting ‘‘the military installation’’; and

(3) in subsection (e), by striking ‘‘the Federal Grant and Cooperative Agreement Act of 1977 (41 U.S.C. 501 et seq.)’’ and inserting ‘‘chapter 63 of title 31, United States Code’’.

(d) Section 102 of the Sikes Act (16 U.S.C. 670b) is amended by striking ‘‘military reservations’’ and inserting ‘‘military installations’’.

(e) Section 103 of the Sikes Act (16 U.S.C. 670c) is amended—

(1) by striking ‘‘military reservations’’ and inserting ‘‘military installations’’; and

(2) by striking ‘‘such reservations’’ and inserting ‘‘the installations’’.

SEC. 3___2. AUTHORIZATIONS OF APPROPRIATIONS.

(a) CONSERVATION PROGRAMS ON MILITARY INSTALLATIONS.—Subsections (b) and (c) of section 108 of the Sikes Act (as redesignated by section 3___7(1)) are each amended by striking ‘‘1983’’ and all that follows through ‘‘1993,’’ and inserting ‘‘1998 through 2003,’’.

(b) CONSERVATION PROGRAMS ON PUBLIC LANDS.—Section 209 of the Sikes Act (16 U.S.C. 670o) is amended—

(1) in subsection (a), by striking ‘‘the sum of $10,000,000’’ and all that follows through

''to enable the Secretary of the Interior'' and inserting ''$4,000,000 for each of fiscal years 1998 through 2003, to enable the Secretary of the Interior''; and

(2) in subsection (b), by striking ''the sum of $12,000,000'' and all that follows through ''to enable the Secretary of Agriculture'' and inserting ''$5,000,000 for each of fiscal years 1998 through 2003, to enable the Secretary of Agriculture''.

THOMPSON (AND FRIST) AMENDMENT NO. 707

(Ordered to lie on the table.)

Mr. THOMPSON (for himself and Mr. FRIST) submitted an amendment intended to be proposed by them to the bill, S. 936, supra; as follows:

At the appropriate place, insert:

SEC. . DESIGNATING THE Y–12 PLANT IN OAK RIDGE, TENNESSEE AS THE NATIONAL PROTOTYPE CENTER.

The Y–12 plant in Oak Ridge, Tennessee is designated as the National Prototype Center. Other executive agencies are encouraged to utilize this center, where appropriate, to maximize their efficiency and cost effectiveness.

SPECTER AMENDMENTS NOS. 708–709

(Ordered to lie on the table.)

Mr. SPECTER submitted two amendments intended to be proposed by him to the bill, S. 936, supra; as follows:

AMENDMENT NO. 708

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

SEC. . FORCE PROTECTION PLAN AND ACCOUNTABILITY REPORT.

(a) Congress finds that:

(1) On June 25, 1996 a bomb detonated not more than 80 feet from the United States Air Force housing complex known as Khobar Towers in Dhahran, Saudi Arabia, killing 19 airmen and injuring hundreds more;

(2) On June 13, 1996, a Department of State Bureau of Intelligence and Research report highlighted security concerns in the region;

(3) On June 17, 1996 the Pentagon received an intelligence report detailing the high risk to the American military installation in Dhahran;

(4) Base commanders approached the Saudis in November, 1995 and requested to move the perimeter fence further out, a request that was still pending when the bombing occurred;

(5) In January, 1996, the Air Force Office of Special Investigations published its vulnerability assessment for Khobar Towers, which highlighted the vulnerability of perimeter security given the proximity of the fence to the housing complex and the lack of the protective coating Mylar on the windows;

(6) The Air Force recommendation concerning Mylar was made part of a five-year plan, but not implemented prior to the bombing, resulting in needless death and injury from flying glass;

(7) An Air Force investigation into the incident held no one accountable for the tragedy;

(8) Former Defense Secretary Perry and Chairman of the Joint Chiefs of Staff Shalikashvili have yet to acknowledge that such matters should be reported up the chain of command; and

(9) The Air Force did not cooperate with the Senate Intelligence Committee request to interview Air Force personnel or review Air Force material on the incident and has continued to fail to comply with Congressional requests to review Air Force reports on the incident;

(b) FORCE PROTECTION PLAN AND ACCOUNTABILITY PROCEDURES REPORT REQUIRED.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to the relevant congressional committees:

(1) a plan to improve current policies and practices of the Department to protect United States armed forces from terrorism; and

(2) a report that assesses the accountability procedures within the armed forces governing incidents where there is loss of life due to terrorism in a noncombat situation at a United States armed forces facility.

(c) DEFINITION.—As used in this section, the term ''relevant congressional committee'' means—

(1) the Committee on National Security, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate.

AMENDMENT NO. 709

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

SEC. . Notwithstanding any other provision of this bill related to the question of privatization in place, the realignment of the ground communication-electronics work to Tobyhanna Army Depot in Pennsylvania will adhere to the schedule provided for by the Defense Depot Maintenance Council on March 13, 1997, which states that 20% of the transfer will begin in fiscal year 1998, 40% in fiscal year 1999 and 40% in fiscal year 2000.

BOND AMENDMENT NO. 710

(Ordered to lie on the table.)

Mr. BOND submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

On page 382, line 15, strike out ''$155,416,000'' and insert in lieu thereof ''$158,626,000''.

DURBIN (AND ROCKEFELLER) AMENDMENT NO. 711

(Ordered to lie on the table.)

Mr. DURBIN (for himself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by them to the bill, S. 936, supra; as follows:

On page 46, between lines 6 and 7, insert the following:

SEC. 220. DOD/VA COOPERATIVE RESEARCH PROGRAM.

Of the amount authorized to be appropriated by section 201(4), $20,000,000 shall be available for the DoD/VA Cooperative Research Program.

CLELAND AMENDMENT NO. 712

(Ordered to lie on the table.)

Mr. CLELAND submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

At the end of title VII, add the following:

SEC. 708. SENSE OF CONGRESS REGARDING QUALITY HEALTH CARE FOR RETIREES.

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

(1) Many retired military personnel believe that they were promised lifetime health care in exchange for 20 or more years of service.

(2) Military retirees are the only Federal Government personnel who have been prevented from using their employer-provided health care at or after 65 years of age.

(3) Military health care has become increasingly difficult to obtain for military retirees as the Department of Defense reduces its health care infrastructure.

(4) Military retirees deserve to have a health care program at least comparable with that of retirees from civilian employment by the Federal Government.

(5) The availability of quality, lifetime health care is a critical recruiting incentive for the Armed Forces.

(6) Quality health care is a critical aspect of the quality of life of the men and women serving in the Armed Forces.

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

(1) the United States has incurred a moral obligation to provide health care to retirees from service in the Armed Forces;

(2) it is, therefore, necessary to provide quality, affordable health care to such retirees; and

(3) Congress and the President should take steps to address the problems associated with health care for such retirees within two years after the date of the enactment of this Act.

MURRAY AMENDMENT NO. 713

(Ordered to lie on the table.)

Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill, S. 936, supra; as follows:

Section 3102(b)(2) is amended as follows—add—Project ___, tank farm characterization and remediation, Richland, Washington, $50,000,000.

Section 3104 is amended—

at line 7, change to read—$462,000,000 [increase of $247 mm];

at line 12, change to read—''age, Idaho Falls, Idaho, $37,000,000.'' [increase of $10 mm];

at line 17,change to read—''$35,000,000'' [increase of $10mm; SR];

at line 19, change to read—''tem phase 1, Hanford, Washington, $300,000,000.'' [increase of $191 mm];

after line 19, add—Project 98—PVT—___, waste disposal, Oak Ridge, Tennessee, $25,000,000. [increase of $25mm];

after line ___, add—Project 98—PVT—___, Ohio silo 3 waste treatement, Fernald, Ohio, $11,000,000. [increase of $11mm]

Offsets.—

Section 3102(c). Environmental Restoration and Waste Management—line 16, change—''grams in the amoutn of $252,881,000.'' [decrease of $15mm]

Section 3104. Defense Environmental Management Privatization—at line 10 [regarding Carlsbad, NM], change—''$21,000,000.'' [decrease of $8mm]

Title I Procurement.—An equal amount from each account to equal $274,000,000. [decrease of $274mm]

SESSIONS AMENDMENT NO. 714

(Ordered to lie on the table.)

Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows

At the end of subtitle D of title II, add the following:

SEC. 235. DEMONSTRATION PROGRAM ON EXPLOSIVES DEMILITARIZATION TECHNOLOGY.

(a) PROGRAM REQUIRED.—During fiscal year 1998, the Secretary of the Army shall conduct at Anniston Army Depot, Alabama, an alternative technology explosive munitions demilitarization demonstration program in accordance with this section.

(b) COMMERCIAL BLAST CHAMBER TECHNOLOGY.—Under the demonstration program,

the Secretary shall demonstrate the use of existing, commercially available blast chamber technology for incineration of explosive munitions as an alternative to the open burning, open pit detonation of such munitions.

(c) ASSESSMENT.—The Secretary shall assess the relative benefits of the blast chamber technology and the open burning, open pit detonation process with respect to the levels of emissions and noise resulting from use of the respective processes.

(d) REPORT.—Not later than the date on which the President submits the budget for fiscal year 2000 to Congress pursuant to section 1105(a) of title 31, United States Code, the Secretary of the Army shall submit a report on the results of the demonstration program to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives. The report shall include the Secretary's assessment under subsection (c).

(e) FUNDING.—(1) Of the amount authorized to be appropriated under section 201(4), $6,000,000 is available for the demonstration program under this section.

(2) The amount provided under section 201(4) is hereby increased by $6,000,000.

(3) The amount provided under section ____ is hereby decreased by $6,000,000.

COVERDELL AMENDMENT NO. 715

(Ordered to lie on the table.)

Mr. COVERDELL submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

In section 103(1), strike out ''$6,048,915,000'' and insert in lieu thereof ''$6,038,915,000''.

In section 301, add at the end the following:

(25) Add for contracted flight training services, $10,000,000.

CHAFEE AMENDMENT NO. 716

(Ordered to lie on the table.)

Mr. CHAFEE submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

Beginning on page 93, strike line 12 and all that follows through the end of the matter preceding line 15 on page 95.

DOMENICI AMENDMENT NO. 717

(Ordered to lie on the table.)

Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

Insert where appropriate:

SEC. . LOS ALAMOS LAND TRANSFER.

(a) The Secretary of Energy on behalf of the federal government shall convey without consideration fee title to government-owned land under the administrative control of the Department of Energy to the Incorporated County of Los Alamos, Los Alamos, New Mexico, or its designee, and to the Secretary of the Interior in trust for the Pueblo of San Ildefonso for purposes of preservation, community self-sufficiency or economic diversification in accordance with this section.

(b) In order to carry out the requirement of subsection (a) the Secretary shall:

(1) within three months from the date of enactment of this Act, submit to the appropriate committees of Congress a report identifying parcels of land considered suitable for conveyance, taking into account the need to provide lands—

(A) which are not required to meet the national security missions of the Department of Energy;

(B) which are likely to be available for transfer within ten years, and;

(C) which have been identified by the Department, the County of Los Alamos, or the Pueblo of San Ildefonso, as being able to meet the purposes stated in subsection (a).

(2) within 21 months from the date of enactment of this Act, complete any review required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4375) with respect to anticipated environmental impact of the conveyance of the parcels of land identified in the report to Congress, and;

(3) within three months from completion of the review required by paragraph (2) submit to the appropriate committees of Congress an agreement between the Pueblo of San Ildefonso and the County of Los Alamos allocating the parcels of lands identified under paragraph (1); and

(4) as soon as possible, but no later than nine months after the date of submission of the agreement under paragraph (3), complete the conveyance of all portions of the lands identified in the agreement.

(c) If the Secretary finds that a parcel of land identified in section (b) continues to be necessary for national security purposes for a limited period of time or that remediation of hazardous substances in accordance with applicable laws has not been completed, and the finding will delay the parcel's conveyance beyond the time limits provided in paragraph (4), the Secretary shall convey title of the parcel upon completion of the remediation or after the parcel is no longer necessary for national security purposes.

SEC. . NORTHERN NEW MEXICO EDUCATIONAL FOUNDATION.

(a) Until June 30, 2003, the Secretary of Energy, to the extent provided in advance in appropriations Act, may make annual payments for the purpose of endowing a private not-for-profit educational foundation chartered to enhance the educational enrichment activities in public schools in the area around the Los Alamos National Laboratory. The amounts made available by appropriations for this purpose shall be used solely for the endowment fund corpus. The private not-for-profit educational foundation shall invest the endowment fund corpus and use the income generated from such an investment to fund programs designed to support the educational needs of public schools in Northern New Mexico educating children in the area around the Los Alamos National Laboratory.

THURMOND AMENDMENT NO. 718

Mr. THURMOND proposed an amendment to the bill, S. 936, supra; as follows:

On page 460, line 6, strike out ''$295,886,000'' and insert in lieu thereof ''$331,886,000''.

LEVIN AMENDMENT NO. 719

Mr. LEVIN proposed an amendment to the bill, S. 936, supra; as follows:

On page 339, line 14, strike out ''the executive branch or''.

On page 340, between lines 16 and 17, insert the following:

(d) DISCLOSURES OF CLASSIFIED INFORMATION TO CONGRESS OR THE DEPARTMENT OF JUSTICE BY CONTRACTOR EMPLOYEES.—It is the sense of Congress that the Inspector General of the Department of Defense should continue to exercise the authority provided in section 2409 of title 10, United States Code, regarding reprisals for disclosures of classified information as well as reprisals for disclosures of unclassified information.

THURMOND AMENDMENT NO. 720

Mr. THURMOND proposed an amendment to the bill, S. 936, supra; as follows:

At the end of title X, add the following:

SEC. . PROHIBITION ON PROVISION OF BURIAL BENEFITS TO INDIVIDUALS CONVICTED OF FEDERAL CAPITAL OFFENSES.

Notwithstanding any other provision of law, an individual convicted of a capital offense under Federal law shall not be entitled to the following:

(1) Interment or inurnment in Arlington National Cemetery, the Soldiers' and Airmen's National Cemetery, any cemetery in the National Cemetery System, or any other cemetery administered by the Secretary of a military department or by the Secretary of Veterans Affairs.

(2) Any other burial benefit under Federal law.

BYRD AMENDMENT NO. 721

Mr. LEVIN (for Mr. BYRD) proposed an amendment to the bill, S. 936, supra; as follows:

In section 301(9), strike out ''$1,624,420,000'' and insert in lieu thereof ''$1,631,200.000''.

In section 301(11), strike out ''$2,991,219,000'' and insert in lieu thereof ''$3,004,282,000''.

In section 411(a)(5), strike out ''107,377'' and insert in lieu thereof ''108,002''.

In section 411(a)(6), strike out ''73,431'' and insert in lieu thereof ''73,542''.

In section 412(5), strike out ''10,616'' and insert in lieu thereof ''10,671''.

At the end of subtitle B of title IV, add the following:

SEC. 413. ADDITION TO END STRENGTHS FOR MILITARY TECHNICIANS.

(a) AIR NATIONAL GUARD.—In addition to the number of military technicians for the Air National Guard of the United States as of the last day of fiscal year 1998 for which funds are authorized to be appropriated in this Act, 100 military technicians are authorized for fiscal year 1998 for five Air National Guard C–130 aircraft units.

(b) AIR FORCE RESERVE.—In addition to the number of military technicians for the Air Force Reserve as of the last day of fiscal year 1998 for which funds are authorized to be appropriated in this Act, 21 military technicians are authorized for fiscal year 1998 for three Air Force Reserve C–130 aircraft units.

On page 108, line 11, reduce the amount by $20,000,000.

ALLARD AMENDMENT NO. 722

Mr. THURMOND (for Mr. ALLARD) proposed an amendment to the bill, S. 936, supra; as follows:

At the end of subtitle B of title XXVIII, add the following:

SEC. 28 . MODIFICATION OF LAND CONVEYANCE AUTHORITY, ROCKY MOUNTAIN ARSENAL, COLORADO.

Section 5(c)(1) of the Rocky Mountain Arsenal National Wildlife Refuge Act of 1992 (Public Law 102–402; 106 Stat. 1966; 16 U.S.C. 668dd note) is amended by striking out the second sentence and inserting in lieu thereof the following new sentence: ''The Administrator shall convey the transferred property to Commerce City, Colorado, upon the approval of the City, for consideration equal to the fair market value of the property (as determined jointly by the Administrator and the City).''.

ROCKEFELLER AMENDMENT NO. 723

Mr. LEVIN (for Mr. ROCKEFELLER) proposed an amendment to the bill, S. 936, supra; as follows:

At the end of subtitle D of title X, add the following:

SEC. . EYE SAFETY AT SMALL ARMS FIRING RANGES.

(a) ACTIONS REQUIRED.—The Secretary of the Defense shall—

(1) conduct a study of eye safety at small arms firing ranges of the Armed Forces; and

(2) develop for the use of the Armed Forces a protocol for reporting eye injuries incurred in small arms firing activities at the ranges.

(b) AGENCY TASKING.—The Secretary may delegate authority to carry out the responsibilities set forth in subsection (a) to the United States Army Center for Health Promotion and Preventive Medicine or any other element of the Department of Defense that the Secretary considers well qualified to carry out those responsibilities.

(c) CONTENT OF STUDY.—The study shall include the following:

(1) An evaluation of the existing policies, procedures, and practices of the Armed Forces regarding medical surveillance of eye injuries resulting from weapons fire at the small arms ranges.

(2) An examination of the existing policies, procedures, and practices of the Armed Forces regarding reporting on vision safety issues resulting from weapons fire at the small arms ranges.

(3) Determination of rates of eye injuries, and trends in eye injuries, resulting from weapons fire at the small arms ranges.

(4) An evaluation of the costs and benefits of a requirement for use of eye protection devices by all personnel firing small arms at the ranges.

(d) REPORT.—The Secretary shall submit a report on the activities required under this section to the Committees on Armed Services and on Veterans' Affairs of the Senate and the Committees on National Security and on Veterans' Affairs of the House of Representatives. The report shall include—

(1) the findings resulting from the study required under paragraph (1) of subsection (a); and

(2) the protocol developed under paragraph (2) of such subsection.

(e) SCHEDULE.—(1) The Secretary shall ensure that the study is commenced not later than October 1, 1997, and is completed within six months after it is commenced.

(2) The Secretary shall submit the report required under subsection (d) not later than 30 days after the completion of the study.

KEMPTHORNE AMENDMENT NO. 724

Mr. THURMOND (for Mr. KEMPTHORNE) proposed an amendment to the bill, S. 936. Supra; as follows:

At the end of subtitle C of title VI, add the following:

SEC. 642. RESERVE AFFILIATION AGREEMENT BONUS FOR THE COAST GUARD.

Section 308e of title 37, United States Code, is amended—

(1) in subsection (a), by striking out ''Secretary of a military department'' in the matter preceding paragraph (1) and inserting in lieu thereof ''Secretary concerned''; and

(2) by adding at the end the following:

''(f) The authority in subsection (a) does not apply to the Secretary of Commerce and the Secretary of Health and Human Services.''.

KEMPTHORNE AMENDMENT NO. 725

Mr. THURMOND (for Mr. KEMPTHORNE) proposed an amendment to the bill, S. 936, supra; as follows:

At the end of subtitle A of title V, add the following:

SEC. 505. INCREASED YEARS OF COMMISSIONED SERVICE FOR MANDATORY RETIREMENT OF REGULAR GENERALS AND ADMIRALS ABOVE MAJOR GENERAL AND REAR ADMIRAL.

(a) YEARS OF SERVICE.—Section 636 of title 10, United States Code, is amended—

(1) by striking out ''Except'' and inserting in lieu thereof ''(a) MAJOR GENERALS AND REAR ADMIRALS SERVING IN GRADE.—Except as provided in subsection (b) or (c) of this section and''; and

(2) by adding at the end the following:

''(b) LIEUTENANT GENERALS AND VICE ADMIRALS.—In the administration of subsection (a) in the case of an officer who is serving in the grade of lieutenant general or vice admiral, the number of years of active commissioned service applicable to the officer is 38 years.

''(c) GENERALS AND ADMIRALS.—In the administration of subsection (a) in the case of an officer who is serving in the grade of general or admiral, the number of years of active commissioned service applicable to the officer is 40 years.''.

(b) SECTION HEADING.—The heading of such section is amended to read as follows:

''§ 636. Retirement for years of service: regular officers in grades above brigadier general and rear admiral (lower half)''.

(c) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of subchapter III of chapter 36 of title 10, United States Code, is amended to read as follows:

''636. Retirement for years of service: regular officers in grades above brigadier general and rear admiral (lower half).''.

SHELBY AMENDMENT NO. 726

Mr. THURMOND (for Mr. SHELBY) proposed an amendment to the bill, S. 936, supra; as follows:

At the end of subtitle B of title XXVIII, add the following:

SEC. 2819. LAND CONVEYANCE, ARMY RESERVE CENTER, GREENSBORO, ALABAMA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to Hale County, Alabama, all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 5.17 acres and located at the Army Reserve Center, Greensboro, Alabama, that was conveyed by Hale County, Alabama, to the United States by warranty deed dated September 12, 1988.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property conveyed under subsection (a) shall be as described in the deed referred to in that subsection.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary 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.

CAMPBELL AMENDMENT NO. 727

Mr. THURMOND (for Mr. CAMPBELL) proposed an amendment to the bill, S. 936, supra; as follows:

At the end of subtitle E of title X, add the following:

SEC. . NATIONAL POW/MIA RECOGNITION DAY.

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

(1) The United States has fought in many wars, and thousands of Americans who served in those wars were captured by the enemy or listed as missing in action.

(2) Many of these Americans are still missing and unaccounted for, and the uncertainty surrounding their fates has caused their families to suffer tragic and continuing hardships.

(3) As a symbol of the Nation's concern and commitment to accounting as fully as possible for all Americans still held prisoner, missing, or unaccounted for by reason of their service in the Armed Forces and to honor the Americans who in future wars may be captured or listed as missing or unaccounted for, Congress has officially recognized the National League of Families POW/MIA flag.

(4) The American people observe and honor with appropriate ceremony and activity the third Friday of September each year as National POW/MIA Recognition Day.

(b) DISPLAY OF POW/MIA FLAG—The POW/MIA flag shall be displayed on Armed Forces Day, Memorial Day, Flag Day, Independence Day, Veterans Day, National POW/MIA Recognition Day, and on the last business day before each of the preceding holidays, on the grounds or in the public lobbies of—

(1) major military installations (as designated by the Secretary of Defense);

(2) Federal national cemeteries;

(3) the National Korean War Veterans Memorial;

(4) the National Vietnam Veterans Memorial;

(5) the White House;

(6) the official office of the—

(A) Secretary of State;

(B) Secretary of Defense;

(C) Secretary of Veterans Affairs; and

(D) Director of the Selective Service System; and

(7) United States Postal Service post offices.

(c) POW/MIA FLAG DEFINED.—In this section, the term ''POW/MIA flag'' means the National League of Families POW/MIA flag recognized and designated by section 2 of Public Law 101–355 (104 Stat. 416).

(d) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the agency or department responsible for a location listed in subsection (b) shall prescribe any regulation necessary to carry out this section.

(e) REPEAL OF PROVISION RELATING TO DISPLAY OF POW/MIA FLAG.—Section 1084 of the National Defense Authorization Act for Fiscal years 1992 and 1993 (36 U.S.C. 189 note, Public Law 102–190) is repealed.

MCCAIN AMENDMENT NO. 728

Mr. THURMOND (for Mr. MCCAIN) proposed an amendment to the bill, S. 936, supra; as follows:

Insert after title XI, the following new title:

TITLE XII—FEDERAL CHARTER FOR THE AIR FORCE SERGEANTS ASSOCIATION

SEC. 1201. RECOGNITION AND GRANT OF FEDERAL CHARTER.

The Air Force Sergeants Association, a nonprofit corporation organized under the laws of the District of Columbia, is recognized as such and granted a Federal charter.

SEC. 1202. POWERS.

The Air Force Sergeants Association (in this title referred to as the ''association'') shall have only those powers granted to it through its bylaws and articles of incorporation filed in the District of Columbia and subject to the laws of the District of Columbia.

SEC. 1203. PURPOSES.

The purposes of the association are those provided in its bylaws and articles of incorporation and shall include the following:

(1) To help maintain a highly dedicated and professional corps of enlisted personnel within the United States Air Force, including the United States Air Force Reserve, and the Air National Guard.

(2) To support fair and equitable legislation and Department of the Air Force policies and to influence by lawful means departmental plans, programs, policies, and legislative proposals that affect enlisted personnel of the Regular Air Force, the Air Force Reserve, and the Air National Guard, its retirees, and other veterans of enlisted service in the Air Force.

(3) To actively publicize the roles of enlisted personnel in the United States Air Force.

(4) To participate in civil and military activities, youth programs, and fundraising campaigns that benefit the United States Air Force.

(5) To provide for the mutual welfare of members of the association and their families.

(6) To assist in recruiting for the United States Air Force.

(7) To assemble together for social activities.

(8) To maintain an adequate Air Force for our beloved country.

(9) To foster among the members of the association a devotion to fellow airmen.

(10) To serve the United States and the United States Air Force loyally, and to do all else necessary to uphold and defend the Constitution of the United States.

SEC. 1204. SERVICE OF PROCESS.

With respect to service of process, the association shall comply with the laws of the District of Columbia and those States in which it carries on its activities in furtherance of its corporate purposes.

SEC. 1205. MEMBERSHIP.

Except as provided in section 1208(g), eligibility for membership in the association and the rights and privileges of members shall be as provided in the bylaws and articles of incorporation of the association.

SEC. 1206. BOARD OF DIRECTORS.

Except as provided in section 1208(g), the composition of the board of directors of the association and the responsibilities of the board shall be as provided in the bylaws and articles of incorporation of the association and in conformity with the laws of the District of Columbia.

SEC. 1207. OFFICERS.

Except as provided in section 1208(g), the positions of officers of the association and the election of members to such positions shall be as provided in the bylaws and articles of incorporation of the association and in conformity with the laws of the District of Columbia.

SEC. 1208. RESTRICTIONS.

(a) INCOME AND COMPENSATION.—No part of the income or assets of the association may inure to the benefit of any member, officer, or director of the association or be distributed to any such individual during the life of this charter. Nothing in this subsection may be construed to prevent the payment of reasonable compensation to the officers and employees of the association or reimbursement for actual and necessary expenses in amounts approved by the board of directors.

(b) LOANS.—The association may not make any loan to any member, officer, director, or employee of the association.

(c) ISSUANCE OF STOCK AND PAYMENT OF DIVIDENDS.—The association may not issue any shares of stock or declare or pay any dividends.

(d) DISCLAIMER OF CONGRESSIONAL OR FEDERAL APPROVAL.—The association may not claim the approval of the Congress or the authorization of the Federal Government for any of its activities by virtue of this title.

(e) CORPORATE STATUS.—The association shall maintain its status as a corporation organized and incorporated under the laws of the District of Columbia.

(f) CORPORATE FUNCTION.—The association shall function as an educational, patriotic, civic, historical, and research organization under the laws of the District of Columbia.

(g) NONDISCRIMINATION.—In establishing the conditions of membership in the association and in determining the requirements for serving on the board of directors or as an officer of the association, the association may not discriminate on the basis of race, color, religion, sex, handicap, age, or national origin.

SEC. 1209. LIABILITY.

The association shall be liable for the acts of its officers, directors, employees, and agents whenever such individuals act within the scope of their authority.

SEC. 1210. MAINTENANCE AND INSPECTION OF BOOKS AND RECORDS.

(a) BOOKS AND RECORDS OF ACCOUNT.—The association shall keep correct and complete books and records of account and minutes of any proceeding of the association involving any of its members, the board of directors, or any committee having authority under the board of directors.

(b) NAMES AND ADDRESSES OF MEMBERS.—The association shall keep at its principal office a record of the names and addresses of all members having the right to vote in any proceeding of the association.

(c) RIGHT TO INSPECT BOOKS AND RECORDS.—All books and records of the association may be inspected by any member having the right to vote in any proceeding of the association, or by any agent or attorney of such member, for any proper purpose at any reasonable time.

(d) APPLICATION OF STATE LAW.—This section may not be construed to contravene any applicable State law.

SEC. 1211. AUDIT OF FINANCIAL TRANSACTIONS.

The first section of the Act entitled ''An Act to provide for audit of accounts of private corporations established under Federal law'', approved August 30, 1964 (36 U.S.C. 1101), is amended—

(1) by redesignating the paragraph (77) added by section 1811 of Public Law 104–201 (110 Stat. 2762) as paragraph (78); and

(2) by adding at the end the following:

''(79) Air Force Sergeants Association.''.

SEC. 1212. ANNUAL REPORT.

The association shall annually submit to Congress a report concerning the activities of the association during the preceding fiscal year. The annual report shall be submitted on the same date as the report of the audit required by reason of the amendment made in section 1211. The annual report shall not be printed as a public document.

SEC. 1213. RESERVATION OF RIGHT TO ALTER, AMEND, OR REPEAL CHARTER.

The right to alter, amend, or repeal this title is expressly reserved to Congress.

SEC. 1214. TAX-EXEMPT STATUS REQUIRED AS CONDITION OF CHARTER.

If the association fails to maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code of 1986 the charter granted in this title shall terminate.

SEC. 1215. TERMINATION.

The charter granted in this title shall expire if the association fails to comply with any of the provisions of this title.

SEC. 1216. DEFINITION OF STATE.

For purposes of this title, the term ''State'' includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the territories and possessions of the United States.

COVERDELL AMENDMENT NO. 729

(Ordered to lie on the table.)

Mr. COVERDELL submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

On page 276, line 19, insert '', with the concurrence of the Secretary of State,'' after ''Secretary of Defense may''.

On page 278, line 20, strike out ''paragraph (2)'' and insert in lieu thereof ''paragraph (3)''.

On page 280, line 24, strike out ''(2)'', and insert in lieu thereof the following:

''(2) The Secretary may not obligate or expend funds to provide a government with support under this section until the Secretary of Defense, in coordination with the heads of other Federal agencies involved in international counter-drug activities, has developed a riverine counter-drug plan and submitted the plan to the committees referred to in paragraph (3). The plan shall set forth a riverine counter-drug program that can be sustained by the supported governments within five years, a schedule for establishing the program, and a detailed discussion of how the riverine counter-drug program supports national drug control strategy of the United States.

''(3)''.

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will meet on Thursday, July 10, 1997 at 2:00 p.m. to conduct an oversight hearing on the Administration's proposal to restructure Indian gaming fee assessments. The hearing will be held in room 562 of the Dirksen Senate Office Building.

Those wishing additional information should contact the Committee on Indian Affairs at 224–2251.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. WARNER. Mr. President, I wish to announce that the Committee on Rules and Administration will hold a Business Meeting in SR–301, Russell Senate Office Building, on Wednesday, July 9, 1997, at 2:30 p.m. for a briefing on the status of the investigation into the contested Louisiana Senate election. The meeting will continue at 9:30 a.m. on Friday, July 11, 1997.

For further information concerning this hearing, please contact Bruce Kasold of the Rules Committee staff at 224–3448.

ORDERS FOR TUESDAY, JULY 8, 1997

Mr. THURMOND. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 10 o'clock a.m. on Tuesday, July 8. I further ask unanimous consent that on Tuesday, immediately following the prayer, the routine requests through the morning hour be granted, and there then be a period of morning business

until the hour of 11 a.m, with Senators to speak for up to 5 minutes, with the following exceptions: Senator MURRAY, 10 minutes; Senator FEINGOLD, 15 minutes; Senator LOTT or his designee, 30 minutes.

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

Mr. THURMOND. Mr. President, I further ask unanimous consent that at 11 a.m. the Senate resume consideration of S. 936, the Defense authorization bill.

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

Mr. THURMOND. Mr. President, I also ask unanimous consent from the hours of 12:30 to 2:15 p.m. the Senate stand in recess for the weekly policy luncheons to meet.

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

PROGRAM

Mr. THURMOND. Mr. President, on behalf of the majority leader, I announce that tomorrow the Senate will be in a period of morning business until 11 a.m. At 11 a.m, the Senate will resume consideration of S. 936, the Defense authorization bill.

Under a previous consent, at 2:15 p.m. the Senate will proceed to cloture vote on the Defense authorization bill.

As a reminder, under rule XXII, Senators have until 12:30 on Tuesday in order to file second-degree amendments to the defense bill. Following the cloture vote, the Senate will continue debating amendments to the bill in the hope of making substantial progress on the bill.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. THURMOND. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:10 p.m., adjourned until Tuesday, July 8, 1997, at 10 a.m.